



# **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

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## **Committee against Torture**

### **List of issues prior to the submission of the third periodic report of Jordan,<sup>1</sup> adopted by the Committee at its forty- ninth session (29 October-23 November 2012)**

#### **Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations**

##### **Articles 1 and 4**

1. In the light of the Committee's previous concluding observations (CAT/C/JOR/CO/3),<sup>2</sup> please provide detailed information on legal reforms undertaken to bring the definition of torture in line with article 1 of the Convention, to amend its Penal Code to increase the penalties as appropriate to the gravity of the acts, in line with article 4, and to review its rules and provisions on the statute of limitations so that acts of torture, attempts to commit torture, and acts which constitute complicity or participation in torture can be investigated, prosecuted and punished without time limitations (para. 9).

2. Referring to the Committee's previous concluding observations (para. 7), please provide examples of when the Convention was invoked in decisions by domestic courts.

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<sup>1</sup> The present list of issues was adopted by the Committee at its forty-ninth session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

<sup>2</sup> Unless otherwise indicated, paragraph numbers in brackets refer to the previous concluding observations adopted by the Committee, published under symbol CAT/C/JOR/CO/2.

**Article 2<sup>3</sup>**

3. With regard to article 2 of the Convention and in the light of the concluding observations of the Committee and those of the Human Rights Committee (CCPR/C/JOR/CO/4, para. 9), please provide information on steps taken by the State party to ensure that all detained persons are afforded, in law and in practice, fundamental safeguards from the very outset of detention (paras. 12 and 27). In this regard, please provide information on measures taken to effectively monitor the implementation of these safeguards:

- (a) That detainees are informed of their rights at the time of detention, including about the charges laid against them;
- (b) Prompt access to independent legal counsel and an independent medical examination;
- (c) That the family of persons who are detained are duly informed;
- (d) That suspects appear expeditiously before a judge;
- (e) That “lawyers’ rooms” in detention facilities provide for the confidentiality of client-lawyer consultations.

4. In the light of the concluding observations of the Committee (para. 13) and those of the Human Rights Committee (CCPR/C/JOR/CO/4, para. 11), please provide information on:

- (a) Steps taken by the State party to abolish the practice of administrative detention allegedly widely used by provincial governors;
- (b) Whether the State party intends to amend its 1954 Crime Prevention Act and its Code of Criminal Procedure with a view to bringing them in line with international human rights standards and its obligations under the Convention.

5. In the light of the previous concluding observations of the Committee (paras. 11 and 14) and those of the Human Rights Committee (CCPR/C/JOR/CO/4, paras. 9 and 12), please provide information on steps taken to guarantee the full independence of investigative bodies tasked to review individual complaints about misconduct committed by security officials (para. 11). Please also report on steps which have been undertaken, in the context of a wider reform of the justice system, to replace the special court system – including the State Security Court, the Special Police Court and the Military Tribunal of the General Intelligence Directorate – by a system which is in full conformity with the provisions of the Convention and international standards for courts of law, including in relation to the independence of the judiciary and guarantees of fair trial.

6. In the light of the Committee’s previous concluding observations (paras. 18-20) as well as those of the Human Rights Committee (CCPR/C/JOR/CO/4, para. 8) and the

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<sup>3</sup> The issues raised under article 2 could imply also different articles of the Convention, including but not limited to article 16. As stated in the Committee’s general comment No. 2 (2008), para. 3, “the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter “ill-treatment”) under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. [...] In practice, the definitional threshold between ill-treatment and torture is often not clear.” See further chapter V of the same general comment.

Committee on the Elimination of Discrimination against Women (CEDAW/C/JOR/CO/5, paras. 25-28) please provide information on the following:<sup>4</sup>

(a) Measures taken to ensure that all allegations of domestic violence, especially against women and girls, are promptly, impartially and effectively investigated and that the perpetrators are prosecuted and punished with penalties appropriate to the severity of their crimes. Please also provide information on the number of complaints, investigations, prosecutions and convictions (including the type and, if applicable, length of sanctions);

(b) Measures taken to ensure that protection measures are put in place for violations against women and girls in the context of domestic violence, including providing shelters and counselling services in sufficient numbers and with adequate standards, as well as training on domestic violence for officials (judges, prosecutors and the police). Please also inform the Committee about measures taken to encourage awareness-raising about and reporting of cases of domestic violence by victims;

(c) Whether the State party has taken steps to replace the practice of “protective custody” with other measures that ensure the protection of women without jeopardising their liberty.<sup>5</sup>

7. With reference to the Committee’s previous concluding observations (paras. 18-19), as well as those of the Committee on the Elimination of Discrimination against Women (CEDAW/C/JOR/CO/5, paras. 25-28), please provide information on the status of the law on domestic violence, crimes committed in the name of honour, rape and violence against women. In particular:

(a) Whether the State party has amended applicable provisions of the Penal Code to ensure that perpetrators of “honour” crimes do not benefit from a reduction of penalty under article 340; that perpetrators of premeditated “honour” killings do not benefit from a reduction of penalty under article 98; and that article 99 is not applicable to “honour” crimes or other cases where the victims is related to the perpetrator;<sup>6</sup>

(b) Whether the State party has taken action to withdraw the exculpatory provision in article 308 of the Penal Code and to ensure that a rapist does not escape punishment by marrying his victim;

(c) Explain whether the 2008 Domestic Violence Protection Act covers violence against women in all settings, including a definition of violence and grounds for the prevention of violence and protection of women.

8. With respect to the Committee’s previous concluding observations (para. 31), please inform the Committee whether measures have been taken to counter the violence against and abuse of migrant workers, especially women, to ensure their right to lodge complaints, that such cases are reviewed and adjudicated in a prompt and impartial manner by a competent oversight mechanism and that those who abuse migrant domestic workers are brought to justice. Please also indicate what steps the State party has taken to ensure regular inspection visits to migrants workplaces and dormitories.<sup>7</sup>

9. Please provide information on the number of complaints, investigations, prosecutions and convictions (including the type and, if applicable, length of sanctions) in cases of human trafficking, disaggregated by sex, age, ethnicity (or origin of victims) (para.

<sup>4</sup> Also see Report of the Special Rapporteur on violence against women, its causes and consequences, following her mission to Jordan (A/HRC/20/16/Add.1, para. 12 et seq.).

<sup>5</sup> Ibid., para. 27.

<sup>6</sup> Ibid., paras. 23 et seq.

<sup>7</sup> CEDAW/C/JOR/CO/5, paras. 43-44, and A/HRC/20/16/Add.1, para. 29, et seq.

22).<sup>8</sup> Please provide details on the measures taken to provide access to medical, social, rehabilitative and legal services, including counselling services and shelters, for victims of trafficking. Please also indicate if there are any new training programmes for law enforcement officials, migration officials and border police on the causes, consequences and incidence of human trafficking and to address the low reporting rate.

10. In the light of the Committee's concluding observations (para. 26), please comment on the current state of the programme for juvenile justice reform. In particular, please provide information on measures taken to ensure the following:<sup>9</sup>

(a) That the minimum age of criminal responsibility be brought in line with international standards;

(b) To implement a comprehensive system of alternative measures to ensure that deprivation of liberty for juveniles be used only as a measure of last resort, for the shortest possible time and in appropriate conditions;

(c) That juveniles be tried before juvenile courts.

11. In light of the Committee's previous concluding observations (para. 10) please provide information on efforts taken to amend the State party's legislation in order to explicitly provide that an order from a superior officer or a public authority may not be invoked as a justification of torture.

12. Please provide information in relation to the alleged use of excessive force by the security forces during demonstrations on 24 and 25 March 2011 which led to the death of Khayri Sa'id Jamil.

13. Please also comment on allegations that, following their arrest at a demonstration that turned violent in Zarqa on April 15 2011, more than 100 demonstrators were severely beaten by security forces while in custody.

14. Please inform the Committee about the outcome of investigations and prosecutions in relation to alleged excessive use of force by officers of the Public Security Directorate on 15 July 2011 during a demonstration in Al-Nakeel Square in Amman.

### **Article 3**

15. Please provide data referring to the reporting period and disaggregated by age, sex and ethnicity on the following:

(a) The number of asylum applications registered;

(b) The number of applicants in detention;

(c) The number of applicants whose applications for asylum have been accepted;

(d) The number of applications for asylum submitted and those accepted on grounds that the applicants had been tortured or might be tortured if returned to their country of origin;

(e) The number of cases of refoulement or expulsion;

(f) The number of cases of non-return on the ground that the person may be subjected to torture.

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<sup>8</sup> Also see CEDAW/C/JOR/CO/5, paras. 29-30.

<sup>9</sup> United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted by General Assembly resolution 45/113 of 14 December 1990.

- (g) The number of requests for extradition received and their outcome.

16. Please indicate if, since the consideration of the previous report, “diplomatic assurances” or the equivalent thereof have been offered to or accepted by the State Party with regard to extradition of persons to third countries where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. If so, please provide detailed information on the following:

- (a) The procedures in place for obtaining diplomatic assurances;
- (b) Steps taken to establish an appropriate mechanism for reviewing diplomatic assurances in any applicable case;
- (c) Steps taken to guarantee effective post-return monitoring arrangements;
- (d) Assurances that have not been honoured and any appropriate actions taken in such cases by the State party.

17. In particular, please provide information on the outcome of the intended deportation – in May 2012 – of nine detained Eritrean refugees, including a 7-year-old girl, to Yemen as it is alleged that there are substantial grounds for believing that they would be in danger of being subjected to torture following their possible deportation by Yemen for prosecution in Eritrea.

18. In the light of the Committee’s concluding observations (para. 23), please provide information on measures taken:

- (a) To adopt legislative provisions explicitly prohibiting the expulsion, refoulement or extradition of a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture thereby implementing article 3 of the Convention into domestic law;
- (b) To establish an independent investigation to review and follow-up on allegations of the State party’s involvement in “extraordinary renditions”.

#### **Articles 5, 6, 7, 8 and 9**

19. Please provide information on any mechanisms or agreements of judicial cooperation with another State or regional organization and whether these have led to any cases of expulsion or return to any State or requests for extradition, including of an individual suspected of having committed torture or ill-treatment. Please also indicate whether the State party has rejected, for any reason, any such extradition request and has started its own prosecution as a result. If so, please provide information on the status and outcome of such proceedings.

#### **Article 10**

20. In the light of the Committee’s concluding observations (para 28), please provide information on what measures have been taken:

- (a) To ensure that all relevant personnel involved with detainees, including officials dealing with the investigation and documentation of cases of torture, receive specific training on how to identify signs of torture and ill-treatment, on the basis of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1999) (the Istanbul Protocol);
- (b) To develop and implement a methodology to regularly assess the effectiveness of such training provided to law enforcement officials on the reduction of cases of torture, violence and ill-treatment;

(c) Include information on all provisions of the Convention, especially on the absolute prohibition on torture, in the training modules on rules, instructions and methods of interrogation.

#### **Article 11**

21. Please provide statistics, disaggregated by type of offence, ethnic origin, age and sex, on the number of persons held in pretrial detention and convicted prisoners. Please also provide statistics on the number of prisoners serving life sentences.

22. Please indicate whether it is ensured that persons in pretrial detention are separated from those having been convicted, whether minors are not detained together with adults, and whether women are detained separately from men.

23. Please provide information on any new interrogation rules, instructions, methods and practices, as well as arrangements for the custody of persons subject to any form of arrest, detention or imprisonment – including in the context of counter-terrorism measures – that may have been introduced since the consideration of the last periodic report, and also indicate the frequency with which they are reviewed, with a view to prevent any cases of torture or ill-treatment.

24. In the light of the Committee's concluding observations (paras 15 and 16), please provide information on measures taken:

(a) To establish a national system to effectively monitor and inspect all places of detention, including the facilities of the General Intelligence Directorate and which should include regular and unannounced visits by national and international monitors;

(b) To place all State security departments, and primarily the General Intelligence Department, under civilian authority and to establish an independent audit of these services.

25. In light of the concluding observations of the Human Rights Committee (CCPR/C/JOR/CO/4, para. 10), can you please comment on reports that NGOs have been denied access to correctional and rehabilitation centres?

26. Please provide an overview of further efforts undertaken to improve conditions in places of detention, ensure that detainees have access to beds, bathrooms, toilet and medical care, and to reduce overcrowding in such places (para. 27).

#### **Articles 12 and 13**

27. In light of the Committee's previous concluding observations (paras. 8 and 11), please provide detailed statistical data, disaggregated by crime committed, ethnicity, age and sex, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials and on related investigations, prosecutions, convictions and on the penal or disciplinary sanctions applied.

28. In light of the Committee's previous concluding observations (para. 10), please provide information on the number of officials prosecuted under article 208 Penal Code for having committed torture.

#### **Article 14**

29. In light of the Committee's previous concluding observations (para. 29), please provide information regarding:

(a) Steps taken to amend the State party's legislation to include explicit provisions on the right of torture victims to fair and adequate compensation for damages caused by torture;

(b) Redress and compensation measures ordered by the courts and provided to victims of torture, or their families, since the examination of the last periodic report, including the number of requests made, the number granted, and the amounts ordered and actually provided in each case.

30. Please provide information on redress and compensation measures, including the means of rehabilitation, ordered by the courts and actually provided to victims of torture, or their families, since the examination of the last periodic report. This information should include the number of requests made, the number granted, the amounts of compensation ordered and those actually provided in each case.

#### **Article 15**

31. In the light of the Committee's concluding observations (para. 30), please provide details on:

(a) Steps taken to firmly prohibit admissibility of evidence obtained as a result of torture in any proceedings;

(b) Whether any officials have been prosecuted and punished for extracting such confessions.

#### **Article 16**

32. In light of the Committee's previous concluding observations (para. 24) and those of the Committee on the Elimination of Racial Discrimination (CERD/C/JOR/CO/13-17, para. 12), please inform the Committee whether the State party has further engaged in withdrawals of citizenship from its nationals of Palestinian origin and whether the State party has considered to restore nationality to persons that have been affected by previous and current situations of such nationality withdrawal.

33. Please indicate which steps have been taken to explicitly prohibit corporal punishment at home and in alternative care institutions and please inform about steps taken to inform about and enforce such a prohibition.

#### **Other issues**

34. Please provide updated information on measures taken by the State party to respond to any threats of terrorism. Please describe if, and how, these anti-terrorism measures have affected human rights safeguards in law and practice and how the State party has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law enforcement officers; the number and types of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there are complaints of non-observance of international standards; and the outcome of these complaints.

35. In light of the Committee's previous concluding observations (para. 17), and in light of those of the Human Rights Committee (CCPR/C/JOR/CO/4, para. 6) please report whether the State party has taken steps to review the definition of "terrorist activities" contained in the Prevention of Terrorism Act (2006) with a view to bringing its legislation in line with international human rights standards.

36. Please indicate whether the State party intends to adhere to the Optional Protocol to the Convention and whether it intends to make the declaration under article 21 of the Convention.

**General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention**

37. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level and that have occurred since the previous report, including any relevant jurisprudential decisions.

38. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level that have occurred since the previous periodic report, including on any national human rights plans or programmes, the resources allocated thereto, as well as their means, objectives and results.

39. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the previous periodic report in 2009, including the necessary statistical data, as well as on any events that have occurred in the State party and are relevant under the Convention.

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