

# AMNESTY INTERNATIONAL BRIEFING



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## **Jordan: Arbitrary arrests, torture and other ill-treatment and lack of adequate medical care of detained protestors**

Amnesty International has written to the Jordanian authorities urging them to drop all charges against individuals held solely for peacefully protesting since mid-November, and to ensure that all 116 individuals due to be released following a Royal Decree announced on 10 December will be released without further delay. The organization is concerned that most if not all of these individuals were held as prisoners of conscience for days or weeks solely for exercising their rights to peaceful assembly and expression.

Thirteen other detainees are reportedly excluded from the releases ordered by the Royal Decree and appear to be held because they are wanted in connection with former alleged offences. Amnesty International is calling for them to be protected from torture or other ill-treatment while in detention, and to be tried promptly and fairly in accordance with international fair trial standards. They should not be held as a punitive measure to penalize legitimate protests.

Amnesty International has repeatedly called on the Jordanian government to take practical measures to ensure the full respect for life, liberty and security in Jordan and to uphold its obligations to respect and protect the rights to freedom of expression and peaceful assembly.

The authorities should immediately launch independent and impartial investigations into reports that at least some detainees were tortured or otherwise ill-treated by security forces either during arrest or in detention, and that some were denied adequate medical care while in detention. The use of punitive measures against detainees on hunger strike should be ended. Anyone found responsible for abuses should be brought to justice and reparations provided to the victims.

Some of those arrested may be facing charges before the State Security Court (SSC), where the majority of judges are from the military and whose proceedings do not meet international fair trial standards. Amnesty International is reiterating its calls for the SSC to be abolished.

### **November protests and their background**

A worrying pattern has emerged and intensified over almost two years in Jordan. During 2012 alone hundreds have been arrested and faced criminal charges and unfair trial before the SSC for participating in peaceful protests calling for prompt and effective implementation of political and economic reforms. Many have faced dubious charges under Article 149 of the Penal Code<sup>i</sup> -according to one lawyer there have been 70 such cases since April 2012. Others have been charged with "insulting" the King or for other forms of legitimate expression which, according to international human rights law, should not be criminalized. At the same time dozens of those arrested during 2012 for peaceful protests have been released under instructions from the King weeks later. Yet it appears that charges brought against them – often under Articles 164 and 165 of the Penal Code which prohibit gatherings aimed at disturbing public order<sup>ii</sup> - have not been formally dropped. Those charged have usually faced trial before the SSC, a special court presided

over predominantly by military judges and whose proceedings fall far short of international standards of fair trial.

Restrictions on the right to criticize the authorities or state institutions persist in Jordan and journalists, activists and others continue to face arrest and prosecution. The crackdown over the last two years is part of a long-standing pattern of arbitrary restrictions on freedom of expression which contradicts the Jordanian government's assertions that it is undertaking reforms to enhance respect for freedom of expression and other human rights.

An estimated 300 people were arrested following widespread protests all over the country, particularly in Amman, Zarqa, Irbid, Salt, Tafileh and Ma'an. The protests followed a government announcement on 13 November that it was cutting fuel subsidies. Amnesty International believes that tens were held solely for peacefully calling for reforms to be implemented effectively, including by a change of government.

According to lawyers, activists and NGOs, police and other security forces at times used unnecessary or excessive force to quell the protests. Tens of those detained were beaten in police detention, were denied immediate access to a lawyer of their choice, family members and any medical treatment they required.

While individuals at some demonstrations apparently carried out violent acts, which in some instances resulted in damage or destruction of private and public buildings, Jordanian activists and lawyers say that security forces, some in plain clothes violently dispersed many peaceful demonstrations, firing tear gas and beating protestors. Reformist activists told Amnesty International that protests in Tafileh and Amman, for example, began peacefully and only turned violent when security forces dispersed protesters with tear gas and arrested many participants.

**Qais al-Omary**, aged 27 years, died in disputed circumstances after being shot on 13 November by police in Irbid in the vicinity of a demonstration. Two police officers **Faisal al-Su'aidat and Ahmad Magableh** also died as a result of gunshot wounds from unidentified assailants apparently during disturbances in Karak and Amman respectively.

Though most arrests were carried out between 13 and 18 November 2012, they continued through to early December on a lesser scale. While many detainees were released, after days or weeks, at least 129 remained in detention at the time of the Royal Decree. Tens of these appear to have been arrested while protesting peacefully, while others say they had no connection with the protests.

The great majority of those held were charged under Articles 164 and 165 of the Penal Code which limits the right to peaceful assembly, although one lawyer told Amnesty International that she is representing at least 26 individuals charged under Article 149 of the Penal Code with activities aimed at overthrowing the political system.

According to a lawyer, nine detained children, who were released on 19 November 2012, made statements to the police without the presence of a lawyer, parent or other appropriate adult. The official National Centre for Human Rights (NCHR) said on 23 November that, according to the Public Security Directorate (PSD), 50 children in all were arrested, 12 of whom appeared before the SSC prosecutor and were released on bail days after their arrests.

Some of those arrested appear not to have even been involved in the demonstrations, but were present nearby. The NCHR interviewed 67 people claiming to have been arrested not from protests but in front of their homes, at work, or when they happened to be in the vicinity of a protest.

For example, 60-year-old **'Abd al-Rahman Fanatsa** and his sons **Da'oud** and 16-year-old **Hamza** were arrested on 19 November 2012. Their family said that they were arrested by Criminal Investigation Department (CID) and Gendarmerie (Darak) officers while they were collecting olives from their farm in Ma'an and subsequently tortured. While Hamza was released without charge on 20 November, his father and brother Da'oud were charged in relation to illegal gathering, though their lawyer said there is no evidence that they were involved in protests.

### **Torture and other ill-treatment**

Sixteen-year-old **Taq al-Din al-Rawashdeh** said in an interview published on YouTube on 19 November 2012 that he was beaten for ten minutes by security forces after being arrested on 14 November at a protest in the Ministry of Interior Circle, Amman. He alleged that "... an officer ... started hitting me and throwing me around the [police] bus ...". He said that later, while held in the Central Amman Public Security Directorate, he was beaten with batons and kicked. He was apparently transferred after three days to a detention centre for children along with eight others. It is unclear whether charges brought against him under Article 149 still stand.

The NCHR said that of 89 detainees they visited, 66 said they were beaten or abused verbally or otherwise ill-treated on arrest or in police detention. Fifty three said they were "tortured, beaten or insulted and ill-treated" while in police detention prior to their transfer to prison. NCHR reported seeing marks and bruising on 13 people suggesting they had been beaten.

An Amman-based lawyer told Amnesty International that she saw bruising all over the body of **Ola Saif**, a 55 year old woman held for three days in the Central Amman Public Security Directorate during which time she was beaten and denied access to a lawyer or family members. She was arrested on 14 November when she was trying to stop police from beating demonstrators in Jabal al-Hussein Square, Amman. She was later transferred to Juweideh women's prison and charged under Article 149 before being released on 5 December 2012.

**Mahdi al-Saafin**, a leading member of the pro-reform Herak movement in Jordan, was arrested on 16 November at a peaceful protest in Jabal al-Hussein Square, Amman. Herak has called for political and economic change as well as increased political freedoms. He began a hunger strike on 28 November 2012 in protest at his continuing detention after which he was put in solitary confinement in al-Hashimiyeh prison, 45 kms south east of Amman. Two other detainees - **Ahmad Abu Safiyeh** and **'Adnan Mahmoud Abu Arqoub** - who spoke of their intention to begin hunger strikes were promptly moved from al-Hashimiyeh prison solitary to confinement cells in Mowaqqar 2 prison,.

Mahdi al-Saafin told his family that he was arrested with his friend **Ayham Asleem** by plain clothes police. The two men were carrying banners calling for freedom and justice and the return of money "stolen" by the state when security forces used tear gas to disperse the demonstrators and beat them. He said they were among many protestors who were arrested and taken in a police van to the Central Amman Public Security Directorate during which time they were kicked, hit and whipped with cables while their hands were tied behind their backs and they were forced to hold their ID cards in their mouths. They were denied water during the first night at the Centre where they slept on the floor. He told his family that the beatings and verbal insults continued against the detained protestors for the first three days during which time they were denied access to a lawyer or family members.

The three members of the **Fanatsa family** (see above) were reportedly beaten on arrest and during the journey to the police station in Ma'an where they were whipped with electric cables while

blindfolded. The next day, Abdul Rahman and Da'oud were transferred to a police station in Amman where they were made to sign statements without reading them. On 21 November they were transferred to al-Hashimiyeh prison. Family members who visited them there, said their bodies bore the marks of their beatings and that Da'oud had great difficulty in standing.

### **Denial of adequate medical care**

Amnesty International is also concerned by reports of detained individuals with pressing medical needs who may be suffering unduly due to lack of adequate care.

The family of 'Adnan al-Howeish said he was arrested after he attended a protest on 16 November 2012 from a protest in Zeiban, near Madaba. During a demonstration against fuel price increases, some masked government loyalists reportedly threw stones at the protestors. Adnan al-Howeish was taken to Zeiban hospital after a stone hit him in the eye. As the hospital lacked necessary equipment to treat him, he was taken to al-Bashir hospital, Amman where during the early hours of 17 November he was placed in police custody by officers already at the hospital. During his treatment, he was apparently tied to the hospital bed.

Following an appeal by the NCHR he was allowed surgery on 18 November in order to replace the eye in its socket since it had become dislodged. The doctor treating him issued a report saying that he required specialist retinal treatment. On 21 November the police took him out of the hospital to a holding cell in an SSC building. On 22 November the SSC Prosecutor extended his detention by 14 days for questioning after which he was taken to al-Balqa' prison in Salt where initially the prison authorities refused to admit him because of his injuries. He was however detained in al-Balqa' after the police reportedly obtained another medical report from the Salt Government Hospital saying that he was fit for detention. On 28 November he was allowed to see a doctor in a medical centre in Amman who cleaned the wound and made another appointment for 12 December. His family requested that he be allowed to see medical specialists because he requires urgent surgery; they say he has now lost the sight in his eye. He was apparently charged under Article 149 and taken to Ramemeen prison in al-Barqa'a.

**Mahdi al-Saafin (see above)** told his family that during his hunger strike he has been intermittently denied water and salt by the authorities. On 8 December media reports said that 31 more detainees began hunger strikes in al-Hashimiyeh, Ramemeen (north west of Amman) and Mowaqqar prisons in protest at their continuing detention.

Abdul Rahman Fanatsa, (see above) suffers from schizophrenia. He was given an alternative to his usual medication for his condition which he said caused him severe headaches.

### **Jordan's responsibilities under international law**

The Jordanian authorities say that those arrested carried out criminal offences during demonstrations including damaging and destroying private and public property and calling for "regime change". Amnesty International acknowledges the government's responsibility to protect public safety, including by arresting and trying in fair proceedings individuals reasonably suspected of acts of violence or destruction of property. However, they must do so in a way which ensures the full respect to life, liberty and security. Jordan has an obligation to uphold the rights to freedom of expression and peaceful assembly. Peaceful criticism of the government, including calls to change the system of government by peaceful means expressed during peaceful gatherings or demonstrations, are forms of expression protected by the International Covenant on Civil and Political Rights (ICCPR), to which Jordan is a state party. It appears that the authorities are using Article 149 of the Penal Code in order to criminalize – at least in some cases - peaceful political dissent and to silence political opponents and critics of government policy. This is incompatible

with Jordan obligations under international human rights law. According to information from activists and lawyers, many of those detained and charged have neither advocated violence nor gone beyond peaceful exercise of the rights to freedom of expression and assembly. Jordan also has an obligation to protect individuals from torture or other ill-treatment. The prohibition of such acts is part of customary international law; Jordan is also a state party to the Convention against Torture. Torture is also prohibited under the ICCPR.

Public Document

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or email: [press@amnesty.org](mailto:press@amnesty.org)

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK  
[www.amnesty.org](http://www.amnesty.org)

<sup>i</sup> Article 149 of the Penal Code prohibits individuals from “engag[ing] in... activity... to destroy the political system ... or encouraging resistance” which it defines as “any individual or collective action with intent to change the economic or social nature of the state or basic conditions of the society”. It carries a penalty of between three and 15 years’ imprisonment.

<sup>ii</sup> These articles prohibit gatherings of seven or more people with “the purpose of committing a crime, or ... with the intent of disrupting public order or ... provok[ing] others to disrupt public order ...” and carry a penalty of between one and three years’ imprisonment.