

HUMAN RIGHTS WATCH

SAGA bldg, 7th floor
Damascus Road, Saifi
Beirut, Lebanon
Tel: 01-217670
Fax: 01-217635
E-mail: beirut@hrw.org

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Annex I: Letter to the Ministry of Justice of Jordan

February 4, 2021,

His Excellency Bassam al-Talhouni
Minister of Justice
Amman, Jordan

Your Excellency,

I am writing on behalf of Human Rights Watch to seek your response to several questions regarding the issue of imprisonment for debt in Jordan.

Human Rights is an independent, nongovernmental organization that monitors and reports on violations of international human rights and humanitarian law by state and non-state actors in more than 90 countries around the world.

We are currently conducting research on the issue of debt imprisonment in Jordan, investigating the relationship between debt imprisonment and socioeconomic inequality, overcrowding in prisons, and resulting due process concerns. Our findings suggest that debt imprisonment disproportionately affects poor people rather than wealthier people with high debts, is an ineffectual way of collecting debt, and places undue strain on the court system and the government. Debt imprisonment is also a violation of Jordan's obligations under international human rights law not to imprison individuals solely for failure to fulfil a contractual obligation.

We found that, under Jordanian laws, failure to repay even small debts is a crime that carries a penalty of up to 90 days in prison per debt, and up to one year for a bounced check; and that courts routinely sentence people without holding a hearing. The law does not make exception for

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unemployment, or other factors that impede borrowers' ability to repay, and the debt remains even after serving the sentence.

In the interests of thorough and impartial reporting, we would appreciate it if you could provide us with a reply by February 18, 2021 so that we can reflect your views and comments in our forthcoming report.

1. How many cases currently open before the courts are related wholly or substantially to failure to repay debt or issuance of bounced checks?
2. What percentage of all cases open before the court relate to default on debt and failure to repay?
3. What is the current backlog of cases before judicial authorities that enforce the Judicial Execution Law? What are the reasons for this backlog?
4. What alternatives to debt imprisonment are available under law and in practice? What guidance has the government issued to judges on alternative remedies to imprisonment for default on debt? Who has issued this guidance?
5. In how many cases have judges sought alternative remedies to imprisonment for default on debt?
6. In how many debt imprisonment cases has the Ministry of Justice provided pro bono legal support to indigents? If none, what are the reasons?

In addition to responses to the above questions, we would welcome any additional information you consider relevant regarding the Ministry of Justice's role and actions in relation to reducing imprisonment for debt in Jordan.

We would welcome an opportunity to discuss these issues with you or other relevant MOJ representatives. As noted, we would appreciate receiving a response from your office by February 18, 2021. Please contact my colleague Sara Kayyali at [REDACTED] to arrange a meeting and to respond to the above questions.

Thank you for your kind assistance in this matter.

Yours truly,

Adam Coogle
Deputy Director
Middle East and North Africa Division