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Jordan
"Your confessions are ready for you to sign" Detention and torture of political suspects

1. INTRODUCTION

Torture and other ill-treatment of political detainees has been a longstanding problem in Jordan, one that remains as persistent today as when Amnesty International began regularly documenting the problem over 20 years ago.[1] Despite the mounting evidence and Jordan's obligations under international human rights treaties, the Jordanian authorities have failed to take effective action either to prevent torture or to punish those responsible. On the contrary, the Jordanian authorities continue to be complicit in torture: they maintain a system of incommunicado detention which facilitates torture and other ill-treatment of detainees and a related special security court whose judgments regularly appear to be based on little more than "confessions" which defendants allege were extracted under torture or other duress.

The General Intelligence Department (GID), a military security agency directly linked to the Jordanian Prime Minister, is the primary instrument of abuse of political detainees and for obtaining these "confessions". GID officers have extensive powers and benefit from near total impunity, acting virtually as a law unto themselves. The GID does not always promptly disclose the names or other details of those they detain, who are generally held incommunicado, nor their whereabouts. The GID can prolong such detentions for weeks or months at a time. It has almost unlimited power over those they detain who are rendered effectively powerless. 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.[2]

[1] See, for example, *Jordan: Short-term detention without charge of political prisoners* (MDE 16/01/86), January 1986; *Jordan: Continued detention without charge of political prisoners by the General Intelligence Department* (MDE 16/03/87), May 1987; *Jordan: Detention without trial and torture by the General Intelligence Department* (MDE 16/13/88), November 1988; *Jordan: Human rights protection after the State of Emergency* (AI Index: MDE 16/02/90), June 1990; *Jordan: Incommunicado detention of political prisoners (MDE 16/01/93), June 1993; Jordan: Human rights reforms: Achievements and obstacles* (MDE 16/02/94), March 1994; *Jordan: An absence of safeguards* (MDE 16/11/98), November 1998; *Jordan: Security measures violate human rights* (MDE 16/001/2002), February 2002.

[2] The UN Special Rapporteur also said that torture was "systematically practiced" at the Criminal Investigation Department (CID). See press release: *Special Rapporteur Ends Mission to Jordan*, 29 June 2006. The UN Commission on Human Rights decided to appoint a special rapporteur to examine questions relevant to torture in 1985. The mandate covers all countries, irrespective of whether the state has ratified the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The current Special Rapporteur, Manfred Nowak, was appointed on 1 December 2004. As Special Rapporteur, he is independent from any government and serves in his individual capacity.

This is not a new situation. The law formally establishing the GID was enacted in 1964 and concerns about the GID's role in detaining political suspects has been well documented by Amnesty International and other organizations. In the mid-1990s it was commented on by the UN Human Rights Committee, the treaty monitoring body established to oversee implementation of the International Covenant on Civil and Political Rights (ICCPR), and the UN Committee against Torture, overseeing implementation of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). However, successive Jordanian governments have failed to address the problem of abuse by the GID.

The GID's powers to hold detainees and deny them all contact with the outside world during their interrogation provides a recipe for torture and other abuse. The problems arising from the use of incommunicado detention are likely to be exacerbated if the proposed draft Prevention of Terrorism Law is passed by Parliament. The draft Law which may come before parliament during July 2006 allows for detention without charge for two weeks which can be extended by the public prosecutor without provisions which would allow detainees access to lawyers or relatives.

For the most part, interrogations in the GID are geared towards obtaining the "confessions" which are then used as evidence – sometimes the only evidence – in prosecutions before the State Security Court (SSC). The SSC, which has sole jurisdiction over cases involving security issues and whose judges include serving military officers, has been largely supine in the face of repeated torture allegations. The SSC frequently fails to order that allegations are independently investigated – even though they cannot but be aware that similar allegations have previously been made independently by defendants in other trials – and to ensure that defendants' right to fair trial are upheld. Most disturbingly, the SSC has imposed death sentences, including some which have subsequently been carried out. In 1994 the UN Human Rights Committee went so far as to recommend that the Jordanian authorities consider the abolition of the SSC.

Since the 11 September 2001 attacks on the mainland of the United States of America (USA), Jordan has assumed particular importance to the USA in its "war on terror". Information that has emerged over the last few years indicates that Jordan has played a major role in assisting with the secret transfer between countries of suspects and in the detention and interrogation of such suspects. Several of those subjected to such renditions[3] allege that they were detained in Jordan by the GID and tortured or otherwise ill-treated; some allege that they

[3] Amnesty International uses the term "rendition" to describe the transfer of individuals from one country to another, by means that bypass all judicial and administrative due process. In the "war on terror" context, the practice is mainly – although not exclusively – initiated by the US, and carried out with the collaboration, complicity or acquiescence of other governments. The most widely known manifestation of rendition is the secret transfer of terror suspects into the custody of other states – including Egypt, Jordan and Syria – where physical and psychological brutality feature prominently in interrogations. The rendition network's aim is to use whatever means necessary to gather intelligence, and to keep detainees away from any judicial oversight.

were transferred from Jordan, with the acquiescence of Jordanian security officials, to other countries where they were subjected to torture or other ill-treatment, a breach of Jordan's obligation to respect the right to *non-refoulement*[4]. Some remain today, still detained without charge or trial, at the US detention facility at Guantánamo Bay Naval Base, Cuba, while others have effectively "disappeared" within the US-driven global network of secret detention centres. The Jordanian authorities have not acknowledged detaining these individuals nor explained their role in facilitating their interrogation nor what was the legal basis domestically, if any, for participating in this secret system of abuse.

Despite Jordan's record in this regard, the United Kingdom (UK) government recently agreed a Memorandum of Understanding (MOU) with the Jordanian government under which the UK authorities propose to return to Jordan certain individuals[5] involuntarily, despite the risk of torture or other serious human rights violations they would face there. Under the MOU, the Jordanian authorities provide assurances to the UK government that the returnees would not be tortured or otherwise ill-treated, and allow periodic monitoring of their treatment by a local non-governmental organization which reports back to the sending state, but not publicly. Such diplomatic assurances provide an inadequate safeguard, one which is unenforceable by the UK authorities and falls well below the standards set out in international human rights treaties. Jordan is already bound by these treaties, which prohibit absolutely the use of torture, yet it has failed consistently over many years to respect this obligation.

This bleak picture contrasts with some steps that the Jordanian authorities have taken in recent years in an apparent attempt to improve the situation of detainees in Jordan. The authorities have introduced various complaints mechanisms and they have facilitated the establishment of a national human rights institution, the National Centre for Human Rights (NCHR), to promote rights awareness and investigate complaints, including complaints of torture. In addition to ongoing visits by the International Committee of the Red Cross (ICRC), the Jordanian authorities have permitted various national human rights bodies to visit and inspect places of detention. Also, in one notable, if qualified, case, the authorities prosecuted 10 police officers in connection with the death of an inmate at Jweideh prison, about 20 km south of Amman, apparently due to "torture and maltreatment." They were reportedly sentenced to prison terms in March 2005.[6] Such positive if qualified steps, however, cannot mask the government's continuing failure to take more significant steps, including addressing the problem of torture and other abuses by the GID and elsewhere.

Amnesty International recognizes that Jordan faces a very real threat of terrorism and has already suffered greatly in this regard. Amnesty International condemns attacks such as

[4] *Non-refoulement* is a principle in international law that concerns the protection of people from being returned to places where their lives or freedoms could be threatened.

[5] The MOU does not specify the reasons for return other than "the grounds that he is not entitled, or is no longer entitled, to remain in the sending state according to the immigration laws of that state", but those individuals currently at risk of return to Jordan under the MOU are suspected by the UK authorities of presenting a risk of terrorism

[6] As noted in Chapter 3, concerns remain regarding a lack of transparency in and independence of the investigation as well as regarding the actual outcomes.

the bomb attacks carried out at three Amman hotels in November 2005, resulting in the killing of 60 people and injuries to many others. The organization recognizes fully the responsibility of the Jordanian government to maintain public safety and to bring the perpetrators of such crimes to justice. In doing so, however, the Jordanian authorities must abide by their obligations under international human rights treaties, including the obligations to prohibit and prevent torture and to ensure that all persons accused of crimes – even those accused of the most heinous crimes – are accorded due process and receive trials that satisfy international standards of fair trial.

It is high time for the Jordanian government to take concrete measures to address the continuing problem of abuse by the GID as well as by other security, intelligence and law enforcement agencies. Various measures are needed, as detailed in the last section of this report, but there are five key steps that the Jordanian government should take without further delay:

- End the use of incommunicado detention;
- Curtail the powers of the GID and ensure a separation of powers, in law and in practice, between the authorities responsible for the detention of suspects and those responsible for their interrogation;
- Investigate, promptly and independently, all allegations of torture or other ill-treatment and bring to justice any officials who commit such human rights violations;
- Cease Jordan's participation in renditions and other secret transfers of prisoners and victims of enforced disappearance and disclose publicly the names and other details of all those who have been detained in or transferred through Jordan in this context;
- Ratify the Optional Protocol to the Convention against Torture (OP CAT) which came into force on 22 June 2006, and commit to permitting independent monitoring of all places of detention as required under the provisions of this protocol.

Implementation of these five measures would do much to make torture and other ill-treatment an issue of the past. The Jordanian government should demonstrate the political will to achieve that.

2. THE SECURITY CLIMATE

In Jordan, as in many countries, following the attacks on the USA on 11 September 2001, the government introduced harsh new measures asserting that they were necessary to fight terrorism. Two weeks after those attacks, the Jordanian authorities introduced proposed changes to the Penal Code to expand the definition of "terrorism" and to establish loosely-defined offences which, among other things, restrict the right to freedom of expression and

increase the number of offences punishable by death and life imprisonment[7]. Most of these proposed amendments were enacted into law during 2003.

Convergence with the USA has occurred in other ways too. The Jordanian government continues to be a close ally of the USA although the latter's policies in the region are unpopular with much of the Jordanian population. In particular, as this report shows, there is close cooperation between in intelligence-gathering in connection with the "war on terror" and the Jordanian authorities have collaborated with the US government's "rendition" programme, including through the provision of detention and interrogation facilities where, it is widely alleged, detainees have been subjected to torture or other ill-treatment. Further, reports from a number of sources suggest that the Jordanian authorities have hosted a secret detention centre in coordination with the US's Central Intelligence Agency (CIA)[8], though the Jordanian authorities deny this.

Security concerns in Jordan remain high. Lethal attacks have occurred and others reportedly have been planned but forestalled by the authorities. On 28 October 2002, US diplomat Laurence Foley was assassinated outside his Amman home. On 7 August 2003, a car bomb attack on the Jordanian embassy in Baghdad, Iraq, killed 17 people, including five Iraqi policemen, and injured dozens of others. The most deadly attacks occurred on 10 November 2005, when suicide bomb attacks on three Amman hotels, later claimed by an armed Iraqi-based group led by Jordanian national Abu Mus'ab al-Zarqawi, killed 60 people and injured many others.[9]

On 27 November 2005, King Abdullah II bin al-Hussein appointed a new government headed by Prime Minister Ma'arouf Bakhit. The King mandated the new government to take a stronger line on Islamic militancy while also ensuring political liberalization. In June 2006, a draft of the Prevention of Terrorism Law was published. According to reports, it will be considered at a special session of the Jordanian Parliament in July 2006. In its present form, if enacted, the draft law would criminalise "the provision of any assistance to terrorism, whether by action or by financing, directly or indirectly" and without any requirement of knowledge or intention, with the result that anyone who might donate money to a seemingly innocuous "front" charity which then, without the knowledge of the donor, passes it on to a violent group, could become liable to prosecution. Under Section 5, Jordanian security officials would be empowered to arrest a person suspected of terrorist offences and detain them for up to two weeks, a period which can be extended for a further two weeks by the public prosecutor. As the draft stands now, there are no provisions for judicial or other review of such detentions, nor for detainees to be permitted access to lawyers or their families. However, on 17 June 2006, the Prime Minister indicated during a meeting of the People's Parliamentary Bloc that suspects would have the right to challenge their detention before the

[7] See Amnesty International report, *Jordan: Security measures violate human rights*, (MDE 16/001/2002), February 2002; and Chapter 5 below.
[8] See AI report, *USA: Below the radar – Secret flights to torture and "disappearance"*, (AMR 51/051/2006), April 2006.
[9] See AI press release, *Jordan: Attacks by armed groups show utter disregard for humanity*,(MDE 16/007/2005), November 2005.

SSC and where their challenge is refused they would have the right to appeal the decision to the Court of Cassation[10].

Amnesty International fully recognises the Jordanian authorities' responsibility to maintain and uphold law and order and to bring to justice those who commit violent and other crimes, including perpetrators of terrorist acts. In fulfilling this responsibility, however, the Jordanian government must also abide by relevant international human rights law and standards and Jordan's obligations as a state party to ICCPR, the Convention against Torture and other international human rights treaties.

In this connection, Amnesty International is greatly concerned that the proposed extension of powers of incommunicado detention contained within the new draft Prevention of Terrorism Law, if implemented, will exacerbate a situation in which, as this report shows, Jordan's current detention laws provide a context in which torture and other ill-treatment of detainees already occurs.

3. TORTURE BEHIND CLOSED DOORS: THE ONGOING LACK OF OVERSIGHT

This report focuses on torture, ill treatment and other abuses of the rights of detainees held in the custody of the GID, all or almost all of whom are suspected of possessing information about matters considered by the Jordanian authorities to pose a threat to security and public order. However, Amnesty International has received information independently from a wide range of sources which indicates that people arrested as suspects in ordinary crimes also are frequently subjected to ill-treatment, including torture, at the hands of law enforcement officials. Many of the most serious reports refer to the Criminal Investigation Department (CID) of the Public Security Directorate (PSD). In other cases, detainees are alleged to have been assaulted openly in police stations and in provincial government buildings (provincial governors also possess powers to detain).

In recent years, the Jordanian authorities have taken a number of steps which ought to have helped to address this widespread problem of violence by the law enforcement agencies against those in their custody. In 1996, for example, the PSD, which includes the police and prison service, established a Complaints and Human Rights Office to receive and facilitate investigations into complaints received about Public Security employees. According to its website[11], the Office's functions include receiving complaints from citizens, forwarding complaints to the judicial councillor (whose role and responsibilities are not clarified in the website), checking that complaints have been received by the Complaints and Human Rights Offices at police directorates, issuing statistics, keeping records and providing information to human rights organisations and entities. According to the US State Department, during 2005

[10] See *Jordan Times*, 18 June 2006: www.jordantimes.com
[11] http://www.psd.gov.jo/arabic%20site/maina.html , http://www.psd.gov.jo/English%20site/main-e.html

citizens filed 425 complaints, of which 43 resulted in trials and disciplinary measures; 25 were referred to the special police courts; and 153 were under consideration at year's end. However, in late March and early April 2006 Amnesty International telephoned, faxed and e-mailed the PSD and its Complaints and Human Rights Office requesting clarification of the role of the Office and of these figures but no response had been received by the beginning of July 2006.

According to reports, the Director of the Correction and Rehabilitation Centres Department of the PSD also takes an active interest in complaints sent to his office regarding detention centres and prisons. The Jordanian authorities are reportedly in the final stages of establishing the position of an Ombudsman, under the jurisdiction of the PSD, to be responsible for investigating allegations of torture and other ill-treatment of prisoners and detainees. Amnesty International has not seen details of the new post's terms of reference, powers or resources, despite requesting them from the authorities in March 2006. The organization urges the authorities to ensure that the Ombudsman is independent, competent, properly resourced, has unhindered access to all places of detention and all detainees and prisoners in order to ensure that their treatment conforms to international human rights law and standards and that his or her recommendations are made public and promptly implemented.

In 2002, the National Centre for Human Rights (NCHR) was established as an independent, though government-funded, institution to promote human rights in Jordan. The chairman is Ahmed Obeidat, both a former prime minister (1984-85) and a former head of the GID. The NCHR has a mandate to receive and investigate complaints against the authorities, including allegations of torture or other ill-treatment. In its first report, published in July 2005, the NCHR disclosed that it had received over 250 reports of torture in detention between June 2003 and December 2004[12]. In its most recent report, published in 2006 and covering 2005, the NCHR stated that it received 70 "mistreatment or torture complaints"[13].

The NCHR has good relations with the National Institute for Forensic Medicine and continues to receive, on request, copies of findings into allegations of torture and ill-treatment. While the NCHR's work is reportedly an uphill struggle, it does claim that on occasion its work appears to be effective: they may be allowed to visit a detainee; or a detainee may be released or his/her treatment may improve. However, the NCHR's work in this field does not, according to the Centre itself, elicit the appropriate response from the authorities who, it seems, tend to ignore the findings.

The NCHR has been permitted access to various detention centres and prisons. Twice during 2005 it was permitted to visit the GID detention centre in Wadi Sir, Amman, apparently for the first time, although reportedly under conditions in which its delegates were

[12] see NCHR: The State of Human Rights in the Hashemite Kingdom of Jordan at http://www.nchr.org.jo/uploads/nchr-report.pdf

[13] NCHR's 2005 annual report can be found at: http://www.nchr.org.jo/uploads/NCHR-Report2005-Engr.pdf

denied unrestricted access to the detention centre and were permitted to see and speak only to certain inmates.

Further, the Jordanian Liberties Committee, which is part of the Professional Associations [14], was permitted to carry out visits to six prisons between October and December 2005, following which it published a report on its findings in April 2006 (see Chapter 8). According to the Committee, they were given unrestricted access in all cases except at Swaqa, about 90 km south of Amman, and Jweideh prisons.

Most importantly, for many years the Jordanian authorities have permitted the International Committee of the Red Cross (ICRC) to visit security prisoners being held by the Jordanian authorities, including both untried detainees and sentenced prisoners. In particular, the ICRC is permitted regular visits to the main GID detention centre in Amman. In accordance with its normal rules of procedure, the ICRC is permitted such access on condition that it reports its findings confidentially to the Jordanian government, so little information is available about the visits and the conditions and treatment of the detainees to whom the ICRC has access. However, as described later in this report, some detainees held in the GID have alleged that they were concealed from visiting ICRC delegates, apparently so that their presence would not be known and to prevent the ICRC delegates seeing injuries which they had sustained through torture or other ill-treatment. Similarly, the UN Special Rapporteur on torture stated in June 2006 that while he "visited a number of detention facilities where he could carry out unrestricted inspections and private interviews" there were "two notable and regrettable exceptions": at the GID he was denied the right to speak in private with detainees, and at the CID "where the authorities attempted to obstruct the fact-finding … and to hide evidence."

In an apparently landmark ruling, but in fact a rather qualified one, 10 police officers were reportedly sentenced in March 2005 to prison terms of up to 30 months in connection with the death in Jweideh prison in September 2004 of 'Abdallah al-Mashaqbeh. The NCHR had stated that 'Abdallah al-Mashaqbeh had suffered "torture and maltreatment", and Dr Mu'men Hadidi, head of the National Institute for Forensic Medicine, testified at the police court in October 2004 that he had examined al-Mashaqbeh's body with a team of pathologists and established that he had died of severe bruising, covering 40 per cent of his body, and that he had had sticks and water hoses used against him.

However, there are concerns regarding the investigation and its outcome about which Amnesty International requested clarification from the authorities in March 2006 but had received no response by the early July 2006. According to Amnesty International's information, there was insufficient independence and transparency in the investigation which was heard before a police court whose sessions were closed to the public; the court's decision was not fully publicised; it is not clear who exactly was tried and sentenced, who was found not guilty, nor who was ordered to be suspended or dismissed from employment as a result of their role in the death; neither is it clear whether the sentences, dismissals and suspensions

[14] The Professional Associations is an umbrella group of trade unions.

were in fact implemented or whether, as is reported, at least some of the officers returned to duty or had their sentences quashed. Reports indicate that none of the sentenced officers spent any time in prison. Indeed, following his June 2006 visit to the country, the UN Special Rapporteur on torture noted hearing "token examples of disciplinary sanctions" but concluded that "there is general impunity for torture and ill-treatment in Jordan". He said that "the situation is compounded with a legal system where the security and police services operate outside the common legal framework, and are left to investigate and prosecute themselves." The Special Rapporteur went on to call for the abolition of the special courts such as the police and intelligence courts that have criminal jurisdiction concerning torture committed by respective officials.

Under its MOU with the UK government, the Jordanian authorities have agreed that an independent non-governmental organization, the Adaleh Centre for Human Rights Studies, will be permitted to monitor the treatment in detention of those who are returned from the UK to Jordan under the terms of the MOU and detained in Jordan.[15] In such cases, Adaleh will be required to report on its findings to the UK government, though the UK government will have no means to enforce implementation by the Jordanian authorities of any recommendations that may be made by Adaleh nor are there provisions for more making public any violations.

One major problem with the MOU is that it proposes to establish a supervision regime for a limited number of specified detainees whereas Jordan is already bound under international law to ensure that no detainees whatsoever are tortured or otherwise ill-treated.

If the Jordanian authorities were more effective in enforcing the international prohibition against torture, there would be no need to develop a monitoring regime designed to ensure protection to a specified group of detainees. In this connection, the OP CAT is particularly relevant, as it requires that states parties to the protocol both permit regular inspection visits to places of detention by independent international experts and establish a national mechanism for the same purpose. Amnesty International strongly urges the Jordanian government to become party to the OP CAT, which took effect on 22 June 2006, as a matter of priority.

Despite the complaints mechanisms and inspections that the Jordanian authorities have established or permitted to date, torture and other ill-treatment of people in custody remains in Jordan and is particularly entrenched within the GID.

[15] See AI public statement, *Middle East and North Africa: Beirut NGO meeting rejects flawed deals on detainee transfers*, (MDE 01/001/2006), January 2006.

4. THE TORTURE NEXUS: INCOMMUNICADO DETENTION, THE GENERAL INTELLIGENCE DEPARTMENT AND THE STATE SECURITY COURT

As mentioned above, and repeatedly in numerous public reports and in communications to the Jordanian authorities for over 20 years, a permissive environment exists in Jordan for torture to take place, centring on the intimate relationship between incommunicado detention, particularly at the GID, when the torture is committed, and in the way the SSC then uses "confessions" extracted under such torture as evidence in court.

Various methods of torture and other ill-treatment are alleged to be used by the GID against detainees held for interrogation. The most common of these are:

- beatings, including being punched and kicked;
- beatings with sticks, cables, plastic pipes, rope or whips;
- severe and prolonged beatings upon arrival at a detention centre;
- beatings while made to run around a courtyard;
- "*falaqa*" – whereby the soles of the victim's feet are repeatedly beaten with a stick, often while the victim is in a fixed, uncomfortable position;
- humiliation, for example being stripped in front of others, or being made to behave like a particular animal;
- being forced to stand in painful positions for prolonged periods – such as on one leg with both hands in the air;
- sleep deprivation;
- being threatened with extreme violence, for example, with rape, with electric shocks, with being attacked by dogs;
- being threatened that one's family members will be sexually or physically abused;
- being insulted;
- being kept for prolonged periods in incommunicado detention – without visits from family members or a lawyer and often without the family being told of one's arrest;
- being kept in prolonged solitary confinement.

Other methods too have been reportedly carried out against detainees at the GID including: being burnt on one's body with cigarettes; being suspended in painful positions, often with ropes or cord; and having toe-nails extracted.

Methods of torture and ill-treatment suffered by detainees at other detention facilities in Jordan, some of which are also described in cases in this report, include: "*shabeh*" (the phantom) whereby the victim is suspended, up to several hours, by his handcuffed wrists, often from the top of a door, and then beaten - in some cases the victim's legs are also tied to the door handle; being given electric shocks; and being detained in inhumane conditions – particularly in overcrowded, dirty cells, with inadequate and poor quality food, inadequate clothing and bedding. In one case reported to Amnesty International, a teenage boy was made to lie on his back on the ground with his hands tied to a rope which was fastened to the back

of a Toyota pick-up truck, and was then dragged around the courtyard of the detention centre, causing severe injuries to his back.

Indeed, the methods, likelihood, severity and duration of torture and other ill-treatment meted out on detainees varies according to time and location and may depend on a number of factors. For example, through to 2000 but not thereafter, Amnesty International received credible reports of the "*farruj*" (chicken) method being carried out in Jordanian detention centres, whereby the detainee is tied on a horizontal pole, often between two chairs, and then beaten. As regards location, *shabeh*, for example, is reportedly more common within the CID and PSD centres; *falaqa* is reportedly more common at the PSD and GID; and sleep and food deprivation is said to be more common at the GID. Other determining factors include: the age of the victim (more elderly people are not likely to be tortured); whether he/she is of Palestinian origin or not (Palestinian-origin Jordanians are much more likely to suffer); whether he/she is a so-called "Islamist" detainee held in connection with terror charges (and therefore more likely to be tortured); and how quickly he/she "confesses" to the crime.

4.1 Incommunicado detention by the General Intelligence Department (GID)

The GID is the principal state agency responsible for Jordan's internal security and for detaining and interrogating those suspected of political or other offences against the security of the state. The GID exercises wide powers of arrest and detention and commonly holds suspects incommunicado and without charge for interrogation for periods ranging from one week to two months, and in some cases even longer. In practice, detainees are denied access to lawyers and their families and to any independent witnesses to their treatment and conditions. The ICRC has access to GID detainees although Amnesty International has received a number of reports over the years where detainees were hidden from visiting delegations. During 2005 the NCHR were allowed to visit the GID detention centre on two occasions but the authorities apparently selected which detainees they could meet with. The NCHR said that at the time of their first visit in August 2005 there were 13 detainees held and on the second visit in December 2005 there were 84. They report that one detainee said he had been "beaten" and two others said they were "exposed to torture". In its report covering the period between June 2003 to December 2004 it said it had received more than 250 reports of torture, of which three related to the GID, although the NCHR noted that it was not permitted access to the detention centre at that time.

Detainees have no effective respite or remedy against torture or other ill-treatment by the GID and have a virtually impossible task in proving that they have been tortured or otherwise ill-treated. Often it is simply the word of the detainee against the word of his interrogators and relatively easy, therefore, for the courts to dismiss such allegations.

The GID was formally established by the Law on General Intelligence Number 24 of 1964 as an independent security agency, separate from the PSD. Its functions are defined in Article 8:

> *"The General Intelligence Department undertakes intelligence tasks and activities for the sake of the security and safety of the Hashemite Kingdom of Jordan, as well as actions and tasks assigned to it by written orders of the Prime Minister. These actions and tasks are of a secret nature, and the security forces must help this department to carry out its tasks."*

Under the Law, the GID is "directly linked to the Prime Minister" and is headed by a Director General, appointed and dismissed by royal decree based on a decision by the Council of Ministers. Others of the GID's most senior personnel are appointed by royal decree based on the Director General's recommendation and the approval of the Prime Minister; appointments may be made by "symbolic names", apparently to preserve the anonymity of the office holder.

Most detentions by the GID are carried out under the provisions of the State Security Court Law, No. 17 of 1959. This authorizes the arrest and detention of any person suspected of crimes against state security and certain other serious offences. Such crimes are prosecuted before the SSC, also established under the act. Detainees held under this law may be held without charge or trial initially for up to seven days following which their detention may be further extended on the authority of a public prosecutor (see below). Detainees are subjected to interrogation and have no judicial remedy against unlawful or abusive imprisonment. The authorities do not always divulge the names of those held or disclose where and for what reasons they are being detained in a timely fashion and, in practice, detainees are held incommunicado and may be kept in solitary confinement. The courts have no jurisdiction to hear challenges to the initial detention made under this law brought by relatives or others on behalf of individual detainees or to order either the release of detainees or that they be presented before a court.

Incommunicado detention - when the detainee has no access to the outside world, including visits from a lawyer or relatives - violates basic human rights of detainees and has long been recognized as a contributory factor facilitating torture and other ill-treatment. The UN Commission on Human Rights, for example, has stated that *"prolonged incommunicado detention or detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment"*[16] The UN Human Rights Committee has called for measures to be taken against the use of incommunicado detention[17] and the UN Committee against Torture has consistently called for its elimination.[18] The UN Special Rapporteur on torture, recognising

[16] Commission on Human Rights Resolution 2005/39, 19 April 2005, para. 9.
[17] Human Rights Committee, General Comment 20, Article 7 (Forty-fourth session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI\GEN\1\Rev.1 at 30 (1994), para. 11.
[18] See for instance Report of the UN Committee against Torture, UN Doc. A/52/44 (1997), paras. 121(d) (re Georgia); 146 (re Ukraine); UN Doc. 44(A/55/44) (2000), para. 61(b) (re Peru); UN Doc. A/58/44 (2003), para. 42(h) (re Egypt); UN Doc. A/59/44 (2004), para. 146(d) (re Yemen).

that "torture is most frequently practised during incommunicado detention", has also called for this form of detention to be made illegal.[19]

In the words of the Inter-American Court of Human Rights:

> *"The mere subjection of an individual to prolonged isolation and deprivation of communication is in itself cruel and inhuman treatment which harms the psychological and moral integrity of the person, and violates the right of every detainee under Article 5(1) and 5(2) to treatment respectful of his dignity*."[20]

In Jordan, as in other countries where incommunicado detention is used, the apparent secrecy which surrounds it – the identities of the detained and the location and conditions of their incarceration - creates an environment in which detainees frequently are subjected to torture and other ill-treatment by perpetrators who, under the system, are able effectively to act with impunity. Detainees are less likely to be subjected to torture or other abuse if their names and whereabouts are disclosed promptly by the detaining authorities and, of course, if they are given similarly prompt access to their families and to legal counsel. As noted above, however, the GID does not disclose all the names of those it detains and holds incommunicado. At a meeting with the GID in February 2006 in Amman, Amnesty International requested a list of all those currently held by the GID at its detention centre in Wadi Sir. This was refused and a similar request which Amnesty International made in writing to the head of the GID in March 2006 failed to elicit a response by early July 2006.

The continuing use of incommunicado detention, particularly by the GID, is a fundamental problem lying at the heart of persistent reports of torture and other ill-treatment in Jordan. It is in when held in incommunicado detention that detainees are at greatest risk of torture.

Scope for abuse of detainees held by the GID is greater because GID officers are granted the authority of public prosecutors and may detain people until the end of their interrogation – despite this being in contravention of the ICCPR (see below). Under Article 114.1 of the Jordanian Code of Criminal Procedures, after an arrested person's initial interrogation, the public prosecutor may authorize an extension of the detention without charge for a further period of 15 days. The detainee remains subject to interrogation during this period, which the public prosecutor can extend for a further period when it expires, if he determines that the interrogation requires it; in the case of felonies, this further extension may be up to six months and in the case of misdemeanours, for two months. The detainee must then be released unless further detention is ordered by a court. This can occur when, in accordance with Article 114.4, the public prosecutor refers the case to court in order to

[19] UN Doc. E/CN.4/2002/76, 27 December 2001, Annex 1.

[20] *Velasquez Rodriguez Case*, Judgment of July 29, 1988, Inter-Am.Ct.H.R. (Ser. C) No. 4 (1988), para. 187; repeated in *Godínez Cruz Case*, Judgment of January 20, 1989, Inter-Am.Ct.H.R. (Ser. C) No. 5 (1989), para. 197. Although a regional court with no legal authority over Jordan the IACHR statement sheds further light on and strengthens this legal position while helping illustrate its universality.

request a further renewal of the detention for the purposes of interrogation. In such circumstances, the detainee and his lawyer may appear before the court to oppose continuing detention, but if the court so decides it can extend the detention. Individuals who are held in relation to accusations which could lead to life imprisonment or the death penalty can be held for up to one year including extensions granted by the public prosecutor and later by the court. Those facing lesser sentences can be subject to six months' detention in all. Such detainees are subject to interrogation and often do not have access to legal counsel during such detention.

Prior to amendments in 2001, under Article 66(1) of the Jordanian Code of Criminal Procedures, public prosecutors could forbid all contact with detainees for renewable periods of up to 10 days at a time. Article 66(2) did specify that this prohibition did not apply to lawyers, but with the critical qualifier "unless the public prosecutor determines otherwise". The 2001 amendments then abolished that qualifying clause, meaning that lawyers should have the right to contact the detainee at any time without supervision.

However, in apparent contravention of this amendment and of national law, in 2006 it continues to be the general practise that, at least in state security cases, detainees are held in prolonged pre-trial incommunicado detention and at consequent high risk of torture and other ill-treatment.

Amnesty International has received complaints about apparent contraventions of Article 63 of the Code of Criminal Procedures. Under this article, when a detained person appears before the public prosecutor to have his identity verified, the charge against him read, and to be asked to reply to the charge, he is also told that he has the right not to reply except in the presence of a lawyer. But if the detainee refuses to appoint a lawyer or one does not appear within 24 hours, Article 63 continues, the interrogation takes place without the lawyer. Reportedly, however, defendants increasingly allege in court that they were not "enabled" to contact a lawyer within the first 24 hours after their arrest and that they were then interrogated without the advice of legal counsel and forced to make statements under duress. In some cases, relatives have said that detainees still bore marks of torture when they gained access to them. Once such detainees appear in court as defendants, they request the appointment of a lawyer whereas the official report on their interrogation states that they were offered but refused the appointment of a lawyer immediately following their arrest. These concerns persist in relation to cases appearing before the SSC and in criminal cases that carry a five-year prison sentence or more.

That GID officers are authorised by law to exercise judicial power is of considerable concern and contravenes the intention of Article 9 of the ICCPR, which is to provide for independent oversight of arrest and detention, outside the security services. In its comments on Jordan's Third Periodic Report of its implementation of the ICCPR in 1994, the UN Human Rights Committee recommended that *"the detention premises controlled by the Central* [i.e. General] *Intelligence Department be placed under close supervision of the judicial authorities"* and that *"measures of administrative detention and incommunicado*

detention be restricted to very limited and exceptional cases."[21] Similarly, in 1995 the UN Committee against Torture stated that it *"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."*[22]

Despite these observations by authoritative international human rights bodies, and their calls for the introduction of safeguards to reduce the potential for torture and other ill-treatment of detainees by the GID, as yet the Jordanian authorities have taken little or no action to curb the powers of the GID or to ensure that those held in the custody of the GID are protected from abuse. Most recently, the UN Special Rapporteur on torture, after concluding in that "torture is systematically practised at .. the GID" called on the Jordanian government to, among other things:

> *"criminalize torture in … accordance with the definition contained in article 1 of the Convention against Torture … investigate effectively every allegation of torture and bring perpetrators to justice …introduce effective measures aimed at preventing torture ….* [including] *access to lawyers, monitoring of interrogation methods; …* [and] *ratify the Optional Protocol to the Convention against Torture."*

4.2 Trials before the State Security Court (SSC)

The SSC was established in 1991 and has jurisdiction to try cases involving offences against state security, including sedition and armed insurrection, and financial and drugs-related crimes. It largely replaced the former Martial Law Court, which was phased out, but unlike that court, since 1993 judgments of the SSC can be appealed to the Court of Cassation. Formally comprised of two military and one civilian judge, the SSC has jurisdiction to try civilians as well as members of the Jordanian military; in practice, most of those tried before the SSC have been civilians and in some cases trials have been conducted before panels composed only of military judges. The SSC functions, like other courts, in accordance with the Code of Criminal Procedures. Its judges are appointed by the Prime Minister acting on the recommendation of the Chief of Staff of the armed forces in the case of military judges and of the Minister of Justice in relation to civilian judges. The ordinary judicial system supervised by the Ministry of Justice has no role in the detention, prosecution or trial of political offenders until the verdict has been given by the SSC and comes before the Court of Cassation. This largely unaccountable role for the SSC has continued in spite of the strong disquiet expressed by the UN Committee against Torture as long ago as 1995, when it called for *"the Jordanian authorities to consider abolishing exceptional courts such as the State security courts and allow the ordinary judiciary to recover full criminal jurisdiction in the*

[21] UN Doc. CCPR/C/79/Add.35; A/49/40, paras. 226-244, 10 August 1994.
[22] UN Doc. A/50/44,paras.159-182, at para. 168.

country."[23] The Committee made this statement in response to Jordan's initial report on its implementation of the Convention against Torture, which it submitted nearly two years late. Further periodic reports were due to be submitted to the Committee by Jordan in December 1996, December 2000 and December 2004, but as yet none of these have been forthcoming from the Jordanian authorities.

Trials before the SSC are frequently unfair. In particular, the court has shown itself reluctant to investigate allegations of torture in pre-trial custody made by defendants and witnesses and to be prone to convicting defendants on the basis of "confessions" which they allege were extracted under torture or other duress.

Over the past 10 years, more than one hundred defendants have alleged before the SSC that they were tortured to make them "confess", usually while held incommunicado in pre-trial detention by the GID. Such allegations were made in at least 14 cases heard by the SSC during 2005, most of which involved more than one defendant. Yet the court failed adequately to investigate the defendants' claims and accepted their contested "confessions" as a basis for convictions, despite courts being required under the Jordanian Penal Code to ensure that any confession entered as the only evidence by the prosecution was not obtained by force or other duress. As the cases described below show, some defendants tried by the SSC have been sentenced to death and executed on the basis of "confessions" which they alleged were extracted under torture in contravention of Article 15 of the UN Convention against Torture (see below).

Again, this is a longstanding problem; as long ago as 1995, when calling for the abolition of the SSC, the UN Committee against Torture expressed concern that *"during 1993 and 1994 political detainees were sentenced to death or imprisonment in trials before the SSC on the basis of confessions allegedly extracted after torture."*[24]

In addition, the right of appeal to the Court of Cassation has not proved to be an adequate safeguard or, indeed, remedy against the consistent failure of the SSC to ensure that its convictions are not based on evidence obtained through torture.

For the substantive, absolute and universal prohibition on torture to be effective, its procedural components must be applied at all times and by all states. Among these components is the prohibition of admissibility of statements obtained by torture as evidence in any proceedings, except as evidence that torture had in fact taken place. This prohibition is clearly stated in Article 15 of the UN Convention against Torture, to which Jordan is a state party, having acceded in 1991:

> *"[e]ach State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."*

[23] *Ibid*., para. 175.
[24] UN Doc. A/50/44, 26 July 1995, paras.159-182, at para. 167.

In the wake of the 11 September 2001 attacks on the USA, which it condemned in the strongest terms, the UN Committee against Torture formally reminded,

> *"State parties to the Convention of the non-derogable nature of most of the obligations undertaken by them in ratifying the Convention.*
>
> *"The obligations contained in Articles 2 (whereby 'no exceptional circumstances whatsoever may be invoked as a justification of torture'), 15 (prohibiting confessions extorted by torture being admitted in evidence, except against the torturer), and 16 (prohibiting cruel, inhuman or degrading treatment or punishment) are three such provisions and must be observed in all circumstances."*[25]

In its conclusions and recommendations on specific states parties' reports, the UN Committee against Torture has consistently reaffirmed this principle.[26]

4.3 The SSC and the death penalty

Eleven[27] people were executed in Jordan during 2005 and three further executions were carried out in the first five months of 2006. Some of those executed were convicted by ordinary courts, but at least four people convicted by the SSC have been executed since 2002, including two men who were executed in 2006 (see below). In 2006, up to the end of June, Jordanian courts imposed 25 death sentences, of which 22 were imposed by the SSC against defendants convicted of politically-motivated offences. At least seven of the 25 sentences have been commuted.

Amnesty International opposes and campaigns against the death penalty in all cases and wherever it is used, considering it a violation of the right to life and the ultimate form of cruel, inhuman and degrading punishment. In doing so, the organization in no way condones violent crime or questions the responsibility of governments to ensure that those who commit such crimes are brought to justice, though in carrying out this responsibility governments must abide by relevant international law and standards including the prohibition of torture.

With regard to the SSC, Amnesty International is greatly concerned that the court has imposed the death penalty on individuals it has convicted on the basis of "confessions" which

[25] CAT annual report, UN Doc. A/57/44 (2001), para. 17. See for instance CAT's Conclusions and Recommendations on Brazil, UN Doc. A/56/44 (2001), para. 120; Finland, UN Doc. A/51/44 (1996), para. 129; Israel, UN Doc. A/57/44 (2002), paras. 52(k), 53(j); Morocco, UN Doc. CAT/C/CR/31/2, 5 February 2004, paras. 5(g), 6(h); Namibia, UN Doc. A/52/44 (1997), para. 241; Russian Federation, CAT, A/57/44 (2002), para. 94(c).

[26] See for instance CAT's Conclusions and Recommendations on Brazil, UN Doc. A/56/44 (2001), para. 120; Finland, UN Doc. A/51/44 (1996), para. 129; Israel, UN Doc. A/57/44 (2002), paras. 52(k), 53(j); Morocco, UN Doc. CAT/C/CR/31/2, 5 February 2004, paras. 5(g), 6(h); Namibia, UN Doc. A/52/44 (1997), para. 241; Russian Federation, CAT, A/57/44 (2002), para. 94(c).

[27] Statistics for executions in 2005 are from the National Institute of Forensic Medicine. However, the NCHR's 2005 annual report gives the number executed in 2005 as 10.

they refuted in court and alleged had been extracted from them under torture or other duress while they were held incommunicado in pre-trial detention. This is all the more disturbing when it is considered that scores of defendants who were previously held in similar conditions of pre-trial detention, where they did not have or could not have had contact with one another, have made similar allegations to the court. The SSC has failed adequately to investigate the allegations even in the face of such a pattern.

The problems inherent in the death penalty are compounded where defendants may be subjected to torture and furthermore may be denied the right to a fair trial. 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."*[28]

5. CASES

a) Six university students

On 9 April 2005, six university students of Palestinian origin were arrested by police officers when the supervisor of their hall of residence objected to one of the students, **Firas al-Sheikh**, from Nablus in the occupied West Bank, putting on his dormitory wall a picture of a Palestinian killed in the Israeli/Palestinian conflict. Two of the students, whose names are being withheld to protect their security, provided Amnesty International with the following account of what then occurred:

> *"We were arrested on arrival in the supervisor's office by some police officers who were already waiting for us. They threatened that they would charge us with 'participation in political activities against the state' and then took us to the Public Security (Amn al-'Am) centre in Wadi Sir, Amman. We were interrogated one-by-one about whether we had links to any political parties or 'unauthorised organisations', to which we all replied 'no'. They said they would charge Firas with 'membership of an unauthorised organisation'. None of us was beaten. Then they put us all in a cell with about 30 people. The cell wasn't big enough to hold 10 and we could barely sit down. One of us got a tiny space next to the one squat toilet in the room, and spent the next eight hours there.*
>
> *"Then we were all taken to the GID, where we spent the next 12 hours. They insulted us, beat us and kicked us all over our bodies, and put us under psychological pressure. Again we were interrogated, one at a time. Then they took us - handcuffed and blindfolded - back to Public Security, each one of us with an armed officer sitting directly behind.*

[28] UN document No. E/CN.4/2002/74, 9 January 2002, paragraph119.

"Shortly after, we were taken to the Governorate of the Capital [Muhafedha al-'Asima] *and transferred to Jweideh prison as administrative detainees.*[29] *Immediately on arrival we were forced to strip to our underwear, had our fingerprints taken and were then badly beaten by the guards. We were beaten for longer than other new detainees. We were hit with a wire cable, and then, for about three hours, subjected to further beatings and other physical punishment in the prison courtyard. For example, we had to stand a long time on one leg with both our hands in the air, and then had to stand on the other leg. Then we'd be forced to lie on the floor, or to crawl. All this time just wearing our underwear. Finally, at about 11pm, we were put into a shared cell, and some of the other prisoners gave us some clothes. At 2am the guards woke us up and made us do hard labour. We had to clean the prison kitchen, then the prison bakery and elsewhere, through until 6pm. For 18 hours, having barely slept. We were woken up two or three times each night by a military guard for a roll-call outside. We were kept with real criminals, not even political criminals, and suffered humiliations daily. We spent three nights, four days in Jweideh, and were released without charge. But we had to sign a guarantee of 10,000JD each* [about $14,200] *which we'll have to pay if we get into trouble again. It's worse for Firas, who was kicked out of the country and had his passport stamped with 'forbidden from returning to Jordan'. This happened in his last semester at university. He won't be able to study or work anywhere else outside the West Bank, because he would have to pass through Jordan."*

b) Alleged members of Hizb al-Tahrir al-Islami (Islamic Liberation Party)

Khalil Usama Zalloum, 24, a technician, and his brother **Muhammad Anwar Zalloum**, 21, a student, were arrested together with their cousin, **Mu'atez Hatem Zalloum**, 21, also a student, on 10 January 2006 during the Muslim festival, 'Eid al-'Adha, reportedly when entering a mosque in Amman. Their families became worried when they did not return home, especially when repeated calls to the men's mobile phones elicited no response, and went at 11pm on the same day to Amman's Shmeisane police station to report them missing. There they learnt by chance that the three young men were being detained by the GID. They heard nothing more for several days but were then told by an official at the GID that the three were being held in Qafqafa prison, about 90 km north of Amman, as suspected members of Hizb al-Tahrir al-Islami, an Islamist organization which is banned in Jordan.

Eventually, about eight days after the arrests, members of their families were permitted for the first time to see the three detainees at Qafqafa prison and to communicate

[29] The Law on Crime Prevention (*Qanun man'a al-jara'im*) of 1954 is used to allow the administrative detention (*al-tawqif al-idari*) or detention without charge for a year indefinitely renewable of anyone suspected of committing a crime "or any other person deemed to be a danger to society". The order is made by the provincial governor (*muhafedh*). This law has been used to keep detainees (usually common law detainees) in indefinite pre-trial detention, sometimes for years.

with them by phone, through a glass window. The three young men told their relatives that they had been tortured and beaten while detained by the GID and made to sign "confession" statements that had already been prepared by their interrogators – they said they had been told "your confessions are ready for you to sign." They stated that they had been made to stand beside a wall for eight hours, during which they were required to stand on one leg and with their arms raised above their heads or outstretched so that their fingertips could just touch the wall, and at the same time subjected to beatings. They alleged that they were also deprived of food for 18 hours.

The three detainees further complained that they had been kicked by men with heavy boots when they were being transferred, blindfolded and with their hands and legs tied, from the GID interrogation centre to Qafqafa prison, where they were suffering from cold, had inadequate bedding and were being held with criminal prisoners. They are currently on trial before the SSC, charged with "belonging to an illegal organisation," namely Hizb al-Tahrir al-Islami. They are reported to have refuted their "confessions" and to have told the court that these were obtained under torture, but this is said to have been ignored by the court.

Suspected members of Hizb al-Tahrir al-Islami have been subject to repressive measures over many years and other members of the Zalloum family have previously been detained in this connection. In its 1988 report mentioned above,[30] Amnesty International expressed concern about Muhammad Yasin Yousef Zalloum, who had been held mostly incommunicado and reportedly tortured and otherwise ill-treated during 13 months of detention without trial by the GID, and his brother, 'Abd al-Halim Yousef Zalloum, who was detained without trial by the GID for five months. During 2005, some 28 Hizb al-Tahrir members were reported to have been arrested apparently for peacefully exercising their right to freedom of expression.

c) Salem Sa'ad Bin Sweid and Yasser Fathi Ibrahim Freihat

Salem Sa'ad Bin Sweid and Yasser Fathi Ibrahim Freihat were executed at Swaqa prison on 11 March 2006. In 2004, the SSC convicted them of involvement in the killing of Laurence Foley, a US diplomat and head of the USAID programme, who was shot dead in Amman in October 2002. At their trial, both men denied involvement in the murder and told the court that that they had been tortured and forced to "confess" during a period of about one month when they were held incommunicado by the GID at its detention centre in Wadi Sir, Amman. Salam Sa'ad Bin Sweid later told members of the Liberties Committee who visited him in prison that, at one point during his questioning by a number of GID officers, one had asked him what was the colour of Laurence Foley's car; when, in response, he said it was white, he was taken out of the room, assaulted, and told that he should say it was red.

The defendants' allegations of torture were reportedly corroborated by the testimony of five prison inmates who testified before the SSC that they had seen injuries on the bodies

[30] *Jordan: Detention without trial and torture by the General Intelligence Department* (MDE 16/13/88), November 1988.

of the two defendants and their three co-accused (who received prison sentences). One of the defendants, Muhammad Du'mus, currently believed to be serving a 15-year prison sentence, was reportedly referred for examination to the National Institute of Forensic Medicine by the SSC; the examination apparently found that he had a toe nail missing from his right foot and injuries about a week old on the soles of his feet, under his armpits, on his right hand and on his body. It is not known whether the National Institute's conclusions were adequately investigated by the SSC, nor whether any suspected perpetrators were brought to justice. Neither is it known whether the other defendants received such medical examinations, following the allegations of torture they made before the court.

d) Mu'amar Ahmed Yousef al-Jaghbir

Aged about 25 and from Zarqa (around 27 kilometres north east of Amman), Mu'amar Ahmed Yousef al-Jaghbir is also currently on trial before the SSC in connection with the murder of Laurence Foley and, in a separate case, of plotting the attack on the Jordanian embassy in Baghdad in August 2003. He was apparently arrested in Iraq and, according to media reports, returned to Jordan by US forces in 2004, handcuffed and blindfolded, and handed over to the GID; he is said to have realised where he was only because he could recognise his guards' accents. He alleges that he was held incommunicado and in solitary confinement by the GID for at least three months during which he was tortured and forced to sign a "confession" without being allowed to read it. He told his lawyer 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 kept in either artificial light or total darkness for 24 hours at a time. He said too that he was taken before the public prosecutor but told what to say by an official whom he did not know but whom he had seen once or twice during interrogation. After signing a "confession", Mu'amer al-Jaghbir was moved to Swaqa prison where he was at last permitted access to his family and a lawyer.

e) The detainees from Ma'an and the testimonies "that the authorities wrote on their behalf"

In November 2002, the city of Ma'an, 250 km south of Amman, was the scene of armed clashes between elements of the Ma'ani population and thousands of heavily-armed security officers. Four civilians, a policeman and a soldier were killed, over 150 people were arrested and a considerable amount of property was damaged and destroyed. It was the fourth time since 1989 that political violence had erupted in Ma'an, a city with a strong sense of identity whose economic conditions have deteriorated since the early 1980s[31]. On 23 March 2006, the SSC sentenced nine Jordanian men to death, four of them in absentia, in connection with the Ma'an events of 2002. They were convicted of possessing weapons and making explosives for illegal use. The five defendants present in court who were sentenced to death are: Muhammad Chalabi, also known as "Abu Sayyaf"; Majdi Kreishan; 'Omar al-Bazay'a; 'Abd

[31] See the ICG's report, *"Red Alert In Jordan: Recurrent Unrest In Maan"*, 19/02/2003: http://www.crisisgroup.org/home/index.cfm?id=1824&l=1

al-Fattah Kreishan; and 'Asri Abu Darwish. Another man was sentenced to 10 years in prison, two men were sentenced to five years, 22 were sentenced to between one and three years and the remaining 74 others were acquitted.

Ahmed Ibrahim 'Asri
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However, at least eight defendants told the court in April 2005 that they had "confessed" under torture and duress and had written testimonies "that the authorities wrote on their behalf"[32]. **'Omar al-Bazay'a** told the SSC that he had been forced under torture to "confess" and that he was forced to add his signature to his "confession" while wearing a blindfold.

Another defendant in the Ma'an case, **Ahmed Ibrahim 'Asri**, now aged 33 and unemployed, told Amnesty International about his treatment during and after arrest. He said he was arrested at a relative's house when security forces stormed the building. He was thrown to the floor where he was kicked and beaten by many people. He was whipped on the face with a car aerial, causing severe pain and swelling to his eye. When Amnesty International met with him over three years later, in February 2006, his eye was still red.

He said that the security forces then *"blindfolded me, hit me with an electric cable and threw me into an armoured personnel carrier … and there threw heavy boxes of ammunition on me."*

He was taken to Swaqa prison, with the other 106 detainees, where he says they were all badly beaten on arrival. He was subjected to the *shabeh* – described as hands tied together behind one's back which are then suspended over the top of a door, and then beaten, for about five minutes:

> *"[t]hey hit me with a rope and with a steel cable, all over the body, repeatedly, for six or seven days. During this period, they didn't question me. Then they put me in solitary confinement for 48 days."*

Ahmed Ibrahim 'Asri said that the prison was very cold yet he was stripped to his underwear and allowed only one sheet as bedding. Then he was transferred to the communal cell, where he was held for about six months, and then released.

Another detainee from Ma'an who was in the next cell told Amnesty International that he himself was not tortured or beaten, probably, he said, due to his age.

[32] "Eight witnesses referred to prosecutor on perjury charges", *Jordan Times*, 25 April 2005.

Amnesty International is not aware of the authorities launching any investigation into the torture claims of any of the Ma'an defendants, nor into the death in January 2002 of sixteen-year-old **Sulayman al-Fanatsa** who passed away in an Amman hospital having been rushed there from detention in a police station in Ma'an. His case was referred to the National Institute for Forensic Medicine who concluded, Sulayman al-Fanatsa died as a result of kidney damage. Others allege that his death was a result of torture and ill-treatment in custody, including having cigarettes stubbed out on his body. The NCHR, which was not operating at the time of the death, carried out an investigation later and concluded that torture was a possible, if not certain, cause of death.

f) The alleged Millennium plotters

Twenty eight men (six of them in absentia) were brought to trial before the SSC in 2000 on charges 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 to coincide with the Millennium celebrations.

Two of them, **Khader Abu Hosher** and **Usama Husni Kamal Sammar**, were under sentence of death from 2000 until the end of May 2006 when the Court of Cassation lowered their sentences to 20 years. Reportedly, throughout their initial trial in 2000, serious restrictions were imposed on communication between the defendants and their lawyers, allowing them to meet only in the presence of the security forces. Since their original conviction, their case has gone back and forth between the SSC and the Court of Cassation. In January 2005, the SSC upheld the death sentences against these two men for the fourth time after the Court of Cassation ordered it to re-consider the case on the grounds that they and their co-defendants are eligible to benefit from a 1999 Royal Amnesty. However, a final decision was given by the Court of Cassation on 31 May 2005 that they should serve 20 years' imprisonment.

Many of the men allege 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 Hosher said he was subjected to "very tough interrogation methods", and that other defendants were "tortured and terrorised" into testifying against him. Methods said to have been used included severe beatings while detainees' feet were shackled.

Another two of the men, **Sa'ed Muhammad Hijazi**, currently held in Swaqa prison, and **Khaled Mughames**, both serving 20 year sentences, also said that they were subjected to prolonged torture and other ill-treatment, and that they were forced to "confess". Sa'ed Hijazi was apparently held in incommunicado detention in the GID for 45 days in December 1999 and January 2000. A relative who saw him for the first time just after he was transferred from the GID to Qafqafa prison, described him as unrecognizable because of the abuse he had suffered in the GID.

Reportedly, during his detention at the GID, the public prosecutor took Sa'ed Hijazi and three others to 16 different locations over 20 continuous hours as part of the criminal

"reconstruction". They were transported, wearing light clothing inadequate for the cold mid-January weather, in a cage inside a prison van. One of the places they were taken was Yajous, an area of Amman, to the house of Sa'ed's brother, Ra'ed (see below). Witnesses testified in court that they saw Sa'ed Hijazi at the scene, propped up by two guards apparently unable to stand on his own. To Amnesty International's knowledge, no medical examinations or investigations into the torture allegations were ever ordered.

Sa'ed Hijazi's brother, dual Jordanian/US national **Ra'ed Muhammad Hijazi**, currently held in Swaqa prison, was tried in the same case and sentenced to death in absentia in September 2000. He was arrested in October 2000 after being extradited to Jordan from Syria where he was apparently tortured. He was held incommunicado at the GID in Amman for up to three weeks during which time he said his life was threatened and he was beaten with sticks and cables and was forced to sign "confessions". The US consul in Amman visited him during his imprisonment, apparently because of the reports of his torture, and Ra'ed Hijazi said the consul saw the signs of torture on his body. During his hearing before the SSC in November 2001 he said this and that he was tortured and otherwise ill-treated in Jordan and Syria. His lawyers subpoenaed the US consul to testify about the alleged torture, but the US government exercised diplomatic immunity to prevent the consul's attendance. A Jordanian doctor testified that Ra'ed Hijazi had suffered from "severe pneumonia" apparently as a result of being held in a "damp and poorly-ventilated" place. In February 2002, Ra'ed Hijazi was sentenced to death on charges of plotting to carry out terrorist activities and illegal production and possession of explosive materials. His case went back and forth between the SSC and the Court of Cassation and finally, on 4 October 2004, his death sentence was commuted to 20 years' imprisonment with hard labour.

g) Mustafa Siyam: Life imprisonment after "confessing" under torture

According to his lawyer, Jordanian national Mustafa Siyam, aged about 28, "confessed" to planning a bomb-attack in February 2002 after being tortured and otherwise ill-treated during three weeks of interrogation in incommunicado detention at the GID in or around April 2004. In September 2005 he was sentenced to death, immediately commuted to life imprisonment, by the SSC in relation to an assassination attempt against the head of the Anti-Terrorist Unit of the GID, 'Ali Burjaq, in Amman. A bomb had reportedly been planted under a car outside 'Ali Burjaq's house in Amman and two passers-by were killed in the explosion.

Mustafa Siyam had been convicted in absentia by the SSC in an earlier trial in 2003 in connection with the attack. In April 2004 he was transferred from US custody in Abu Ghraib detention facility in Iraq to Jordan. He reportedly told his lawyer that at Abu Ghraib, he was kept for 45 days in a tomb-like cell, being fed with liquids through a slit in the "tomb" lid. His weight apparently dropped from about 95 kilogrammes to 53 kilogrammes. He was then returned to Jordan.

Mustafa Siyam's lawyer argued that in Jordan his client had been subjected to torture to make him "confess" to the crime. For his first three weeks in detention in the GID no one knew Mustafa Siyam was there. Then he met the public prosecutor in the GID without a

lawyer and apparently "confessed" to planning the attack. It was not for another four weeks, i.e. after seven weeks of incommunicado detention, that he was permitted to meet family members and a lawyer, once he was in Swaqa prison.

Mustafa Siyam told his lawyer that he had been deprived of sleep for two or three days after being transferred from Iraq; that he had been beaten; that he had suffered *falaqa* on his feet and legs; that he had had his nose broken with a punch; 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".

During the first three weeks of incommunicado detention - before being brought in front of the public prosecutor - many written statements were reportedly taken from Mustafa Siyam in addition to the "confession" he gave the public prosecutor. In court, lawyers demanded to see these other statements but their requests were refused.

h) "The beatings were so painful, I told him I was ready to say anything he wanted"

Yazin Muhammad al-Haliq, Usama Abu Hazeem, Muhammad 'Arabiat and Hatem al-Nasour

Four men, Yazin Muhammad al-Haliq, Usama Abu Hazeem, Muhammad 'Arabiat and Hatem al-Nasour were reportedly arrested in February 2005 and sentenced to death by the SSC on 12 March 2006 on charges relating to planning attacks against hotels, tourist sites and security officers, conspiracy to carry out terrorist attacks and possession of illegal explosives. Their sentences were immediately commuted to 10 years' imprisonment. Their lawyer announced that he would appeal their sentences before the Court of Cassation, complaining that the court had ignored the evidence that they had "confessed" under torture and were denied legal representation during their interrogation. Reportedly, five of the detained men's relatives testified before the SSC to having seeing marks of torture on their relatives' bodies.

Yazin Muhammad al-Haliq was held in incommunicado detention for 18 days. When he finally saw his lawyer he told him that the statement of his guilt given to the public prosecutor was false since it was taken from him by force. According to the testimony that he gave his lawyer and which was presented to the SSC, on 19 February 2005 he was arrested without explanation by GID officers on his re-entry to Jordan after five years at the University of Tishrin in Lattakiya, Syria, from where he had just graduated. He was then transferred to the GID in Irbid, where he says he was "severely beaten and insulted with very bad language", then transferred the following day to the GID headquarters in Amman.

Yazin Muhammad al-Haliq said as he continued to deny allegations about his involvement with "mujahideen", his interrogators beat him with a stick on his back and feet, slapped his face, swore at him and abused him. His interrogation lasted for around 15 hours

until he was moved to the courtyard[33] and told "if you die, no one will find out or ask about you". He said that he was then:

> *"… beaten on my feet continuously, and every time one of the guards got tired from beating me, he would be replaced by another so the beatings could continue. There were also interrogators present who tried to force me to confess to things I had not done. After two hours of the torture at that place, I was unable to hold myself, so the guard there carried me to one of the interrogation rooms, where they brought some papers that they would not allow me to read, nor know their contents … They said, 'sign or we will return you to the courtyard to deal with you'. I had no choice but to sign those papers without knowing their contents. I was then taken to the cell."*

Two days later Yazin Muhammad al-Haliq was taken to "an office of an army man" who questioned him. He said the man gave him some papers, told him to sign them and left the room. About 18 days after his arrest he was moved to Jweideh prison, and about three months later he was charged. He said:

> *"Only then did I find out what was planned for me, since I did not know what I had signed. I was surprised to find out that I was connected to certain people whom I had no relationship with".*

Yazin Muhammad al-Haliq's co-defendant, Usama Abu Hazeem, also told his lawyer that his statement to the public prosecutor was false and taken from him by force over a period of about three days in the GID detention centre. In his testimony presented to the SSC during the trial, he said that on 18 February 2005, while he was out, GID officers searched his house, his computer company and his father's bookshop. On hearing of this, Usama Abu Hazeem went the same day to the GID headquarters in Amman to find out what they wanted. Once there he was taken to the "interrogation offices" where six officers questioned him about why he had made several trips to Syria and his relationship with certain people. His interrogators accused him of lying and started to beat him. According to his statement:

> *"They put out their cigarettes on my hand, beat me with sticks on my body, along with insulting me in immoral and indecent language. I was then taken to an area called the courtyard … and they secured my body and lifted my feet up, then hit me on the feet continuously for a period of three hours. I fainted during the beatings. The men had their faces covered, and with them was one of the interrogators who had been in the office earlier; he kept saying 'say everything you know'. I said, 'by God I have nothing to say and I do not know anything.' The beatings were so painful, I told him I was ready to say anything he wanted, so they carried me on a stretcher as I was unable to walk, back to the interrogation offices.*

[33] Amnesty International has received a number of reports of a courtyard specifically used for torture in the GID detention centre in Amman.

"They then prevented me from sleeping, I … remain[ed] sitting in the interrogation office, and if the interrogator left, a soldier would remain to prevent me from sleeping, or another interrogator would come in…".

Usama Abu Hazeem said he was not allowed to sleep throughout his detention at the GID. He was told he could sleep once he did as his interrogators ordered. On the last day, he was told he would "never leave" until he signed some "routine … entry and exit" forms. He asked to read them first or have them read to him - at this point he was suffering double vision due to lack of sleep - but his request was denied. Eventually he agreed to sign, was then blindfolded and driven for about one minute and presented to the public prosecutor who refused to let him read the papers first. Usama Abu Hazeem said that he also refused his request for a lawyer, and said "the lawyer will not do you any good, he will come to us and sit in the corner like a dog". Usama Abu Hazeem continued:

"[The public prosecutor] *then called someone I did not know and told him 'Usama is being uncooperative and is refusing to sign'. Five minutes later guards arrived with an interrogator from [the GID] and took me to the interrogation offices, where other interrogators beat me and told me that we had agreed to my signing, then I was to leave for home … They said it was a routine procedure, so I told them I would not sign anything I knew nothing about, so the interrogator told them to take me and teach me some manners. I was taken to the courtyard and beaten for over half an hour continuously. The interrogator watched the beatings and kept asking whether I would or would not sign. After half-an-hour and because I was in enormous pain, I told him I would sign. They took me straight away to the office of the public prosecutor along with some of the interrogators … The public prosecutor gave me the papers and told me to sign, so I signed without knowing what I was signing."*

Muhammad 'Arabiat also retracted "his" statement to the public prosecutor and his interrogators saying they were taken under torture. He told his lawyer in a statement presented at his trial before the SSC that at dawn on 18 February 2005, a group of GID officers "stormed" his house in the city of Salt, about 45 kilometres north west of Amman, and arrested him. He was taken to the GID in Salt where he says he was beaten, threatened and insulted. From there he was moved, handcuffed and blindfolded, to the GID headquarters in Amman. He was taken to an interrogation office where around eight men questioned him. He said that when he said he was innocent:

"… they were not happy …. and started to beat me on my face and stomach, and with shoes on my ears continuously. They also swore at me in indecent and immoral language which I would be embarrassed to mention … My interrogation lasted for … about 20 continuous hours only interrupted by toilet visits … I was also taken out to the courtyard where I was tortured every now and again. They would beat me on my feet and stomach with a stick and by slapping me on the face, and would also swear at me. This was repeated three times, and then they brought some papers and forced me to sign without allowing me to read them. I was then taken to my cell. On the following day they took me to an office where a man dressed in military uniform sat, he had the rank of colonel [the public prosecutor whose name

> Amnesty International has withheld] … *I was threatened with having to say 'yes' on every subject … otherwise I would be tortured again. They beat me before I entered the office where the* [public prosecutor] *sat, and he forced me to sign the papers …"*

According to his testimony, Muhammad 'Arabiat spent 18 days in the GID before being transferred to Jweideh prison. He says it was not until almost three months later that he discovered what the charges against him were.

Both Muhammad 'Arabiat and Hatem Abu Hazeem described how, prior to their being made aware of the charges, they were taken with Hatem al-Nasour (whom they both say they did not know previously) to act out a reconstruction of their alleged crime at gun point and on instructions from the public prosecutor. Muhammad 'Arabiat has described how the three of them were taken from Jweideh prison back to the GID detention centre from where they were taken, blindfolded and handcuffed, to Salt by a *"large number of army men who are usually at the GID, who were all armed, plus special forces from Public Security and several hooded men, all pointing their guns towards us. Also present was* [the public prosecutor] *and an explosives expert."* He claims that they were taken to nearby Wadi Shu'aib "near the purification plant" and told by the public prosecutor, as guns were pointed at them, to throw a stone in a direction indicated by the public prosecutor. A photographer took pictures of them. He says they were returned to the GID where the [public prosecutor] "*told us to sign on an account of the details of the trip we had just taken, even though the papers were ready on our arrival, and we were not allowed to read any of them."*

As far as Amnesty International is aware there has been no investigation into the claims made by these men. Their cases are currently pending before the Court of Cassation.

i) "If you do not confess to the written statements, I will make you confess and send you down to the torture courtyard"

Hamdi Ahmed 'Abdullah, Lu'i Hisham 'Abdullah Qadir al-Sherif, Muhammad al-'Amri and Muhammad 'Ouda 'Ali al-Ta'muri, from Salt

These four men from the town of Salt are currently standing trial before the SSC on charges of plotting subversive acts, following their arrests in September 2005. Two others are also being tried in absentia. According to what they told their lawyers, they were tortured while held incommunicado in the GID and were apparently not given access to a lawyer throughout their interrogation there. The defendants stated to their lawyer and during their trial that they had been forced to "confess" to the charges which relate to planning to attack Americans in Jordan.

In his testimony taken by his lawyer and presented to the SSC, Hamdi Ahmed 'Abdullah retracted his original statement saying it was obtained by force by his GID interrogators and the public prosecutor. He said he was arrested at the hotel where he was working by GID officials and briefly questioned at the Intelligence building in 'Abdali, Amman. Then he said he was:

> *" … taken* [blindfolded and handcuffed] *to the GID, which I overheard some one say … On arrival they removed the blindfold and the handcuffs and started beating me in one of the offices. There were four men. I did not know why they were beating me … But they continued the beatings and insults and made …* [me strip to] *… my underwear, then continued the beatings with their* uqals [rope worn on the kaffiye or head cloth to hold it in place] *and with their feet on my head, stomach and all over my body. They pushed me to the ground, and I don't know what happened, they woke me up and started asking me many questions which I did not know anything about, including: 'what is your relationship with Mus'ab al-Zarqawi, and who do you know from the terrorist and Islamists groups? Where are you hiding the weapons you own, and what was your role in the Aqaba operation*[34]*?'"*

After a while they blindfolded and handcuffed him and took him to his house to search for evidence against him which he says they did not find. He said that his family were there during the search:

> *"… my mother and young brother and one of the neighbours… saw me in* [a] *pitiful state … Everyone asked what was happening, but they would not answer them. We then returned to the* [GID] *and there they gave me prison clothes and took my possessions and clothes and put me in a small and dirty cell.... In the evening, they called me to continue the questioning, and this also took place with beatings and insults. After giving up, they started to tell me the charges against me and forced me to say yes to everything they asked …At the end of the interrogation and beating, they forced me to sign on the papers and finger print on it without having read them or know their contents … I felt it was the only way to stop this torture. … On the following day they showed me to the doctor, who checked me, and when he saw the marks of the beatings, he asked me where I had got them and I told him it was from the interrogators. When I returned to the cell, they called me to a large office where a major sat. He asked to see the marks from the beatings and asked what I had said to them. I told him, so he said that if I am asked I should say they were as a result of a fall in the cell and I hit the wash basin. The third and fourth days were the same, except that they changed my cell and they put me in a cold and damp cell that had a hideous smell which I breathed from morning to night. They then returned me to the first cell, I did not know why*. [He was told later by other detainees that a visit by an ICRC delegation had occurred and that the temporary move would have been to prevent the delegation seeing him and the obvious wounds he apparently had at that point.] *On the last day, they took me to the public prosecutor, where I thought it would be the end of the road, and where I thought I would tell him how they forced me to confess, and that everything in the papers was false and untrue, except that when I denied the statements, the public prosecutor threatened me and said 'if you do not confess to the written statements, I will make you confess, and will send you down*

[34] This is thought to refer to 19 August 2005 when three rockets were fired from the southern Jordanian port of Aqaba, apparently aimed at moored US warships and at the Israeli port of Eilat, killing one Jordanian soldier.

to the torture courtyard' … I asked him to appoint a lawyer, and he refused and said the lawyer would do me no good."

At another time, Hamdi Ahmed 'Abdullah stated, one of his interrogators took him to what he described as the "chief interrogator's office" where a man – whose name we have withheld - threatened to bring his brother, wife and young daughter to the detention centre and torture them in front of him unless he "confessed". For none of this time was he able to see a lawyer or members of his family.

Muhammad 'Ouda 'Ali al-Ta'muri provided testimony once he was allowed to see his lawyer, in which he retracted the statement made while held in incommunicado detention in the GID for 16 days. He said that on 12 September 2005 he returned from Lebanon with a friend, where he had just spent two days. At the Jordanian border control he was asked by a GID officer to report to its 'Abdali office in the next two days. He reported there on 14 September and was immediately handcuffed and blindfolded without explanation and transferred to the GID in Bayader in Amman. He was accused of being a member of Hizbullah which he denied and was beaten. He was then taken to a cell and later that evening the questioning began again. He continued to say he went to Lebanon as a tourist. He says his interrogators told him he was lying and that he would "learn how to tell the truth". At this point another man entered the room and asked if Muhammad al-Ta'muri was "cooperating". When the man's colleague said he was not they beat him saying that if he did not confess he would "rot in the cells". On 18 September he was taken to the public prosecutor whose permission he asked to make a phone call to his family,

" … to reassure them, and to ask them to appoint a lawyer. He refused my request and told me I was a liar and therefore he would not grant my request".

Muhammad al-Ta'muri said that this routine was repeated each day, when he would be beaten and insulted. After another two or three days one of his interrogators told him he would be released if he informed on his friend Lu'i al-Sherif whom he had not seen in a long time. They claimed that Lu'i al-Sherif had sent Muhammad al-Ta'muri and his friend to Lebanon for military training to enable them to kidnap Americans in Jordan. The next day,

"…the interrogator asked me to sign the confessions, which I refused to do … and I was then severely beaten and forced to sign the papers whose contents I did not read. The following day I was taken to the public prosecutor, who threatened me and made me sign papers again. I was questioned again the following day and shown two pictures of people I did not know. When I said so, I was slapped on the face, and was told that the two men were the people who had trained me in the use of weapons…"

On 29 September Muhammad al-Ta'muri was transferred to Qafqafa prison, without any knowledge of the charges against him. Ten days after he arrived at the prison, he said he was taken again to the GID for more questioning by the public prosecutor. Again he was shown the same photographs and asked about his relationship to the people in them. He reportedly repeated that he did not know them, but the public prosecutor wrote that

Muhammad al-Ta'muri identified the two people as those who had trained him to use weapons.

6. RENDITION AND DEPORTATION: JORDAN IN THE "WAR ON TERROR"

6.1 Rendition Hub Jordan

There is close cooperation between Jordanian security agencies and those of the US and Jordan has been receiving substantial US economic and military assistance, particularly since its signing of a peace treaty with Israel in 1994[35]. Following the attacks on the US in September 2001, security and intelligence cooperation between Jordan and the US deepened.

A large component of this cooperation has been Jordan's early and continuing participation in the highly secret global network of detention centres and transfers through which the US-led renditions programme operates. Jordan's role in the network is now recognised by the Council of Europe.[36]

Michael Scheuer, formerly a senior counter-terrorism official employed by the CIA who helped establish the US government's rendition programme, has stated that *"Jordan is at the top of our list of foreign partners ... We have similar agendas, and they are willing to help any way they can* [and] *the GID has a wider reach* [in the Middle East] *than the* [Israeli intelligence department] *Mossad."* [37] Robert Baer, former CIA case officer in the Middle East, speaking about "extraordinary renditions" and the so-called "outsourcing" of torture by US authorities, explained: *"[w]e pick up a suspect or we arrange for one of our partner countries to do it. Then the suspect is placed on civilian transport to a third country where, let's make no bones about it, they use torture."*[38] He went on to say, "[i]*f you send a prisoner to Jordan*

[35] Total US economic and military assistance to Jordan increased from $37.2 million in Financial Year (FY) 1995 to $237 million in FY 1996. In FY 2005 Jordan received $660 million from the US. *Jordan: US relations and bilateral issues*, Congressional Research Service, March 2006.

[36] Jordan's role as a rendition hub was highlighted in the report of the Council of Europe into the role of Council of Europe members in the international network of secret detention centres and unlawful inter-state transfers. In the report, Amman is described as one of the "Detainee transfer / Drop-off points" (places visited often, where flights tend to stop for just short periods, mostly far off the obvious route – either their location is close to a site of a known detention facility or a *prima facie* case can be made to indicate a detention facility in their vicinity). See Council of Europe, Committee on Legal Affairs and Human Rights *Alleged secret detentions and unlawful inter-state transfers involving Council of Europe member states*, June 2006.

[37] *US partnership with Jordan was targeted*, Los Angeles Times, 12/11/2005, available at: http://seattletimes.nwsource.com/html/nationworld/2002619728_jordanintel12.html

[38] *One huge US jail*, The Guardian, 19/03/2005. See link: http://www.guardian.co.uk/afghanistan/story/0,1284,1440836,00.html

you get a better interrogation."[39] Similarly, one victim of unlawful detention and transfer stated that while held in Pakistan he was interrogated by US officials who told him: "*You can co-operate with us the easy way, or the hard way. If you don't talk to us, you're going to Jordan. We can't do what we want here, the Pakistanis can't do exactly what we want them to do. The Arabs will deal with you.*"[40]

Map from Council of Europe, Committee on Legal Affairs and Human Rights report: "Alleged secret detentions and unlawful inter-state transfers involving Council of Europe member states". © Council of Europe.

In short, and as the cases below illustrate, Jordan appears to provide a central hub within a global complex of secret detention centres operated by the US in coordination with foreign intelligence agencies into which suspects "disappear" and can be held indefinitely for

[39] Transcript of BBC Radio 4, 'File on 4 – Rendition', 8 February 2005, see link: http://news.bbc.co.uk/nol/shared/bsp/hi/pdfs/15_02_05_renditions.pdf and *One huge US jail*, in The Guardian, 19/03/2005.

[40] Testimony of Binyam Muhammed al-Habashi cited in the report of the Council of Europe into the role of Council of Europe members in the international network of secret detention centres and unlawful inter-state transfers. See Council of Europe, Committee on Legal Affairs and Human Rights: *"Alleged secret detentions and unlawful inter-state transfers involving Council of Europe member states"*, June 2006, p45.

interrogation outside any legal or administrative due process. Other elements of this complex are reported to have included detention centres on the US mainland and on US warships, in Mauritania, Egypt, Syria, Afghanistan and Pakistan, as well as the US detention facility at Guantánamo, and top secret "black sites"[41] run by the CIA – which are reported to have been operated at various times in Afghanistan, Iraq, Jordan, Pakistan, Thailand, Uzbekistan, Poland and Romania. Most of these secret prisons are reported to have been closed down by the end of 2005 and it is not known which, if any, remain in operation.

The section below describes the cases of 10 individuals whose detention in Jordan has been confirmed either by the men themselves directly to Amnesty International, via their lawyers, or via corroborated evidence. The testimonies of the former detainees, media reports and the murky nature of the renditions phenomenon suggest that many other individuals may have been or may currently be held secretly in Jordan and subjected to interrogation and at high risk of torture or other ill-treatment. The section also includes reference to six individuals allegedly categorised as "high value" suspects believed to be in possession of information relating to terrorism who are among those whose detention in Jordan has been reported but not confirmed.[42] In one further case outlined below, dual Jordanian/US national Muhammad Zaki Amawi appears to have been rendered from Jordan to the USA, involuntarily and without due legal process

Several of the 10 men believe that they were held at the GID detention centre in Amman, at which US intelligence agents are reportedly allowed to operate. According to media interviews with former senior US intelligence officials, US-Jordanian security and intelligence cooperation is so close that the CIA has had technical personnel "virtually embedded" at the headquarters of the GID, which such former officials have alleged receives secret funding from the US government.[43] Other reports suggest that individuals suspected of possessing information about terrorism have been held at a secret detention centre at al-Jafr prison, located in the desert in south-eastern Jordan, which is said to be run in coordination between the Jordanian authorities and US intelligence agencies.[44] The prison is several kilometres south-east of the al-Jafr King Faisal Air Base, where US military forces mobilised in the lead-up to the 2003 invasion of Iraq.[45] In June 2004 it was reported that the US Corps

[41] "Black sites" refers to secret detention facilities run by the USA's CIA.
[42] See for example, Yossi Melman, *CIA Holding Al-Qaida Suspects in Secret Jordanian Lockup*, in *Haaretz* newspaper, October 13, 2004, available at http://www.informationclearinghouse.info/article7066.htm; Newsweek, 21 September 2005, www.msnbc.msn.com/id/9430313/site/newsweek/; and 21 July 2005 interview with Michael Scheuer at http://www.pbs.org/wgbh/pages/frontline/torture/interviews/scheuer.html
[43] *U.S. partnership with Jordan was targeted*, in Los Angeles Times, 12 November 2005, at http://seattletimes.nwsource.com/html/nationworld/2002619728_jordanintel12.html
[44] For example, *Al Qa'eda's Desert Inn*, in US News and World Report, 2 June 2003, http://www.usnews.com/usnews/news/articles/030602/2terror.b.htm; and updated reference in Human Rights First, *Behind the wire*, March 2005, http://www.humanrightsfirst.org/us_law/PDF/behind-the-wire-033005.pdf
[45] *US soldiers 'are using Jordan to enter Iraq'*, The Independent, 28 March 2003.

of Army Engineers had been contracted in a multi-million dollar deal to design and construct at al-Jafr a "contingency aircraft parking apron".[46]

al-Jafr prison. © Yola Monakhov/Panos Pictures

Although Amnesty International has no access to comprehensive flight records for Jordan, the organisation has partial flight records showing that both Queen Alia International Airport, 32 kilometres south of Amman, and the King Abdullah Air Base at Marka, north-east Amman, have been used for dozens of take-offs and landings by planes known to have been used in renditions[47].

In a related development described at the end of this chapter, Jordan signed an agreement with the UK in August 2005 according to which the UK proposes to return certain individuals to Jordan against their will despite the risk that they could be subjected to torture or other serious human rights violations in Jordan.

After the November 2005 attacks on hotels in Amman, US Secretary of State Condoleezza Rice said, "The United States has had no closer ally than Jordan in the war on terror."[48]

a) Abdul Rahman Muhammad Nasir Qasim al-Yaf'i, Yemeni national: detained in Egypt, Jordan, Yemen

Sending people to third countries for "vigorous" interrogation became a more common practice by the US after 11 September 2001, but was already an established means of trying to gather intelligence about al-Qa'ida before then. A network of intelligence agencies from different countries helped to carry out the practice of rendition, and US involvement may not always have been direct, although the aims and results of the interrogations were the same. Abdul Rahman al-Yaf'i, now 38 years old, was one of these pre-2001 victims of rendition. He "disappeared" in Jordan for more than four months from October 2000. During this time, his family were unable to discover his whereabouts despite concerted efforts. Abdul Rahman al-Yaf'i told Amnesty International that in October 2000 he was arrested in Egypt when he took his aunt and brother to Cairo for medical treatment. He was detained by the Egyptian authorities after he told airport immigration officials, in answer to a question, that he had been

[46] *US Report on the Middle East*, 14 June 2004, http://www.usrom.com/Countries/jordan.htm
[47] The true number of such flights using Jordanian airports is likely to be much higher.
[48] U.S. partnership with Jordan was targeted, *Los Angeles Times*, 12 November 2005, available at http://seattletimes.nwsource.com/html/nationworld/2002619728_jordanintel12.html .

in Afghanistan 10 years before. He was tortured over about four days of interrogation and then put on a plane to Amman airport[49], where he was blindfolded and taken by car to a detention centre which he believed to be the GID.

Abdul Rahman al-Yaf'i said he suffered torture during interrogation at the GID regularly for the first week or two, and less so later. He told Amnesty International that he was beaten and forced to stand in his cell for more than 24 hours without sleep; he was taken to a covered yard, where he saw what looked like blood stains on the concrete floor and subjected repeatedly to *falaqa*, in the presence of a doctor; his face was slapped by interrogators until it was swollen, causing long-term ringing in his ears; and he was repeatedly threatened with rape. During interrogation Abdul Rahman al-Yaf'i said that his interrogators kept saying, "Confess, confess. Confess to Kenya, confess to Riyadh".[50]

Abdul Rahman al-Yaf'i said that about twice a month, when the ICRC visited the detention centre, he and dozens of other detainees were hidden in underground cells, where prisoners wrote their names on the walls. He said he read the names of Saudis, Palestinians, Tunisians and Egyptians. He was returned in March 2001 to Yemen, where he was detained for nearly two months and then released.[51]

b) Jamal Mar'i, Yemeni national: detained in Pakistan, Jordan, Guantánamo

On 23 September 2001, Jamal Mar'i, a Yemeni citizen then aged about 32, was arrested in Karachi, Pakistan, apparently by US security forces. He told the US Combatant Status Review Tribunal (CSRT)[52] which considered his case, that he was interrogated by a US interrogator and then "given to Pakistan". He was reportedly held at a secret Pakistani police prison for several weeks, but "they did not release me. They turned me over to the US. They took me from Pakistan to Jordan … The US is the one that took me to Jordan". Jamal Mar'i was held at a GID facility, according to an account he gave to his lawyer. Jamal Mar'i said he was not physically abused by the GID but was for a time hidden from visiting ICRC inspectors. He was detained for about four months in Jordan, during which time his family in Yemen received several letters from him, via the ICRC. The next letter they received from

[49] It is unclear if this refers to Queen Alia international airport, 32 km south of Amman, or Marka Military Air Base, in north-east Amman. Both are documented as airports used in renditions.
[50] "Kenya" is assumed to refer to the 7 August 1998 double bombings in Nairobi, Kenya and Dar es Salam, Tanzania, in which 224 people were killed. "Riyadh" likely refers to the 13 November 1995 bombing of the US military headquarters there, in Saudi Arabia, in which five US military personnel were killed.
[51] See AI report, *USA: Below the radar – Secret flights to torture and "disappearance"*, AMR 51/051/2006, April 2006.
[52] The Combatant Status Review Tribunals (CSRTs) which determine the status of Guantánamo detainees relied on flawed process, including the admissibility of evidence extracted under torture or other ill-treatment in making its determinations. The detainees had no access to secret evidence used against them in this process or to legal counsel to assist them. For further information see AI Report *USA: Guantánamo and beyond*, pps 54-64, (AMR 51/063/2005), May 2005.

him, again via the ICRC, was from Guantánamo, where he remains held. On 30 September 2004, the CSRT confirmed him as an "enemy combatant". [53]

c) Mohamedou Ould Slahi, Mauritanian national: detained in Mauritania, Jordan, Afghanistan, Guantánamo

Mohamedou Ould Slahi stated before the CSRT examining his case in Guantánamo in November and December 2004 that he had handed himself in, on 29 September 2001, to the Mauritanian authorities, who said he was wanted by the US government. He was subsequently transferred to Jordan for interrogation – he describes it as being "kidnapped" - and was detained there for eight months. He has stated that during this time in Jordan he falsely confessed under "so much pressure and bad treatment" to being part of the so-called millennium plot, an alleged conspiracy to bomb Los Angeles airport and sites in the Middle East on 31 December 1999.[54] He told the CSRT panel that "in Jordan they made me crazy to admit I had something to do with it." After eight months in Jordan, he was transferred in July 2002 to US custody in Afghanistan, before being moved to Guantánamo in August 2002. For more than a year in Guantánamo, the US military authorities refused the ICRC access to him on the grounds of "military necessity".[55] Amnesty International is concerned that he was reportedly subjected to various methods of torture and other ill-treatment during this period of incommunicado detention including "environmental manipulation", an interrogation technique approved by US Secretary of Defence Donald Rumsfeld in which the victim suffers extremes of heat and cold using the air-conditioning. Mohamedou Ould Slahi remains detained in Guantánamo.[56]

[53] See also AI, *USA: Who are the Guantánamo detainees? Case Sheet 4 Jamal Mar'i and at least 84 other Yemenis*, (AMR 51/108/2004), June 2004.

[54] CSRT unclassified returns. In another part of the CSRT transcript, he said that he confessed "to the Americans", but it is not entirely clear from the transcript if that was during his time in Jordan or later. Asked by the CSRT to elaborate about the pressure that coerced his confession, he replied that he did not wish to talk about it. Specifically asked if US authorities had abused him, he again replied that he was "not willing to answer this question: I don't have to, if you don't force me to". In documents recently released under the Freedom of Information Act litigation, any references to the circumstances of his time in Jordan are censored out.

[55] According to the leaked military documents referred to in AI's report, *USA: Human Dignity Denied: Torture and accountability in the "War on Terror"*, (AMR 51/145/2004), October 2004, it now seems that the Mohamedou Ould Slahi, detainee number 760, was the detainee longest denied access to the ICRC. The ICRC was also denied access under "military necessity" to UK detainee Moazzam Begg and Abdurhaman Khadr, a Canadian national. Both were later transferred to their home countries and released without charge.

[56] For further information on the treatment of Mohamedou Ould Slahi and others at Guantánamo, see AI, *Memorandum to the US government on the CAT report and closing Guantánamo*, (AMR 51/093/2006), 23 June 2006.

d) Jamil Qasim Saeed Muhammad, Yemeni national: detained in Pakistan, Jordan, now "disappeared"

Jamil Qasim Saeed Muhammad's rendition to Jordan is confirmed by flight records. On 23 October 2001, witnesses saw him being bundled onto a Gulfstream V aeroplane, registration N379P, by a group of masked men at Karachi airport, Pakistan. The plane flew Jamil Qasim Saeed Muhammad to Jordan. The following day, the Gulfstream jet flew to Glasgow Prestwick airport, Scotland, to refuel, then to Dulles International airport near Washington DC, USA. Amnesty International has repeatedly requested information from the US authorities about the current whereabouts and legal status of Jamil Qasim Saeed Muhammad, but has received no reply.[57]

e) Abo al-Hitham Sharqawi, Yemeni national: detained in Afghanistan, Jordan, "black site"

Another Yemeni national, Abo al-Hitham Sharqawi was detained in Afghanistan, transferred to Jordan at a time unknown and later reportedly transferred to one of the CIA "black sites". It is possible, if unlikely given the information known about places of detention, that he is the same as 'Abdul Rahim al-Sharqawi (also known as "Riyadh the facilitator"), who was allegedly a "high value" member of al-Qa'ida reportedly arrested in Pakistan in January 2002. Nothing more is currently known about Abo al-Hitham Sharqawi by Amnesty International, although he is sometimes confused with Sharqawi Abdo 'Ali al-Haj, now 32 years old, who is detained in Guantánamo.

g) Hassan Saleh bin Attash, Yemeni national: detained in Pakistan, Afghanistan, Jordan, Afghanistan, Guantánamo
Abu Otaibi Hadarami: detained in Afghanistan, Jordan, now "disappeared"

Yemeni national Hassan Saleh bin Attash was 17 when he was arrested in September 2002 in Pakistan. After four days in a Karachi prison he was taken to the US-run "Prison of Darkness" in Kabul where, he told his lawyers, he was held and tortured until 19 September 2002. He was then rendered, with another prisoner identified as Abu Otaibi Hadarami and thought to be either a Yemeni or Saudi Arabian national, to Jordan. Abu Otaibi Hadarami was reportedly detained there for at least 12 months, during which time he was repeatedly tortured. Hassan bin Attash was held there for 16 months during which time he was repeatedly tortured, particularly in an area known as "the courtyard," believed to be within the GID detention centre in Wadi Sir, Amman. The methods of torture he suffered during interrogation include being hung upside down, beaten on the soles of his feet, and threatened with electric shocks. His lawyer said that Hassan bin Attash told his interrogators "whatever they wanted to hear". There are reports that Hassan bin Attash was hidden from the ICRC during their visits to the detention centre. In January 2004, he was returned to the so-called Prison of Darkness in Kabul – likely, according to flight records obtained by Amnesty

[57] See AI press release, *UK: CIA rendition flights used UK airfields*, (EUR 45/059/2005), December 2005.

International, via a Boeing 737 (N313P), a plane that has been linked to a series of rendition operations, which flew on 8 January 2004 from Marka military airport in eastern Amman to Khwaja Rawash international airport, Kabul. He was subsequently moved to the US-run prison at Bagram, Afghanistan, before being sent to Guantánamo reportedly either in May or September 2004. His brother, Walid, was arrested in Pakistan in April 2003 and handed over to US authorities. Walid bin Attash is reportedly considered a "high value" detainee and has since "disappeared".

Maher 'Arar
©AI

h) Maher 'Arar, Canadian national of Syrian origin: detained in US, Jordan, Syria

Maher 'Arar is one of the best known victims, or survivors, of the secret rendition programmes. The 34-year-old wireless technology consultant was detained in the US on 26 September 2002 while changing flights on his journey from Tunisia back home to Canada. He was then flown via other US airports to Jordan on 8 October 2002. He was held about 10 hours in Jordan then driven across the border to Syria, where he was tortured and otherwise ill-treated while held for 10 months and 10 days in incommunicado detention in a tiny, unlit basement cell that he referred to as "a grave", before being released without charge.[58] According to the Commission of Inquiry subsequently established in Canada to look into his case his experience in Jordan was as follows:

> *"Mr 'Arar arrived in Jordan in the middle of the night. While being transported to a detention centre, his Jordanian guards apparently hit him repeatedly on the back of the head. Mr 'Arar was blindfolded. He had not slept since he left New York. He was brought into a room and his blindfold was taken off. He was asked some routine questions and then blindfolded again and taken to a cell. He could not sleep for fear. The next morning he was taken to a doctor who asked if he had any chronic diseases or conditions. Then he was taken to an interrogation room and asked more routine questions before being told what he already knew: 'You are clear you are going to Syria.' That same day he was bundled into a car or van. Being blindfolded again, he was not sure exactly what was happening. He was told by one guard that he was going back to Montreal, and he was desperate to believe*

[58] See, inter alia, AI Urgent Action UA 314/02 (AMR 51/159/2002, 21 October 2002) and six follow-ups; and *USA/Jordan/Yemen: Torture and secret detention: Testimony of the 'disappeared' in the 'war on terror'*, (AMR 51/108/2005), August 2005.

him. Instead, he was transferred twice into other vehicles. He was driven fast over bad roads; from time-to-time, he was struck by one of his guards".[59]

The exact location of his detention in Jordan and the identity of the security force and officers who held and beat him there have never been ascertained.

i) Salah Nasser Salim 'Ali Qaru and Muhammad Faraj Ahmed Bashmilah, Yemeni nationals detained in Indonesia, Jordan, possibly Afghanistan, "black site", Yemen

Salah 'Ali Qaru and Muhammad Bashmilah are friends from Aden, Yemen, who were both living in Indonesia during 2003.

Salah Nasser Salim 'Ali Qaru
©AI

Salah 'Ali Qaru, aged 27, was arrested in Indonesia in August 2003 and held for three-and-a-half weeks before being transferred to Jordan. He told Amnesty International that he was taken off the plane at Amman, thinking he was on his way back to Yemen, and questioned by Jordanian intelligence officers. They asked him about Afghanistan, a country he said he had visited. He was taken into custody, he believes at the GID, and interrogated about *'jihad* in Afghanistan". He says that he was routinely beaten, including with sticks, by Jordanian officials who were dressed in military uniforms; he was spat upon; verbally abused; threatened with sexual abuse and electric shocks; suspended upside-down from the ceiling and subjected to *falaqa;* forced to walk like an animal on his hands and feet, and when he refused they stretched him out on the floor and walked on him, putting their shoes in his mouth; he had cigarettes stubbed out on his arm; and he was forced to stand throughout the night while being interrogated. Sometimes his interrogators held plates of food near his face while they ate, although he was not fed himself. Often he could not lift his legs because of the pain caused by his torture and today, nearly three years later, Salah 'Ali Qaru continues to suffer physically, being unable to walk long distances or carry heavy loads. His detention and torture in Jordan lasted for about 10 days, following which Jordanian guards hooded and shackled him, stuffed foam into his ears and drove him to an airstrip from which he was then flown out of Jordan to another place of detention.

[59] http://www.ararcommission.ca/eng/17.htm for the Report of Stephen J. Toope, Factfinder, 14 October 2005 and http://www.maherarar.ca/mahers%20story.php for Maher 'Arar's own account.

Muhammad Faraj Ahmed Bashmilah
©AI

Muhammad Bashmilah, aged 38, was arrested in Indonesia in early September 2003, detained for one-and-a-half months and told he would be deported. He was flying to Yemen via Amman airport, where Jordanian immigration authorities took his passport and told him to collect it later. On his fourth visit to retrieve his passport, on 19 October 2003, he was asked if he had ever been to Afghanistan. He said yes, was handcuffed, and taken via a visit to his hotel to an underground cell at the GID. When Amnesty International last spoke with Muhammad Bashmilah in late May 2006, he said it would still be too upsetting to describe the treatment he received in Jordanian custody. However, he said that it could be categorised as "severe torture, not just ill-treatment" and requested that Amnesty International take the details of the torture from his friend Salah 'Ali Qaru. On a previous occasion, a prison official in Yemen told Amnesty International that he believed Muhammad Bashmilah had been tortured even more severely than Salah 'Ali Qaru.

The two men were secretly and possibly separately flown out of Jordan in October 2003 to a secret detention centre, which they understood to be in Afghanistan and where they believe that all of their guards and interrogators were from the US. They were held there until April 2004, when they were once more secretly transferred by both aeroplane and helicopter to another secret detention centre or CIA "black site", which information suggests may have been in Eastern Europe. There they were detained incommunicado and interrogated by guards they say came from the US, before being flown, on or around 5 May 2005, to Yemen where they were detained until their release on the night of 28/29 March 2006.

On 24 May 2006, the Indonesian wife of Muhammad Bashmilah was able to join her husband in Yemen, although until now the wife of Salah 'Ali Qaru has not been able to join him.

The GID have denied all claims relating to the torture and other ill-treatment and transfer of Muhammad Bashmilah and Salah 'Ali Qaru, stating on 31 August 2005 that the two men were never detained at the GID detention centre but rather "they were merely deported for exceeding their residence permit, and left to Iraq."[60]

[60] Bashmilah and Qaru have described more of their experiences in previous meetings with AI that are covered in the reports *USA/Jordan/Yemen: Torture and secret detention: Testimony of the*

k) Muhammad Zaki Amawi: dual US/Jordanian national: Rendition to the USA; detained in Jordan and USA

According to Amnesty International's information, on 19 February 2006, Muhammad Zaki Amawi, a dual Jordanian/US national, was removed involuntarily from Jordan, where he had been living with his family for several months, to the USA. Muhammad Amawi was reportedly called in and interviewed by the GID three times prior to his removal, on 5, 13 and finally on 19 February 2006. The final interview began at 8.30 am on 19 February while Muhammad Amawi's father, who had accompanied him to the appointment, remained in the GID waiting room. However, when Muhammad Amawi had not reappeared six hours later and his father asked about his whereabouts, GID staff present reportedly denied all knowledge of him and denied any knowledge too of the GID officer who had taken Muhammad Amawi for questioning. The same evening, we are informed, a force of 11 men, two of whom were wearing police uniforms while the others were in plain clothes, took Muhammad Amawi to the family home in Irbid, about 90 km north of Amman, and searched it, apparently without producing a warrant. They reportedly confiscated some equipment, including two computers and some CDs, before departing together with Muhammad Amawi, who remained in their custody. Although Muhammad Amawi's father telephoned the GID for information on his son a number of times over the next three days, he was repeatedly told by GID staff that they had no record of him. The family next received information about Muhammad Amawi some three days later, when they learnt that he was already in the USA and was being held in custody there, charged with conspiring to commit acts of terrorism, conspiring to provide material support to terrorists and distributing information regarding explosives and making threats against US President George W. Bush.

Amnesty International wrote raising its concerns with the Jordanian authorities in March 2006 regarding the apparent absence of appropriate legal procedures in the arrest, detention and transfer to the USA of Muhammad Amawi, but by early July 2006 had not received a response.

j) "High value" detainees

According to media reports, a number of "high value" detainees have been held in Jordan. All have reportedly been subjected to severe torture:

- **Abu Zubaydah**, Palestinian, was arrested in Pakistan in March 2002 and transferred to US control at an unknown location;
- **Ramzi bin al-Shibh**, Yemeni national, was arrested in September 2002 in Karachi, Pakistan;
- **Khaled Sheikh Muhammad**, Kuwaiti national, was arrested in Pakistan in March 2003 or earlier (possibly with Ramzi bin al-Shibh), transferred to the US-run

"disappeared" in the "war on terror", (AMR 51/108/2005), August 2005; *USA/Yemen: Secret detention in CIA "black sites"*, (AMR 51/177/2005), November 2005; *USA: Below the radar – Secret flights to torture and "disappearance"*, (AMR 51/051/2006), April 2006.

detention and interrogation centre at Bagram, Afghanistan, and later to an unconfirmed location reported to be in Jordan. He has reportedly been subjected to various torture methods including "waterboarding," whereby the victim is nearly killed by drowning;

- **Riduan Isamuddin**, Indonesian national, also known as Hambali, was arrested in Thailand in August 2003 and handed over to US-control and detained at an unknown location;
- **Ibn al-Sheikh al-Libi**, Libyan national, was arrested in Pakistan in late 2001 or early 2002. He was reportedly transferred to US custody in Kandahar, Afghanistan, then held on a US military boat, then transferred to Cairo, Egypt;
- **Abdul Rahim al-Nashiri**, Saudi Arabian or Yemeni national, was arrested in the United Arab Emirates (UAE) in October or November 2002, transferred to US custody in Afghanistan and then to an undisclosed country.

Amnesty International does not know whether any of the above named so-called high value detainees are currently detained in Jordan; if they are, Amnesty International calls on the Jordanian authorities immediately to make this known publicly and to state where such detainees are held, to disclose their current legal status and to provide assurances regarding their treatment and conditions in detention.

6.2 Jordan's Memorandum of Understanding (MOU) with the United Kingdom: a public acknowledgment of torture in Jordan

In a further angle to the growing phenomenon of security or terror suspects being deported to other states in proceedings falling foul of international standards, on 10 August 2005 the Jordanian authorities signed an MOU with the UK government. The MOU purportedly guarantees, by way of "diplomatic assurances", that certain individuals of Jordanian nationality would not be tortured or otherwise ill-treated if they should be forcibly removed to Jordan by the UK authorities. This was the first of a number of such MOUs to be negotiated between the UK and governments in the Middle East and North Africa; subsequently, the UK signed similar agreements with Libya and Lebanon and was seeking such an agreement with Algeria and possibly other states. The MOU between Jordan and the UK provides for independent monitoring of the cases of individuals who are returned by the UK to Jordan under the terms of the agreement, and in February 2006 the Jordanian non-governmental human rights organisation, the Adaleh Centre for Human Rights Studies[61], agreed to

[61] Adaleh received funding from the UK government apparently in relation to its monitoring, amounting to £67,000 as of May 2006. As post-return monitoring body it would report back only to the sending country, the UK, and there are currently no provisions for publicizing its observations nor for actions to be taken in event of any breaches of the MOU.

undertake this monitoring role after certain other Jordanian organizations, notably the NCHR, had declined to do so.

By its very nature the MOU amounts to a public acknowledgment by the UK government that there is a serious risk of torture or other ill-treatment in Jordan. Amnesty International has expressed concern to the UK government that reliance, in these circumstances, on the MOU would violate its obligations under international human rights law[62]. Given that Jordan has failed, to date, to observe the absolute prohibition of torture or other ill-treatment contained in binding international treaties which it has ratified, it is entirely inappropriate to place reliance on mere bilateral diplomatic understandings which are unenforceable under international law and, in the case of breach, would leave the individual whose rights were violated without any effective remedy.

Post-return monitoring of the treatment of individual detainees cannot replace the requirements of international law that systemic safeguards at legislative, judicial, and administrative levels be implemented on a state-wide basis in order to eradicate torture and other ill-treatment. Even where carried out by a professional and dedicated organization, visits to places of detention, while constituting a crucial element in the prevention of torture and other ill-treatment, are far from being sufficient on their own to prevent them. The ICRC's experience in Iraq and Guantánamo Bay, where torture and other ill-treatment were inflicted extensively even though the ICRC was conducting regular visits, monitoring abuse and protesting consistently, are a stark recent example. It should be noted that the ICRC itself has never claimed that visits by its staff to places of detention are all that is needed to safeguard against torture and other ill-treatment, and have refused to take part in monitoring procedures established under "diplomatic assurances".

7. PROLONGED DETENTION WITHOUT CHARGE OR PROSPECT OF TRIAL OF ALLEGED "ISLAMIST" DETAINEES

Amnesty International has information about several cases in which individuals, apparently on account of their Islamist beliefs or connections, have been subjected to prolonged periods of detention without trial. The legal basis, if any, for these detentions is often unclear. However, the Law on Crime Prevention of 1954, under the Code of Criminal Procedures, empowers provincial governors to authorise the detention without charge or trial of anyone suspected of committing a crime "or any other person deemed to be a danger to society" for a period of one year, which may then be renewed indefinitely. The UN Human Rights Committee expressed concern about such powers of administrative detention in 1994[63] but

[62] See for example AI report, *United Kingdom: Human rights: a broken promise*, (EUR 45/004/2006), February 2006.

[63] The UN Human Rights Committee, in 1994, commenting on Jordan's Third Periodic Report on its implementation of the ICCPR stressed that "[c]ases of administrative detention … long periods of pre-

Amnesty International is not aware of any steps taken by the Jordanian government since then to address these concerns and to bring Jordanian law and practice into accordance with Article 9 of the ICCPR, which prohibits arbitrary detention. Specifically, Article 9(4)provides that: *"[a]nyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful."* The Law on Crime Prevention appears primarily to be used against ordinary criminal suspects, however, and it is unclear to Amnesty International whether it or other legislation is used as a basis for the administrative detention also of political suspects

a) Brothers, Muhammad and Abdu L held without charge for five months.

These two brothers, respectively aged 33 and 29, whose names have been changed to protect their security, were detained without charge or trial for five months, apparently as suspected "Islamists" after they were returned to Jordan from other countries in late 2004. They were detained throughout at the GID detention centre in Wadi Sir, Amman.

Muhammad L was reportedly returned to Jordan around 10 November 2005 from Syria, where he had been detained for more than a year at the Syrian Military Intelligence Palestine Branch (*Far' Filistin*). He was collected from Syrian security forces by Jordanian soldiers at the border and handed over to the GID. Prior to his arrest in Syria, Muhammad L was said to have been working between Syria and Jordan selling books and stationery.

He was denied all contact with the outside world, including his family, for the first 10 days while he was interrogated at the GID. Subsequently, he was permitted to receive short weekly visits from his family but prohibited from disclosing any information about conditions of his detention, and a GID guard was always present to enforce this; he was instructed to speak in a loud voice so that the conversation could be monitored and if he did make any remark about his detention, the guard stopped him. On one occasion, a visiting close relative asked him about deep scratch marks that were visible on his forehead only for him to respond "forget it". Muhammad L was eventually released, without any charges having been brought against him, on 25 April 2006.

Abdu L was reportedly living in Rusaiyfa, near Zarqa, with his wife and two children, until around October 2004 when around 10 plain-clothed GID officers visited his home at midnight. He was absent but when he learnt of the visit, became frightened and fled to Syria where he stayed with his brother, Muhammad, for one or two weeks. However, when Muhammad was arrested in Syria, Abdu L travelled by air from Damascus to Dubai, where he stayed for about six months working in a bookshop although, as a qualified teacher, he also

trial detention without charges … [were] matters of great concern." See UN Doc. A/49/40 vol. 1 (1994), para. 234.

hoped to find a teaching job. He was arrested, apparently by intelligence officers of the UAE, while at work, around September 2005, and was informed that his arrest was made at the request of the Jordanian authorities. He was detained in Abu Dhabi for three months and then forcibly returned to Jordan on or around 11 November 2005. According to information, the Jordanian authorities requested his arrest and subsequent hand-over on account of him being a suspected "Islamist". On arrival at Amman airport, he was taken to the GID detention centre where he was held incommunicado for seven days. His family were later allowed to visit him and he too was released without charge on 25 April 2006.

b) Sheikh Abu Muhammad al-Maqdisi

Sheikh al-Maqdisi
© Private

Sheikh Abu Muhammad al-Maqdisi, also known as 'Isam al-Barqawi, was acquitted by SSC on terrorism-related charges in December 2004. Eleven other defendants tried in the same case were reportedly convicted and sentenced to prison terms ranging from seven to 15 years. Despite his acquittal by the SSC, Sheikh al-Maqdisi continued to be detained apparently without further charges being brought against him, for over six months, until his short-lived release at the end of June 2005. He was rearrested around 5 July 2005 following media interviews he gave in which he expressed opinions on methods of "resistance" in Iraq, including his reservations about indiscriminate suicide bomb attacks in which civilians have been killed. The government announced that he was arrested on suspicion of contacting terrorist groups.

By early July 2006, Sheikh al-Maqdisi remained held at the GID detention centre in Amman, where he was reportedly allowed family visits. He is not reported to have been tortured. However, his current legal status is unclear, although he was said to have appeared before the SSC public prosecutor on 18 July 2005 and possibly to have been charged with involvement in and conspiracy to commit terrorist acts. He is believed to have been denied access to legal counsel since the time of his arrest and to have complained to his family that he requested legal representation when he appeared for questioning before the public prosecutor, but that the latter refused this request.

8. THE TREATMENT OF "ISLAMIST" POLITICAL PRISONERS AND DETAINEES

Political prisoners and detainees who are awaiting trial before the SSC or have been convicted by the SSC on terrorism-related charges are generally held together in *Tanzimat*, or group, wings in various prisons. Since March 2006 there have been two serious incidents of disturbances concerning these wings in Swaqa, Jweideh and Qafqafa prisons and allegations continue to be made by the families of the prisoners and detainees that they are subjected to harsh treatment and conditions. The first of these incidents occurred on 1 March 2006, in the political wings of Swaqa and Jweideh prisons when inmates tried to prevent the removal, reportedly by scores of security officials, of Salem Sa'ad Bin Sweid and Yasser Fathi Ibrahim Freihat (see Chapter 5). The two men, who were later executed on 11 March, were under sentence of death and their co-inmates feared they were being taken for execution. It was also reported that inmates were protesting the detention of Sajida Mubarak Atrous al-Rishawi in Jweideh prison, an Iraqi national currently on trial before the SSC in connection with the suicide bomb attacks in November 2005. Apparently some 13 prison officials were taken hostage and released after several hours. Several inmates and officials were said to have been injured in the clashes.

On 1 March the Prime Minister reportedly announced that an investigation would be launched, headed by the Ministry of Justice and including the deputy director and legal advisor of the PSD, into the events at Jweideh prison. Amnesty International is not aware at the time of writing of the outcome of this investigation.

Prior to this incident, between October and December 2005, the Liberties Committee had conducted visits to six prisons, including Jweideh, Swaqa, Qafqafa and al-Jafr. According to the Committee, they were given unrestricted access in all cases except when at Swaqa and Jweideh prisons they were unable to meet individual detainees privately. During their visits they made an assessment of the treatment of prisoners and detainees and the conditions in the prisons in accordance with international standards for the treatment of prisoners, and domestic legal requirements.

According to the report of the Liberties Committee, published on 12 April 2006, the disturbances on 1 March arose:

> *"…as a result of a general feeling of extreme anger and frustration by the* [political] *prisoners at their ill treatment during interrogation at the General Intelligence Department, and unfair sentences by the SSC, and most recently the removal of the two prisoners sentenced to death for the murder of the U.S. Diplomat,* [Laurence] *Foley, Yasser Freihat and Salem Sa'ad Bin Sweid, from the wing for what the groups considered to be an unfair sentence."*

The Committee reported that Islamist political prisoners and detainees complained that they had been tortured in pre-trial detention while held incommunicado by the GID. The Committee wrote,

> *"… There is a collective complaint from the inmates of the Tanzimat 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 courtyard 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."*[64]

The Committee said it had received few reports of beatings of inmates in the prisons although conditions in the prisons were often very inadequate. It found conditions at al-Jafr prison particularly bad both in terms of the state of the building and also because *"[i]nmates complained of general beating and insults and of being asked to kiss the ground of the prison* [and] *… to take off their clothes and have cold water poured over them"*. The Committee's representatives also reported seeing shackles in the courtyard used for *"restraining the inmates"* and noted that *"[s]ome officers accompanying the committee admitted to use of the practise."* The Liberties Committee have called for the closure of this prison as did the NCHR during November 2005.

On 13 April 2006, one day after the publication of the Liberties Committee report, a large force of armed anti-terrorist police reportedly entered cells at Qafqafa prison at dawn as the inmates were finishing their prayers. The authorities say they were searching for drugs and weapons but inmates and their families assert it was an operation to remove two inmates. One prisoner, Khaled Fawzi 'Ali Bishtawi, died following the police intervention, reportedly 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 inmates, and news reports based on a mobile phone call from a prisoner reported to be Abdul Shehadeh Hamid Tahawi, say the police fired shots injuring a number of inmates and beat them. For their part, inmates reportedly took two police officers hostage. Tens of prisoners, detainees and security officials were said to have been injured. According to the families of the inmates, their relatives were subjected to excessive force at the hands of the security forces who they say threw tear gas canisters and fired rubber and live bullets at the men. According to a report from relatives, Abdul Shehadeh Hamid Tahawi was beaten after the disturbances and his phone call to the press. Following this, all political prisoners and detainees in Qafqafa prison were apparently moved to Swaqa or Jweideh prisons.

According to reports a group of political prisoners and detainees in Swaqa began a rolling hunger strike on 5 June which ended on 25 June. The strike was in protest at their conditions including for being confined to their cells except for one hour a week when they are permitted fresh air and for being made to sleep on concrete beds. The inmates were all also demanding that they be allowed reading and writing materials and access to television and radio. Those who were transferred from Qafqafa prison also reportedly complained that

[64] link to Professional Association's website from where the report is available in Arabic: http://www.naqabat.org/site/index.html

money, medication and spectacles, which were confiscated from them when they were moved, have not been returned. According to their families some of them have been beaten by the prison authorities after they complained about their conditions.

Families of the political prisoners and detainees, the Liberties Committee and the Arab Organisation for Human Rights in Jordan (AOHR-J) have continued to express their concern about the conditions and treatment of the political prisoners and detainees. On 21 March, the NCHR attempted to visit Swaqa prisoners but were informed by the prison authorities that the inmates did not wish to see them and were, therefore, unable to gather information as to the current conditions in the prison and the treatment of the prisoners. However, they were permitted to visit prisoners on 29 May but Amnesty International was unable to obtain any details of their findings. The ICRC reportedly visited the inmates over three days between 26 and 28 June. In addition, the Liberties Committee have raised the issue with the Public Security Directorate and reportedly on 23 June 2006, the Director of the PSD visited Swaqa prison in response to the persistent complaints raised by the inmates, their families and members of civil society organisations.

At the close of his visit to Jordan at the end of June 2006, the UN Special Rapporteur on torture highlighted *"allegations of beatings and corporal punishment* [which] *had been received* [during his visit] *in relation to Swaqa and Jweideh prisons. Upon visiting the Al-Jafr Rehabilitation Centre in the south east of the country, it was apparent this notion of rehabilitation was stretched to the extreme. In fact the centre could only be described as a punishment centre, where detainees are routinely beaten, and subjected to corporal punishment, amounting to torture. The isolation and harshness of the desert environment compounds the already severe conditions of the prisoners there."*

9. RECOMMENDATIONS

Recommendations to the Jordanian authorities

Regarding torture and other ill-treatment

- Officially and publicly condemn all acts of torture and other ill-treatment, and declare that any official committing, ordering, instigating, consenting or acquiescing to such acts will be prosecuted;
- Make incommunicado detention illegal, as called for by the UN Special Rapporteur on torture, and ensure that all prisoners are promptly brought before an independent judicial authority after being taken into custody. Detainees should have prompt access to relatives, lawyers and doctors regularly thereafter;
- Adopt measures to ensure the prevention and ultimate eradication of torture including:
    - putting an end to all secret detention. This should include making publicly available the names of detainees held at the GID, al-Jafr prison

and all other detention and interrogation centres, in addition to other relevant information concerning the legal bases for their arrests and ongoing detention;

- amending the draft Prevention of Terrorism Law so as to meet international human rights standards;
- establishing a system of regular, unannounced and unrestricted visits by independent national bodies to all places of detention and their facilities in order to monitor the treatment of detainees and their conditions of detention;
- ratifying the Optional Protocol to the Convention against Torture, which came into force on 22 June 2006 and requires that independent international experts conduct regular visits to places of detention to assess conditions of detention and treatment of those detained; and requires states parties to establish a national mechanism to conduct visits to places of detention.

- Establish an independent body to promptly investigate all complaints and reports of torture or other ill-treatment and to make its findings public;
- Prohibit the use of statements and "confessions" extracted under torture as evidence in trials or legal proceedings (except against a person accused of committing torture);
- Bring to justice anyone suspected of having committed acts of torture or other ill-treatment in proceedings which meet international standards of fairness and openness;
- Set up training procedures for all officials involved in the custody, interrogation or treatment of prisoners to familiarise them with international requirements of humane treatment and their implementation, including making clear that torture and other ill-treatment are criminal acts and that they are obliged to disobey any order to torture;
- Ensure that all victims of torture and their families obtain financial compensation and that victims are provided with appropriate medical care and rehabilitation;
- Ensure, with emphasis on the GID, that detention and interrogation functions are separated and that the supervision of any detention centre will be effectively carried out by officials who are not in charge of the detention centres themselves;
- Establish a moratorium on executions pending total abolition of the death penalty.

Regarding unfair trials and independence and impartiality of courts

- Ensure that detainees are brought before an independent judicial authority separate from the security forces promptly after arrest, and release them if no

serious and recognizably criminal charges are brought against them;

- Ensure that detainees who are charged with a recognizably criminal offence are tried within a reasonable period of time in proceedings which conform to international standards of fair trial and with no possibility of the death penalty;
- Amend the mandate, jurisdiction and procedures of the State Security Court to bring it into line with international fair trial standards, or abolish it and allow the ordinary judiciary, with adequate resources, to recover full criminal jurisdiction.

Regarding prisons

- Carry out a full, fair and independent investigation into the recent disturbances in its prisons. It should make public its findings including into the death of Khaled Fawzi 'Ali Bishtawi at Qafqafa prison on 13 April, and bring to justice anyone found to be responsible in proceedings which meet international standards for fair trial;
- Ensure that conditions of detention conform with international standards, in particular the UN Minimum Standard Rules for the Treatment of Prisoners and UN Body of Principles for the Protection of All Persons Under Any Form of Detention.

Regarding Renditions

- Make public the names of individuals transferred into Jordanian custody from US custody, or via the assistance of US or other intelligence and security services, and vice versa. The dates and locations of the individuals' detention in Jordan should be provided, as well as the legal basis for their detention;
- Do not render or otherwise transfer to the custody of another state anyone suspected or accused of security offences unless the transfer is carried out under judicial supervision and in full observance of due legal process;
- Ensure that anyone subject to transfer has the right to challenge its legality before an independent tribunal, and that they have access to an independent lawyer and an effective right of appeal;
- Do not receive into custody anyone suspected or accused of security offences unless the transfer is carried out under judicial supervision and in full observance of due legal process;
- Make publicly available information on the numbers, nationalities and current whereabouts of all terror suspects rendered, extradited or otherwise transferred into custody from abroad. Full personal details should be

promptly supplied to the families and lawyers of the detainees, and to the ICRC;

- Bring all such detainees before a judicial authority within 24 hours of entry into custody;
- Ensure that detainees have prompt access to legal counsel and to family members, and that lawyers and family members are kept informed of the detainee's whereabouts;
- Ensure that detainees who are not nationals of the detaining country have access to diplomatic or other representatives of their country of nationality or former habitual residence.

Regarding MOUs

- Cancel the MOU with the UK and refrain from participating in any other "diplomatic assurances" or similar bilateral agreements to justify renditions or any other form of involuntary transfers of individuals to countries where there is a risk of torture or other ill-treatment;
- Introduce and implement comprehensive strategies and mechanisms to eradicate torture and other ill-treatment and ensure fair trials for all detainees, in all places of detention, in line with Jordan's obligations under international treaties to which it is a state party, rather than entering into bilateral agreements aimed at protecting a very small number of detainees.