

I. Summary

The court may have set you free, but we didn't.

—Intelligence officer to Issam al-Barqawi¹

Since 2000, Jordan's main intelligence service, the General Intelligence Department (GID), has carried out waves of arrests of political dissidents – mostly Islamists – in response to alleged plots, demonstrations, and protest activities linked to the Israeli-Palestinian conflict and United States policies in Iraq. The GID does not make available information about the numbers or identities of the people it detains. Over this period, according to defense lawyers, the number of arrests has been steadily increasing.

In the aftermath of the November 9, 2005 suicide bombings of three upscale hotels in Amman, which killed sixty people, the government of Jordan said it intended to expand laws defining terrorism as well as the powers of intelligence and law enforcement officials, including the GID. At the time of writing, the government is drafting a counterterrorism law that would expand the powers of the public prosecutor and extend the time suspects can be held without charge from one to two weeks.

During times of heightened reliance on security services, it is especially important to ensure that their agents and officers operate within the framework of international human rights standards. The cases documented by Human Rights Watch in this report point to a broader practice whereby the GID regularly carries out arrests on grounds which appear to have little or no objective evidential support, and holds individuals in its detention facilities for days or weeks, and sometimes months, often in solitary confinement, without charge or on dubious charges. Further, the GID's authority to conduct law enforcement functions is unclear, as it is nowhere specified in law.

¹ Human Rights Watch interview with Muhammad al-Barqawi, son of Issam al-Barqawi (also known as Abu Muhammad al-Maqdisi), regarding the GID's re-arrest of the elder al-Barqawi without charge, Rusaifa, September 13, 2005.

During at least the initial days of detention – one week or more – the GID does not permit detainees to have access to legal counsel or to have visits, such as family visits. Human Rights Watch heard consistent and credible reports that during interrogation officers frequently beat detainees to extract confessions. It would appear that many of those detained by the GID are never brought to trial. Of the cases that do go to trial, they are tried before the State Security Court, a tribunal which does not meet international standards of independence and impartiality.

In routinely carrying out these practices, the GID violates Jordanian law and international human rights law. It does so with effective impunity. No GID officers – all of whom use aliases in their dealings with detainees – have faced criminal investigations or charges in connection with these practices

This report includes the cases of sixteen individuals who were victims of arbitrary arrest by the GID between 2002 and 2005, were held in solitary confinement and incommunicado detention, and were almost all subjected to cruel, inhuman or degrading treatment, and in some cases torture (additionally, the report highlights illustrative aspects of two other cases – those of Yasir al-Hilala and `Ali Abu Sukkar). In all sixteen cases, the individuals concerned or their families requested help from local human rights organizations or the International Committee of the Red Cross. They told Human Rights Watch that what happened to them is an all-too-frequent occurrence in Jordan and that many others wrongfully arrested do not file complaints with the authorities or seek outside help, for fear of further harassment by the GID. The absence of a publicly accessible record of who is detained in GID facilities and on what grounds they are held prevents Human Rights Watch or any independent organization from being able to reach a definitive conclusion of how many people the GID has detained or interrogated at any given time.

Of the sixteen individuals whose cases Human Rights Watch investigated, the authorities had released eight without charge and five who were charged with offenses but were never brought to trial. Only one of the sixteen received a trial, at which he was acquitted. The remaining two individuals were in detention at the time of Human Rights Watch's research in Jordan, and remain so at this writing. Only one

former detainee said he had had access to legal counsel at some stage during his detention. The GID kept all sixteen detainees in incommunicado detention in the initial days of detention and, in some cases, for periods of up to several months.

Fourteen of the sixteen detainees, or their family members, alleged that the GID had tortured or ill-treated them. Two detainees did not allege that they had been subject to abusive treatment, although one said officers threatened him with torture. One detainee said that he tried to complain about his treatment to GID commanding officers, but that the officers denied his request. To Human Rights Watch's knowledge, the prosecutor general has initiated no criminal investigations, and no individuals have filed civil actions for redress against arbitrary arrest, violation of due process rights, or torture.

Jordan's obligations under the International Covenant on Civil and Political Rights (ICCPR) include: respect for the right to security and liberty of the person (Article 9); respect for procedural rights when detained including the right to have a court review of the legal grounds for one's detention and the right to be treated humanely when detained (Articles 9 and 10); and due process if a person is charged with an offense (Article 14). Jordan is a state party to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which guarantees the right to be free from torture and ill-treatment, obliges the state to investigate credible allegations of abuse, and requires the state to provide victims of torture with effective redress. Jordan's practices, and some of its laws, do not fulfill these obligations.

To ensure that law enforcement officials, and intelligence officials in particular, respect human rights, Jordan must undertake institutional reforms. At the executive level, the government must ensure that any power of arrest and detention exercised by the intelligence forces has a legal basis and that intelligence officials and agents fully comply with international human rights standards relating to arrest, detention and due process. Jordan's parliament should institute legal reforms to guarantee a detainee's right of access to a lawyer without undue delay, and not only after a person is charged. It should also insist on and exercise public oversight functions with regard to the intelligence and other security forces. The Jordanian lawyers' and

medical associations should work to ensure that medical officials have access to detainees and that they can submit their testimony in court without fear of reprisal. At the judicial level, the High Judicial Council should work to enhance the independence of judges and ensure that only civilian prosecutors try civilians. If officials and agents of the state commit human rights offences, Jordanian prosecutors should hold them accountable.

This report is based on research conducted by Human Rights Watch in Jordan in September 2005 and January 2006. Human Rights Watch visited Amman, Irbid, Zarqa and Rusaifa, interviewing more than twenty persons who had been detained by the GID and their families, in addition to members of parliament, defense lawyers, journalists, human rights activists, and a public prosecutor.

Human Rights Watch has on three occasions written to the GID asking for information and seeking to arrange a meeting, but did not receive a reply. Most recently, Human Rights Watch requested a meeting with GID officials in late June and early July through private channels and through the government's spokesperson but received no response.

II. Recommendations

To the Government of Jordan

- Investigate the General Intelligence Directorate's arrest and detention practices, including their compliance with Jordanian laws and international human rights standards.
- Clarify the basis in law for intelligence officers' powers of arrest and detention.
- Implement an immediate moratorium on detention of individuals by the GID. Any detainees currently detained by the GID should be brought before an independent tribunal to have the lawfulness of their detention reviewed, including whether there are sufficient grounds for detention. In accordance with the decision of the court, any individual whose continued detention is deemed necessary should be transferred to a regularly constituted detention facility and should enjoy the full rights and safeguards to which detainees are entitled under Jordan's human rights obligations.
- At a minimum, and until such measures can be put into effect, put all GID law enforcement activities at the sole direction of the attorney general. Ensure that the GID promptly provides the attorney general with the names of all persons detained and full information concerning the disposition of their cases.
- Immediately suspend the operation of the State Security Court and the State Security Court Law State Security Law and State Security Court pending a review of both, by impartial legal professionals, for their compliance with Jordan's international human rights legal obligations. The review should consider repealing or amending the law to ensure such compliance. The review should recommend steps to ensure that any court handling state security matters is fully independent and separate from the military and the executive.

- Ensure that the allowed period of detention prior to bringing a suspect promptly before a judicial officer does not exceed twenty-four hours in any circumstance, as provided for by Jordan’s Code of Criminal Procedure.
- Establish an office empowered to carry out an impartial and thorough investigation into allegations of arbitrary detention and ill-treatment or torture, or other violations of basic rights, in GID facilities.
- Amend the Criminal Procedure Code to:
 - a. Provide for unqualified access to legal counsel without undue delay.
 - b. Allow detainees to petition promptly an independent and impartial court to review the grounds for detention.
 - c. Make evidence obtained through torture or cruel, inhuman or degrading treatment inadmissible in court.
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

To the Jordanian parliament

- Create a standing committee for security and intelligence affairs that exercises oversight over the GID.
- Enhance the public defender program, with the cooperation of the Jordanian Bar Association, to provide legal counsel to persons detained for alleged security offences.