



JORDAN

Stakeholder Report for the United Nations Universal Periodic Review

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status
The Amman Center for Human Rights Studies
The Arab Coalition Against the Death Penalty
and
The World Coalition Against the Death Penalty
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Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide *pro bono* assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty

The Amman Center for Human Rights Studies (ACHRS) is a Jordanian organization for research and training on human rights, operating independently in the MENA region since 1999. ACHRS is a member of the World Coalition Against Death Penalty (WCADP). In 2007, ACHRS co-founded the Arab Coalition Against Death Penalty (ACADP) and the Jordanian Coalition Against Death Penalty (JCADP), with support of the regional office of Penal Reform International. Since its establishment, ACHRS has selected right to life and fight against the death penalty as one of the main priority areas of its actions. ACHRS is active in condemning the use of death penalty in Jordan and in other Arab countries and has adopted numerous resolutions against the use of capital punishment in the MENA region.

ACHRS activities include, the Jordanian Coalition Against the Death Penalty, 2014 Death Penalty Conference in Ajloun University, with the cooperation of the French Embassy to Jordan. The Jordanian Coalition published statements condemning recent executions in Jordan, and a YouTube video to raise awareness on this topic. After the 2014 Conference, ACHRS ACADP, and JCADP held an annual conference on the need to abolish capital punishment on the International Day Against Death Penalty. The last conference, held in cooperation with the Institute Français of Amman, was held on October 9, 2017 in Amman, Jordan. The conference, “ The Death Penalty in Jordan: Between Reasons of Retention and Attempts to Abolish,” addressed the need to abolish capital punishment, despite a recent revival of executions. All conference participants stressed the need to end death penalty, as an archaic and useless punishment, and to change legislation to introduce more safeguard as regard fairness of trial.

Additionally, ACHRS members participated in a round table discussion on November 6, 2017 at the Jordanian Parliament. The discussion focused on the abolishment of the death penalty to support abolitionists actions and gain political momentum towards a progressive abolishment of capital punishment. This discussion showed that there is a sign of willingness to face this sensitive issue and exchange views in a frank and open manner and hopefully abolish the practice in the near future.

Furthermore ACHRS has been particularly active in drafting and publishing periodical reports on the use of death penalty in Jordan and in other Arab countries in order to analyse the present situation in different states in the light of government's commitment towards higher respect of human rights and human dignity in this specific field. ACHRS has been very active in providing recommendations to governments to align national laws on death penalty with the international standards adopted by the Office of the High Commissioner for Human Rights (OHCHR) under article 6 of the International Convention on Civil and Political Rights (ICCPR), but also towards an adoption of a concrete moratorium against death penalty in a way to commit States towards full and complete abolition.

The Arab Coalition Against the Death Penalty: Amman Centre for Human Rights Studies in cooperation with Penal Reform International, organized a regional conference in Amman, Jordan, on 2nd and 3rd of July 2007 to develop a regional strategy to advance abolition of the Death Penalty in the Arab World. The conference then concluded by the formation of a regional coalition against death penalty composed of Algeria, Egypt, Jordan, Lebanon, Morocco, Palestine and Yemen with an open invitation for future national coalitions from other Arab countries to join in with the aim of reaching an Arab society free of death penalty where the rule of law, sanctity of human life, human rights and tolerance prevail.

The set objectives of the regional coalition are the following:

- To ensure the appropriation and the continuation of the programme challenging the death penalty when PRI's programme comes to an end.
- To work towards enlarging the membership of the regional coalition by inviting other Arab countries to challenge death penalty.
- To join the world movement against the death penalty in celebrating the World Day Against Death Penalty on the 10th of October through condensed activities to be performed over a period of 3 days.
- To encourage the country the most ready to abolish death penalty to host a regional gathering on the World Day Against Death Penalty.
- To establish an Arab observatory for death penalty under the supervision of PRI (Amman Office) and ACHRS.
- To adopt the date of the first abolition in the Arab World as the Arab day against death penalty.
- To facilitate exchange of expertise and good practices among national coalitions.
- To promote research and studies on alternatives to death penalty.

The World Coalition Against the Death Penalty, an alliance of more than 150 NGOs, bar associations, local authorities and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. Jordan is a retentionist country, and it continues to impose and carry out death sentences. The death penalty is permitted for a variety of crimes that do not involve intentional killing, including rape, drug trafficking, and political crimes.
2. Jordan adopted a *de facto* moratorium on the death penalty from 2006–2014, following statement by its King indicating an intention to become the first Arab country to abolish the death penalty. Yet during the moratorium Jordanian courts continued to sentence people to death, and Jordan resumed executions in 2014. Justifications for resumption of the death penalty included rising crime rates, terrorism in the region, and public support for the death penalty.
3. People accused of crimes that may result in the death penalty are often denied a fair trial. Interrogations may be conducted without access to legal counsel. Coerced confessions are frequently used to obtain convictions, especially in the context of military tribunals. Foreign suspects are forced to sign documents written in Arabic without access to translation.
4. There are serious concerns about the conditions of detention. Death row prisoners are held in solitary confinement. Reports indicate a lack of food, health care, and other necessities. There have been reports of beatings and torture.

I. BACKGROUND AND FRAMEWORK

A. 2014 Universal Periodic Review

5. Jordan did not accept a number of recommendations to abolish the death penalty during the Second Cycle of the UPR. At the time these recommendations were made, Jordan's *de facto* moratorium was still in place. The moratorium was subsequently lifted and executions resumed.

Status of Implementation: Not Accepted, Not Implemented

6. Recommendations to abolish the death penalty were made by France (120.4), Switzerland (120.27), and Australia (120.28).

B. Domestic Legal Framework

7. Jordan has 27 articles and five different laws prescribing the death penalty, including a number of crimes that do not involve intentional killing. These include:
 - 1) aggravated murder (arts. 328 and 329 penal code);
 - 2) rape of a child (art. 292/2 penal code);
 - 3) terrorism (arts. 148 and 149 penal code);
 - 4) drug dealing (arts. 21(c) and 10 of the law on drugs and mind-affecting substances);
 - 5) crimes against public safety (art. 158 penal code);
 - 6) crimes on public roads and transport (art. 381 penal code);

- 7) high treason (arts. 110–113 penal code);
 - 8) spying (arts. 14–16 law protecting secrets and documents of the state);
 - 9) military crimes (arts. 19, 13, and 36–38 military penal law);
 - 10) on-state army recruitment (art. 120 penal code);
 - 11) crimes against internal state security (arts. 135–137 penal code);
 - 12) sedition (art. 142 penal code), and
 - 13) war crimes (art. 41 military penal law).
8. The Jordanian Penal Code retains mandatory capital punishment for terrorist crimes, rape of girls under the age of 15, spying, and insubordination during confrontation with the enemy and rebels. Judges do not have discretion to impose alternative punishments, in violation of international standards on the death penalty.
 9. Many death sentences continue to be issued for crimes that do not involve intentional killing.
 10. The constitution states the King is prohibited from carrying out death sentences unless the King confirms the sentence that is presented to him by the council of ministers. Thus, the King has the power to grant pardon and remit sentences. Yet despite the King's 2006 commitment to end the death penalty, he continues to sign execution orders.
 11. Jordan carries out executions by hanging.
 12. Consistent with the Convention on the Rights of the Child, Jordan does not sentence people to death for offenses committed while under the age of 18.

II. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Right or area 12.1. Right to life

Right or area 12.4. Death penalty

13. Jordan is a retentionist country. In 2006, Jordan adopted a *de facto* moratorium against the death penalty following the King's stated undertaking to make Jordan the first Arab country to abolish the death penalty. However, the moratorium ended in 2014, when Jordan resumed executions. Explaining the lifting of the ban on executions, Jordan's Interior Ministry stated that violent crime had been increasing, and that the death penalty was necessary to combat the rising crime rate. The University of Jordan also released a report of a survey showing that 81% of Jordanians supported the death penalty.¹
14. Jordan has never endorsed the United Nations (UN) General Assembly (GA) Moratorium Resolution Against Death Penalty, having abstained from the vote in 2016. Moreover, Jordan has always opposed signing and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) aimed at abolishing the death penalty.
15. Jordanian judges continue to issue death sentences and authorities continue to carry out executions.² Following the Arab Spring and rise of the Islamic State (IS), Jordan

continued issuing death sentences and continues to carry out several executions each year.³

16. In 2017, 120 adults were on the death row, twelve of whom were women. According to Amnesty International, Jordanian judges handed down 13 death sentences in 2016.⁴
17. Since 2014, 28 people have been executed: 11 in 2014 and 15 in 2017. All of the 15 executions in 2017 took place on a single day in March 2017. The people executed had been convicted of terrorist acts or rape of young women and girls, according to several international news sources and international organizations.⁵ Since March 2017, there have been no reported executions.
18. Over the past four years almost fifty percent of death sentences were for rape and other violent crimes.⁶ The population is said to highly favor the death penalty and view it as just punishment for rapists, in particular when victims are children.
19. In response to the growth of IS, Jordan increasingly uses the death penalty against suspected terrorists.⁷ The Jordanian government appears to sentence people to death simply to assert its ability to respond to terrorism.
20. After the mass executions in 2014 and 2017, the human rights community raised several questions regarding the respect of human rights principles in carrying out death sentences, especially regarding family notification. The Jordanian government, however, failed to respond to any of the concerns, but instead justified the mass executions as necessary to respond to serious crimes.
21. Public opinion is one of the main reasons the Jordanian government gives to justify retention of the death penalty. In particular, a survey released by the Strategic Studies Center at the University of Jordan (2014), as confirmed by a second one carried out by PEW Research Centre (2016), show that 81% of polled Jordanians support the death penalty. These results are primarily due to misunderstandings of the law, lack of knowledge of human rights, and the opinion that the death penalty is the only way to obtain revenge and honor killings as provided under Sharia law.
22. Further, some Jordanians believe the death sentence is the only available means to fight terrorism. This view has deterred politicians and government officials from abolishing the death penalty, and has prompted political use of executions.

Right or area 12.6. Conditions of detention

23. In contravention of the Nelson Mandela Rules, death row prisoners are held in solitary confinement within the larger prison population. Inmates sentenced to death for national security crimes are housed in Juwaida or Swaqa prisons. Women on death row are held in the Women's Center for Correction and Rehabilitation in Juwaida.
24. The U.S. Department of State has reported that prisoners in Jordan lack adequate food, water, healthcare, sanitation, and visitation facilities. Religious and exercise facilities may also be lacking, and prison officials may restrict prisoners' access to books and personal belongings. Allegations of torture and prisoner mistreatment by guards are widespread.⁸

Right or area 15.1. Administration of justice and fair trial

25. Cases of unfair trials, use of torture as a mean to achieve confessions from people under arrest, use of incommunicado detention, and other arbitrary restrictions of personal freedom are reported by local and international organizations.
26. A person under arrest has the right to be considered innocent until proven guilty and the right to have an attorney present during interrogation, but the detainee must appoint a lawyer and the lawyer must present him or herself within 24 hours, or the detainee can be interrogated without an attorney present. The police interrogate detainees without an attorney before the 24-hour time period expires if the police deem it an especially urgent case or that evidence will otherwise be lost. Despite the government's commitments under the National Plan for Human Rights 2016–2025 to enhance the quality of trials and guarantee basic rights for people in detention, several violations are reported each year.⁹
27. As reported by Amnesty international consistently since 2012, Jordanian authorities continue to prosecute alleged supporters of IS and other armed groups, as well as journalists and opposition political activists, under anti-terrorism and other laws before the State Security Court (SSC), a quasi-military court.¹⁰ The court proceedings fail to meet international fair trial standards regarding prosecution of civilians and, thus, the sentences the court renders should be regarded as unlawful.
28. In some cases, the General Intelligence Department (GID) extracts confessions from detainees through use of violent and coercive means. As a result, trials resulting in the death sentence cannot be considered fair when these confessions are the primary evidence used to obtain convictions.¹¹
29. Further, all trial documents are only in the Arabic language in all trial documents, including statements detainees are frequently forced to sign.¹² This rule finds no exceptions when the detainee is not a native speaker of Arabic.

Right or area 36. Human rights defenders

30. The government has resisted all efforts by NGOs to develop and carry out any public awareness-raising campaigns regarding the death penalty. It also fails to facilitate the work of abolitionist NGOs and activists. The government and parliament rely on widespread public support for the death penalty as a justification against abolition. Yet the government refuses to support public education regarding these topics, despite low public awareness regarding the death penalty and alternatives to the death penalty.

III. RECOMMENDATIONS

31. This joint stakeholder report suggests the following recommendations for the Government of Jordan:
 - Amend the laws to ensure that the death penalty is available as a punishment only for the “most serious crimes” as stated in article 6 of the ICCPR, defined as crimes in which the defendant has committed an intentional killing.
 - Fully implement the National Plan for Human Rights 2016–2025 the National Human Rights Plan to reduce the number of crimes punishable by death and ensure fair trial rights.

- Repeal or amend laws that call for a mandatory death sentence, and replace those provisions with laws that authorize courts to exercise discretion to impose alternative punishments instead of the death penalty, taking into account all the relevant facts and circumstances of the crime, as well as the defendant's background and individual circumstances.
- Refrain from using the death penalty as a response to terrorism.
- Enhance fair trial safeguards in capital cases, including:
 - Guarantee that all individuals suspected of committing crimes that may result in a death sentence be represented by an attorney, and ensure that they have the assistance of counsel during any interrogation;
 - Ensure that all individuals suspected of committing crimes that may result in a death sentence and who are not fluent in Arabic have immediate access to an interpreter for any interrogation or court proceeding;
 - Ensure that all civilians are tried in civilian tribunals, not in the State Security Court.
- During the investigation phase, limit the powers of the General Intelligence Department to ensure that all suspects are afforded the right to counsel immediately upon arrest.
- Prohibit the use in trial of any confession extracted through torture or cruel, inhuman, or degrading treatment.
- Eliminate the use of solitary confinement as a condition of detention by virtue of a sentence of death, and restrict the use of solitary confinement to the conditions set forth in the Nelson Mandela Rules.
- Ensure that all persons sentenced to death have regular access to family visits and receive timely information about the status of their case.
- Ensure that the family members of persons sentenced to death receive timely notification of the date of execution.
- Adopt a comprehensive public awareness-raising campaign, in collaboration with civil society, to educate the public about international human rights standards and alternatives to the death penalty, including as they pertain to Sharia law.

¹ Al Jazeera, Why Did Jordan Resume The Death Penalty?, December 28, 2014, <https://www.aljazeera.com/news/middleeast/2014/12/why-did-jordan-resume-death-penalty-201412271125989644.html>.

² Amnesty International, Death Sentences and Executions (2014), 5. Amnesty international, Death Sentences and Executions (2015), 6. Amnesty International, Death Sentences and Executions (2016), 6.

³ Amman Center for Human Rights Studies, Death Penalty in the Arab World 2013-2014, by M. Nilsson (Amman: 2015), 12. Amman Center for Human Rights Studies, The Death Penalty in the Arab World 2015-2016, by S. Rihani Petersen, 19.

⁴ Amnesty International, Death Sentences And Executions in 2016, <https://www.amnesty.org/download/Documents/ACT5057402017ENGLISH.PDF>, at 5.

⁵ Reuters, The Guardian, 03-05-2017.

⁶ See, among others, MEE and agencies, Jordan hangs 15 for rape and terrorism in mass dawn execution, Middle East Eye, 03-04-2017, <http://www.middleeasteye.net/news/jordan-executes-15-people-2115881538>; R. Hussein, Man Sentenced to Death for Raping and Killing Syrian Child, The Jordan Times, 10-17-2017, <http://www.jordantimes.com/news/local/man-sentenced-death-raping-and-killing-syrian-child>.

⁷ Reuters, Jordan: 15 executions 'shocking' says human rights group, The Guardian, 03-05-2017, <https://www.theguardian.com/world/2017/mar/05/jordan-15-executions-shocking-says-human-rights-group>.

⁸ ACHRS, The Death Penalty (2017), 8; U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2016: Jordan, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265504>.

⁹ Amnesty International, The State of the World's Human Rights report 2015/2016 (2016), 210-211; Amnesty International, The State of the World's Human Rights report 2016/2017, 211.

¹⁰ Amnesty International, Report 2015/2016, 210.

¹¹ *Ibid.*

¹² Amnesty International, Report 2016/2017, 211.