



# **Torture and Impunity in Jordan's Prisons**

**Reforms Fail to Tackle Widespread Abuse**

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## **Torture and Impunity in Jordan’s Prisons Reforms Fail to Tackle Widespread Abuse**

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## Summary

Torture remained widespread and routine in Jordan's prisons at the time of Human Rights Watch's research in 2007. Updates to our investigation in 2008 reveal that problems of torture and accountability persist. We received allegations of ill-treatment, often amounting to torture, from 66 out of 110 prisoners interviewed. Prison guards torture inmates with near impunity because police prosecutors and police judges at the Police Court do too little to pursue cases against their fellow officers. Prison conditions remain poor, especially health, food, and visitation provisions, despite an ambitious but ill-considered reform program excessively focused on building new prisons.

This report is based on Human Rights Watch's visits to seven out of ten of Jordan's prisons in August and October 2007, and in April 2008. We interviewed 110 prisoners at random, except for specifically identified administrative detainees and Islamist prisoners to whom we asked to speak. We interviewed prison directors and medical staff, and held talks with high-ranking officials in the Ministry of Interior, the Public Security Directorate, and the prison service.

Jordan's Ministry of Interior, Public Security Directorate, prison service, prison reform program, human rights office and Police Court almost always facilitated our requests and were always open to discussions. The willingness of these representatives of the Jordanian government to grant us access to their prison facilities and to meet with us repeatedly to discuss our concerns as well as particular cases is commendable and reflects a positive commitment to transparency and reform.

Despite the PSD's openness to human rights organizations, high-ranking officials regularly dismiss independent human rights reporting as unreliable or politically motivated.

King Abdullah has called on the government to present a prison reform plan "according to the latest specifications consistent with international standards. Public Security Directorate (PSD) chief Maj.Gen. Muhammad 'Aitan in November

2007 sent out directives to PSD officials stating that torture was unacceptable. In April 2008, the Public Security Directorate's new director, Maj.Gen. Mazin al-Qadi, informed us at length about ongoing improvements to the prison system, including more judicial oversight over prisons to investigate allegations of abuse.

The public concern of Jordan's highest leadership about torture has not showed lasting effects on the ground. Prison guards under the jurisdiction of the Public Security Directorate routinely torture or ill-treat inmates for perceived infractions of prison rules or for requests, such as access to doctors, the telephone, or visitation, but also in retaliation for filing complaints. In five prisons, detainees told us that prison directors participated in torture. We found torture in each of the seven prisons we visited between August 2007 and April 2008, speaking unsupervised to 110 prisoners. We found several instances of recent torture only days before our visit in four prisons.

Most common forms of torture include beatings with cables and sticks and the suspension by the wrists of inmates from metal grates for hours at a time. Guards flog the defenseless prisoner with knotted electrical cables, beat him with hoses and truncheons, or kick him with fists and boots.

Islamists accused or convicted of crimes against national security (*Tanzimat*) face greater abuse than ordinary prisoners. Prison authorities currently house *Tanzimat* prisoners in separate facilities in small-group isolation within two prisons, Juwaida and Swaqa; since July 2007, the government has only rarely allowed them to mix with fellow prisoners. Because they often act as a group pressing demands in prison, guards occasionally punish them collectively. Such punishment happened to the *Tanzimat* inmates in Swaqa prison in July 2007 and August 2007, and to the *Tanzimat* inmates in Juwaida prison in June 2007. (This report does not cover earlier such incidents that took place in 2006.)

Complaints of incidents of torture have decreased recently, the National Center for Human Rights reported, but remain a common occurrence, as Human Rights Watch's research shows. Torture and ill-treatment in prisons do not reflect a general policy,

although individual prison directors, high-ranking guards, and special forces dealing with prison riots, have ordered and participated in large-scale beatings.

Torture remains a tolerated practice in Jordan's prisons because mechanisms for individual accountability are lacking. The deterrent effect of a royal proclamation against torture is less than that of effectively prosecuting an individual guard. Yet, the esprit de corps of the PSD, its reluctance to prosecute, name, and shame torturers within its ranks decidedly militates in favor of settling incidents of torture quietly and internally, if at all, with only a few egregious cases making it to the courts.

In Jordan, PSD prosecutors and PSD judges investigate, prosecute and try their fellow officers for neglect of duties, abuse of power, insults to prisoners, and torture. Deficient investigations, lackluster prosecutions, and lenient sentences combine to preserve an uncomfortably wide margin in which prison guards torture with impunity.

Jordan's mechanisms to remedy torture and hold perpetrators accountable are not effective. Prisoners can complain to prison officials, a police prosecutor at the prison, officials from the PSD Grievances and Human Rights Office, or outside visitors, such as human rights groups, lawyers or their family members.

Prison directors inspect wards housing 20 to 60 inmates in large rooms with bunk beds and personally receive complaints, but many inmates remain fearful of repercussions of complaints made to prison personnel. The police prosecutors began to work at seven prisons in 2008, but had investigated only one case of abuse by April 2008. That number rose to 24 cases by August 2008, however.

Grievances and Human Rights officials have the longest experience in investigating prison abuses, but they do not protect complainants and witnesses or remove guards accused of wrongdoing from contact with them. These officials wear the same uniform as prison guards, and inmates remained fearful of submitting complaints of torture.

We found that Grievances officials, who have full powers of police prosecutors, referred cases for prosecutions only where incontrovertible forensic reports attested to torture.

Of 19 cases of alleged torture Grievances officials investigated in 2007, they referred six to court for prosecution. However, the directors of three prisons, Muwaqqar, Qafqafa, and Swaqa, told Human Rights Watch that from January to August 2007, they had investigated 20 instances of abuse altogether, and internally disciplined six guards for assaulting or abusing inmates and using excessive force.

Even where the government has prosecuted some egregious cases of torture, the Police Court's verdicts have been flawed. Police prosecutors, not their civilian counterparts, prosecute all crimes and violations of the law involving PSD officials. The PSD's director appoints qualified police officers as Police Court judges to try their fellow officers..

Two incidents of torture that Human Rights Watch documented remained entirely without consequence: Juwaida and Swaqa prison guards tortured several Islamist prisoners following a successful escape by two prisoners from Juwaida in June 2007.

The PSD also did not prosecute a guard who had tortured prisoners at Muwaqqar prison in early April 2008, despite an extensive investigation into the deaths of three prisoners in a fire at that prison on April 14, 2008. The PSD did not inform the public or the families and victims about the investigation's process and outcome, which concluded that no official had done anything wrong.

The government has quietly taken some initial steps to provide greater opportunities for redress, but has not vigorously pursued those new opportunities. In October 2007, torture for the first time became a recognized crime, though no prosecutions for the crime of torture had occurred by August 2008. In early 2008, the PSD assigned prosecutors to investigate abuses at all prisons and allowed the National Center for Human Rights to set up an office inside Swaqa prison, though critical reporting about a prison riot there in April 2008 led the PSD to stop its cooperation with the center.



Everyday living conditions were at the forefront of prisoners' complaints to Human Rights Watch. Prison conditions remain poor, lacking adequate health care, in particular psychiatric care. Around one percent of prisoners had been hospitalized for psychiatric care at the times of our visits.

Sanitary facilities are also poor, drinking water is often not available and stale, and food is meager. The larger prisons did not provide adequate facilities for visitation or a prisoner's access to telephones. None of the prisons had newspapers or journals available in adequate numbers so prisoners could remain informed about important news. These unnecessary limits on a prisoner's contact with the outside world drew frequent calls by prisoners for more access to telephones, visitation time, and news.

Jordan's two year-old prison reform program plans to remedy the situation of poor sanitary facilities, visiting space, and few telephones by building nine new prisons to be completed next year.

One of the new prisons will be a 240-cell super-maximum security prison, Muwaqqar II. Such "supermax" prisons were designed to house incorrigibly violent inmates in separate isolation cells. They have fallen out of favor in the United States twenty years after they were first built there because of the debilitating impact of solitary confinement on prisoners.

By April 2008, the reform program had not delivered better health services, food, or visiting facilities for prisoners. New prosecutors assigned to the prisons and the opening of an office in Swaqa prison by the National Center for Human Rights have not tangibly improved accountability for torture. The government had not addressed key deficiencies in the impartiality of current investigations, prosecutions, and trials of alleged perpetrators of torture.

Human Rights Watch recommends that the government of Jordan redirect its efforts to reform its prisons toward increased accountability for abuses by security authorities. The PSD should devise a new, independent complaints mechanism for prisoners that safeguards their anonymity and protects them from prison officials. It

should refer investigations into abuse by officials from police to civilian prosecutors, to be tried in civilian courts, not the Police Court.

The government should grant Jordanian and international human rights organizations continued access to prisoners as a means to verify improvements in preventing and addressing torture. In particular Jordan should sign and ratify the Optional Protocol to the Convention Against Torture, and which will ensure that the Sub-Committee of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment can visit without giving notice and that Jordan creates an independent inspection mechanism.

The Ministry of Health should step up the provision of health care to prisoners by providing more doctors and psychiatrists who conduct entry examinations and also routinely inspect the wards.

Human Rights Watch further recommends that Jordan's donors, especially the European Union and the United States, make accountability for torture and prison reform an essential pillar of their development aid to improve the human rights record in the security sector in the kingdom. The EU and the US should make parts of their development assistance conditional on Jordan's setting up an effective civilian prison inspection mechanism and the referral of prosecutions to civilian prosecutors and courts.

## Methodology

The information in this report is based primarily on prison visits Human Rights Watch carried out in August and October 2007 and in April 2008. The Ministry of Interior, which has authority over Jordanian prisons, quickly agreed to our request to visit five Jordanian prisons in August 2007. The Ministry invited us to visit another prison for three days in October based on our request, and the director of the Public Security Directorate, which reports to the Ministry of Interior, spontaneously agreed to a request to visit another prison in April 2008.

They also agreed to our conditions for such visits: inspection of the entire facility of each prison visited; unsupervised meetings with any prisoner of our choice willing to speak to us; and no examination of our notes. We specified that we wished to visit five of Jordan's 10 prisons: Juwaida, Muwaqqar, Swaqa, Qafqafa and Aqaba. To our regret, immediately before the start of the prison visits in August 2007, the Ministry of Interior informed us that we could not visit Juwaida because they had scheduled it for closure, but allowed us to visit Salt (Balqa') prison instead. Subsequently, in October 2007, the Ministry of Interior agreed to allow us three days of access to Juwaida, following a renewed written request by Human Rights Watch. In April 2008, we also had the opportunity to visit Birain prison and the construction site of Muwaqqar II prison.

Between one and three Human Rights Watch researchers carried out these visits, usually lasting around six to eight hours each. Two researchers spoke in Arabic, and an interpreter assisted a third researcher. At each facility, we first spoke with the prison director, usually accompanied by the chief of preventive security, another senior prison official, and occasionally the prison doctor. We asked the officials standard questions about prison staffing, classification of prisoners, unusual incidents and prison responses. We inspected health, dining, exercise, and solitary confinement facilities. We then chose random prison wards to meet prisoners, with the exception of *Tanzimat* (Islamist prisoners charged with "national security" offenses) and administrative detainees, whom we had specifically asked to see. We also asked to meet any prisoner in solitary confinement. We met prisoners accused

or convicted of crimes involving traffic accidents; financial impropriety or fraud; murder and attempted murder; sexual assault; assault and theft. We interviewed both convicted and unconvicted inmates, Jordanian and foreign, between the ages of 18 and 69. Overall, we interviewed 110 prisoners, over twenty prisoners each at Juwaida, Swaqa, Qafqafa, and Muwaqqar prisons.

We took important precautions to verify the credibility of detainee testimony; attacks on the credibility of evidence obtained from detainees is a frequent government defense to allegations of abuse, and thus we focused a great deal of effort to ascertain the veracity of testimonies we received. We discussed these steps with the head of the prison service, Sharif al-'Umari, on July 31, 2008 in Amman. Where possible, we spoke to a prisoner alone out of earshot of other prison officials . Because this was difficult, at times we gathered two or three prisoners who were all involved in a particular incident. In larger group meetings, we did not ask about physical abuse, but about food, health care, and complaint mechanisms. On at least three occasions, we spoke in a language other than Arabic to individual prisoners who recounted problems with the administration as well as with other prisoners. No conversations with prisoners took place within earshot of prison guards. However, in an apparent breach of the agreement, a Public Security Department official who accompanied Human Rights Watch to some prisons informed us in July 2008 that they had been monitoring which detainees we spoke to and had debriefed them.

Where prisoners alleged physical abuse, we asked probing questions to ascertain details of place, time, and identifying details of the abuse and the abuser. Wherever possible, we corroborated details from prisoners in different wards. In almost all cases of allegations of recent abuse, Human Rights Watch was able to witness physical signs of ill-treatment, especially raw skin at the wrists, long bruises and smaller cuts. These injuries, for example bruises on the back, were distinct from the prevalent scars resulting from prisoners' common self-injury and in places difficult to inflict on themselves.

Human Rights Watch's methodology is designed to detect false statements. We also spoke to former and current prison officials about their experiences in Jordanian prisons; they often, corroborated in general terms the picture of widespread torture

gathered from inmates. Where police prosecutors launched investigations into torture, court documents in two instances show that witnesses separately interviewed by prosecutors and by Human Rights Watch gave similar accounts of torture.

Following meetings with prisoners, we debriefed the prison director and conveyed specific requests of prisoners to health care or visitation where we did not fear retaliation against the prisoners. To protect the prisoners to whom we spoke from retribution, we are not identifying them by name.

In October 2007, we debriefed the Ministry of Interior's Secretary-General, Mukhaimer Abu Jamous, and the Director, and Deputy Director, Mohammed Sarhan, of its human rights office, as well as Khaled al-Majali of the prison development unit of the Royal Police Academy on our findings in prisons. At the time, we submitted a letter to the Ministry of Interior requesting statistics from the PSD prosecution and the Police Court regarding complaints, charges and verdicts against prison officials, but did not receive a response.

In April 2008, Human Rights Watch met with the director, Mazin al-Qadi, and senior leadership of the Public Security Directorate to hear about Jordan's achievements and future plans for prison reform. We also met with the National Center for Human Rights and the European Commission's delegation to Jordan concerning their involvement in prison reform. In July 2008, we again met with the leadership of the prison service, the Grievances and Human Rights Office, and the prison development program at the Royal Police Academy.

Human Rights Watch sent the PSD two memoranda in September 2007, one about the events at Swaqa prison on August 26, when prisoners injured themselves during our second visit there in protest at mass beatings they had endured on August 22,<sup>1</sup> and a second memorandum about our findings based on prisoner accounts

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<sup>1</sup> Letter from Human Rights Watch to Khaled al-Majali, "Events at Swaqa Correction and Rehabilitation Center on August 26, 2007," September 5, 2007.

regarding the beating to death of Firas Zaidan at Aqaba prison on May 9, 2007.<sup>2</sup> We originally kept these communications private. However, nobody in the Jordanian government responded to our memoranda, and since then, the Police Court issued unsatisfactory verdicts in both cases. The memoranda, as well as a news release regarding our investigation into the deaths on April 14, 2008 of three prisoners at Muwaqqar prison, are attached to this report.<sup>3</sup>

HRW also provided PSD director Maj.Gen. Mazen al-Qadi with a summary of our findings and concerns on September 25, 2008.

This report does not address the frequent allegations of torture in police holding stations, especially by the criminal investigation department and the counter-drugs department, or in ordinary police stations. In this report, we use the word “prison” for what Jordanians officially call Correction and Rehabilitation Centers.

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<sup>2</sup> Letter from Human Rights Watch to Abd al-Karim Radaida, “Memorandum Concerning the Investigation Into the Treatment of Firas Zaidan at ‘Aqaba Correction and Rehabilitation Center, May 6-10, 2007,” September 17, 2007, reproduced in an Appendix to this report. Zaidan was found lifeless on the morning of May 10. His last beating took place on May 9.

<sup>3</sup> “Jordan: Prison Burning Deaths Need Independent Investigation,” Human Rights Watch news release, May 8, 2008, <http://hrw.org/english/docs/2008/05/08/jordan18759.htm>.

# Torture

## Types of Torture and Ill-treatment

Human Rights Watch's research in 2007 indicates that torture and ill-treatment of prisoners by guards remained a widespread and regular occurrence throughout Jordan's prisons. We found evidence of abuse in all seven of Jordan's 10 prisons that we visited. Among the 110 prisoners we interviewed, 66 told us that they had experienced some form of torture or ill-treatment at the hands of guards. We saw physical evidence of such abuse in ten instances, in addition to bruises on 20 *Tanzimat*<sup>4</sup> prisoners following collective beatings on August 22, 2007.

Jordan acceded to the Convention Against Torture (CAT) in 1991, and, shortly before the visit of the UN Special Rapporteur on Torture to Jordan, published the convention in the Official Gazette on June 15, 2006, giving it the force of law. The CAT defines torture as

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or

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<sup>4</sup> Islamists convicted of crimes against state security are commonly called *Tanzimat* because they belong to "unlawful organizations." They are typically prosecuted in Jordan's State Security Court and their sentences range from a few years to the death penalty. Common charges are for conspiracy to commit crimes, possession of weapons or explosives, and for belonging to an unlicensed group. The *Tanzimat* view themselves as political prisoners because of the alleged political nature of the charges against them, such as membership in illegal groups, and because of the military character of the State Security Court, which has relied in the past on confessions defendants claim were extracted under torture.. Regarding confessions extracted under torture, see: Amnesty International, *Jordan: "Your confessions are ready for you to sign": Detention and torture of political suspects*, MDE 16/005/2006, July 24, 2006, <http://www.amnesty.org/en/library/asset/MDE16/005/2006/en/dom-MDE160052006en.pdf> (accessed May 22, 2008). Jordan's State Security Court is a special court with jurisdiction over crimes against the internal or external security of the state, state secrets, narcotics, and some other crimes. It is not an independent court—the king appoints its judges, two thirds of whom are military officers. The prime minister can refer any matter directly to the court, which follows ordinary criminal law and whose decisions can be appealed to the regular Court of Cassation.

acquiescence of a public official or other person acting in an official capacity.<sup>5</sup>

In October 2007, the government amended Article 208 of the Penal Code to incorporate the definition of torture, making it a crime under domestic law for the first time. Officials convicted of torture face a prison sentence of between six months and three years. If torture results in illness or injury, the penalty increases to a possible life-sentence.<sup>6</sup> The law does not criminalize ill-treatment.

Whether or not torture occurs at a prison appears to be within the control of the prison director. New directors at Salt (Balqa'), Aqaba, and Juwaida prisons were apparently able to put an almost complete stop to torture following their arrival. Prison directors spend as little as a few weeks, and rarely more than one year at a prison before reassignment to a different posting in the PSD, usually outside the prison service. In Salt prison, Ali said: "We have a new director now for one month, but two to three weeks before he came, the [previous] director and the guards beat me on the head with plastic sticks that had iron inside, after suspending me in the holding pen from both hands."<sup>7</sup>

Torture chiefly takes the form of beatings and suspension by the wrists. According to prisoners' accounts gathered by Human Rights Watch, guards administer beatings mostly in and around the cage-like holding pen made of iron bars located in every prison near the control room between the administration building and the prison wings. This area is monitored by closed circuit video cameras. Occasionally, guards beat prisoners inside the wards, sometimes in corridors, especially around the solitary confinement cells, in rooms of the administration building, as well as in open areas, inmates told us.<sup>8</sup> Prisoner Armand said, "The guards who take us to court beat us on the way there."<sup>9</sup> Prisoners' hands are cuffed behind their backs for

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<sup>5</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, art.1.

<sup>6</sup> Law of Sanctions (Penal Code) No 16, Official Gazette No 1487, January 1 1960, art. 208.

<sup>7</sup> Human Rights Watch interview with prisoner Ali, Salt, August 23, 2007.

<sup>8</sup> Human Rights Watch interview with prisoner Ramzi, Birain, April 15, 2008.

<sup>9</sup> Human Rights Watch interview with prisoner Armand, Muwaqqar, August 19, 2007.



court or hospital transports. Prisoners often remain shackled for hours inside the back of a truck, awaiting their turn or until the last of the group finishes his court hearings before returning to prison.<sup>10</sup>

Guards torture prisoners in an apparent attempt to punish them for perceived infractions of prison rules or for inconveniencing the guard. Ghaith, a Qafqafa prisoner gave Human Rights Watch an account of abuse he had suffered:

Five days ago, guards beat me with the padlock on the door to our ward because I went to the toilet with the wrong clothes. Guard [name withheld] and two other guards beat me with the lock and their keys. Then they took me to the gate, hung me by the wrists with two separate handcuffs, spreading my arms out between two window grilles, and punched me in my stomach and chest. When the [International Committee of the Red] Cross came for a visit, they hid me in the computer room for one hour.<sup>11</sup>

Human Rights Watch interviewed seven inmates who told us they had been abused by guards who perceived them to have broken a rule or annoyed them with a request. Three prisoners in Muwaqqar, Juwaida and Qafqafa described to Human Rights Watch the types of unprovoked reasons that led to a beating. Muwaqqar inmate Lu'ai said that "another prisoner told the guards I was going to bring back drugs from a court hearing. When I came back, they suspended me in the holding cell by my left arm, high up. They slapped me."<sup>12</sup> Nu'man, a Juwaida inmate said that "August 13 was the last time they beat me. Because I have a beard and look religious, I sometimes get picked on and beaten."<sup>13</sup> A Qafqafa inmate, Qais, said that "sometimes guards provoke inmates by insulting them. They carry sticks and cables

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<sup>10</sup> Human Rights Watch interview with prisoner Samir, Salt, August 23. Head of Prison Service Sharif al-'Umari told Human Rights Watch that he had changed the practice to handcuffing prisoners' hands in front of their bodies, although its application had been uneven since a new law created a separate security entity, the Gendarmerie [Darak], responsible for prisoner transports. Tanzimite prisoners now were given front cuffing, while ordinary prisoners were normally still cuffed behind their backs. Human Rights Watch interview with Sharif al-'Umari, July 31, 2008.

<sup>11</sup> Human Rights Watch interview with prisoner Ghaith, Qafqafa, August 25, 2007.

<sup>12</sup> Human Rights Watch interview with prisoner Lu'ai, Muwaqqar, August 19, 2007.

<sup>13</sup> Human Rights Watch interview with prisoner Nu'man, Juwaida, October 22, 2007.

and hit them when they respond.”<sup>14</sup> We observed the raw skin on the wrists of a prisoner, Rafiq, in Swaqa who said: “I was cuffed to the holding pen for two hours and beaten several weeks ago with two others for having an [illegal] cell phone.”<sup>15</sup>

Where two prisoners get into a fight, inmates we interviewed told us that guards would torture both.<sup>16</sup> Human Rights Watch observed raw areas of skin on the wrists of another prisoner in Muwaqqar, Luqman, who said that

Three days ago, two prisoners were fighting and the guards separated them. I was sitting behind the two prisoners, but the guards took all of us, me and four others, to the solitary [confinement] cells. The guards handcuffed us and beat us. They hit me with cables, sticks and hoses. The guards usually carry sticks, about half a meter long, but not when visitors come. The cables are three cables wrapped together, big and thick. After beating us, they handcuffed us to the iron bars, with our arms stretching way up high. They left us there from 12 p.m. until 8 a.m. the next morning. The guards would walk by and hit us. My hands became numb.<sup>17</sup>

Even where a prisoner in Salt had admitted being responsible for injuring a fellow prisoner who had insulted him, guards chose to torture him instead of initiating disciplinary or criminal proceedings against him. In this incident, four days before Human Rights Watch’s visit, prisoner Ghalib said,

The guards hung me from both wrists, cuffed to the iron gate downstairs at the entrance to the prison, for two hours. All prisoners saw me as they were going to get breakfast. Around seven masked guards, I think from the perimeter guards, beat me with a half meter long stick, mostly on the back. I asked for a doctor, but was refused.<sup>18</sup>

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<sup>14</sup> Human Rights Watch interview with prisoner Qais, Qafqafa, August 25, 2007.

<sup>15</sup> Human Rights Watch interview with prisoner Rafiq, Swaqa, August 22, 2007.

<sup>16</sup> Human Rights Watch interview with prisoner Armand, Muwaqqar, August 19, 2007.

<sup>17</sup> Human Rights Watch interview with prisoner Luqman, Muwaqqar, August 19, 2007.

<sup>18</sup> Human Rights Watch interview with prisoner Ghalib, Salt, August 23, 2007.

If a prisoner does not stand to attention quickly enough during roll call, guards may beat him.<sup>19</sup> Prisoner ‘Amr at Swaqa prison gave us the following account of abuse he had witnessed of a fellow inmate:

At 1.30 p.m. on July 26, eight guards entered the ward and asked a prisoner to shout his own name, he refused because of his [unwell] mental state. He told the guards that he already knows his name and that it is written on the door outside. He was taken outside his cell ... and the eight guards started beating him up with a thick black stick and electric cables. Then he was dragged by the feet to the ground floor, with his head banging across the walls and on the stairs. We heard him screaming from there an hour later.<sup>20</sup>

Human Rights Watch visited the inmate who had been beaten one month later. Physical evidence of his abuse was still visible; we saw swellings above his eye and bruises on his head, but he was unable to communicate with us.<sup>21</sup>

A prisoner who speaks back to an officer also risks a beating. Guards have beaten prisoners who press demands and complaints, such as seeing a doctor or better food. For example, prisoner Humaidan at Aqaba told Human Rights Watch: “I said [to the guard that] I wanted to make a phone call. I haven’t called in 17 days. The Preventive Security officer slapped me. I wanted to cut myself in protest, and he slapped me again.”<sup>22</sup> Another prisoner, Laith, said that

officers beat me two months ago after I asked to go to the doctor. It was 10 a.m. on a Wednesday. I said I’ll complain if you don’t let me go. After I said that, they took me to the holding pen. They put a handcuff on each wrist and suspended me from the iron gate until sunset. Then

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<sup>19</sup> Human Rights Watch interview with prisoner Fakhri, Juwaida, October 23, 2007.

<sup>20</sup> Human Rights Watch interview with prisoner ‘Amr, Swaqa, August 21, 2007.

<sup>21</sup> Human Rights Watch meeting with prisoner Qinan, Swaqa, August 21, 2007.

<sup>22</sup> Human Rights Watch interview with prisoner Humaidan, ‘Aqaba, August 27, 2007.

they put me in the automobile repair room, which is under ground, for one hour, and 10 officers beat me.<sup>23</sup>

Eight prisoners told us that guards had cuffed their hands above their heads to a high bar, sometimes with their feet not touching the ground, and sometimes with their arms cuffed behind their back in the style of the so-called “Palestinian hanging” (*strappado*). Guards then beat the defenseless prisoners whether or not fully suspended with one of three preferred tools: several electrical cables twisted together and knotted at the end, a rubber hose, or sticks, clubs and truncheons.<sup>24</sup> Sometimes, guards punch prisoners with their fists or kick them with their boots.<sup>25</sup> To wake up prisoners who pass out, guards sometimes splash them with cold water.<sup>26</sup> Prisoner Lu’ai in Muwaqqar said that

One month ago, the guards beat a prisoner terribly. They put him under the stairs, and three or four guards beat him mercilessly. They tie knots in plastic electrical cables to make it hurt more when they beat you.<sup>27</sup>

Although prisoners we interviewed usually identified one guard as a lead torturer, they also identified more than one guard as having been involved. In some prisons, prisoners told us that guards prepared a “welcome party” for new arrivals, beating each one in the holding pen where they spend the initial hours or days prior to their classification and distribution to a particular wing. Prisoner Dawud at Muwaqqar told Human Rights Watch that “on Saturdays, new detainees are brought here. They receive a welcome party. Two weeks ago, 70 came, and the guards lined them up and beat them all. I was one of those beaten.”<sup>28</sup> Talib, a prisoner at Salt, who had been to Muwaqqar, confirmed the welcome parties, saying that,

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<sup>23</sup> Human Rights Watch interview with prisoner Laith, Qafqafa, August 25, 2007.

<sup>24</sup> Human Rights Watch interview with prisoner Lu’ai, Muwaqqar, August 19, 2007.

<sup>25</sup> Human Rights Watch interview with prisoner Majid, Muwaqqar, August 19, 2007.

<sup>26</sup> Human Rights Watch interview with prisoner Ja’far, Swaqa, August 21, 2007, and with prisoner ‘Asim, Salt, August 23, 2007.

<sup>27</sup> Human Rights Watch interview with prisoner Lu’ai, Muwaqqar, August 19, 2007.

<sup>28</sup> Human Rights Watch interview with prisoner Dawud, Muwaqqar, August 19, 2007.

‘Amir al-Qutaish, is a prison wing chief in the control room of Muwaqqar. He is a bit fat. I arrived on a Saturday, and he put me and 24 others in the reception cell. There, he beat us with cables and plastic sticks.<sup>29</sup>

Three prisoners at Qafqafa separately told Human Rights Watch of mass beatings on June 21 or 24 of 2007. One prisoner, Khalid, said that “100 masked security officers from ‘Team 14’ came to search our ward. This was not a search; it was designed to teach us a lesson. They came and beat us all. They were vicious.”<sup>30</sup>

In five prisons, Salt, Swaqa, Juwaida, Qafqafa, and Muwaqqar, inmates told us that the director participated in such abuse.<sup>31</sup> A prisoner, ‘Umar, at Muwaqqar said, “They beat [this prisoner] terribly because he didn’t want to shave his hair. He’s a new inmate. The director himself stepped on him while guards held him down and cut his hair.”<sup>32</sup> Another prisoner at Muwaqqar, Walid, said that “last Wednesday, I beat another inmate over a drugs dispute in the dining hall at lunch. They took me into the corridor and suspended me from handcuffs and beat me heavily. The director was there and watched. There were about three to four guards.”<sup>33</sup>

### **Abuses Against Islamist *Tanzimat*—State Security Prisoners**

Torture by prison guards of common prisoners appeared to occur in response to perceived infractions or in retaliation for complaints. Torture by prison guards of Islamist *Tanzimat* prisoners, however, at times took the form of collective beatings. These prisoners, of whom there were about 120 in October 2007, in Juwaida and Swaqa prisons, recount that guards and sometimes the director frequently abuse them and occasionally torture them in response to protests or riots. On at least three occasions all or nearly all of the *Tanzimat* prisoners were tortured, twice in Swaqa,

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<sup>29</sup> Human Rights Watch interview with prisoner Talib, Salt, August 23, 2007. Several prisoners in 2007 and 2008 named ‘Amir Qutaish as an abusive guard. Six prisoners identified him as having tortured prisoners at Muwaqqar in April 2008 alone (see Appendix C).

<sup>30</sup> Human Rights Watch interview with prisoner Khalid, Qafqafa, August 25, 2007.

<sup>31</sup> The director was not necessarily the director present during Human Rights Watch’s visit.

<sup>32</sup> Human Rights Watch interview with prisoner ‘Umar, Muwaqqar, August 19, 2007.

<sup>33</sup> Human Rights Watch interview with prisoner Walid, Muwaqqar, August 19, 2007.

and once in Juwaida. Furthermore, prison authorities house *Tanzimat* prisoners in small-group isolation, a psychologically stressful environment. They separate these inmates from the general population supposedly to prevent their indoctrination of the general population.<sup>34</sup>

The *Tanzimat* prisoners have on a number of occasions held violent protests, and authorities regard them as a difficult, hostile prison population. Prison guards in Swaqa and Juwaida and two prison directors said that Islamist prisoners frequently protest and insult guards, including by spitting on them.<sup>35</sup> Some of the *Tanzimat* protests have indeed been violent. Riots broke out among the *Tanzimat* of Juwaida, Swaqa and Qafqafa in March and April 2006, following which the government closed the Qafqafa *Tanzimat* section. In Juwaida, in March 2006, *Tanzimat* prisoners took hostage the director of prisons, who had come to negotiate, and reportedly beat him.<sup>36</sup> In Qafqafa, in April 2008 (?), special forces stormed the prison's *Tanzimat* wing, where prisoners also reportedly held two officers hostage.<sup>37</sup>

At other times, the *Tanzimat* prisoners have staged more peaceful protests. In Swaqa, in August 2006, *Tanzimat* prisoners went on a two-day hunger strike to protest their ill-treatment.<sup>38</sup> In July 2007, Swaqa *Tanzimat* prisoners again went on hunger strike to protest the withdrawal of visiting privileges and the confiscation of books and other belongings, including a mobile telephone not allowed by the prison, following the escape of two *Tanzimat* prisoners from Juwaida reportedly with the help of a guard in June of that year.<sup>39</sup>

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<sup>34</sup> Human Rights Watch interview with Ali Burjaq, Counter-terrorism official, General Intelligence Department, Amman, June 25, 2007.

<sup>35</sup> Human Rights Interview with Hani al-Majalli, director, Swaqa, August 21, 2007.

<sup>36</sup> The riots were caused by the attempt to take from their cells two prisoners scheduled for execution. The two, Yasir Furaihat and Salim Suwaid (al-Libi), were executed shortly thereafter. These were the last executions in Jordan before an unofficial moratorium. Human Rights Watch interview with high officials from the Public Security Directorate, Amman, April 13, 2008. See also: "14-hour Jordan Prison Riot Ends," Monterey County Herald, March 2, 2006. Members of parliament helped negotiate a peaceful end to the crisis. Human Rights Watch interview with Ali Abu Sukkar, Amman, May 18, 2006.

<sup>37</sup> Khalid al-Bishtawi, a prisoner, died in clashes. "Jordan Prison Uprising Quelled," Agence France Presse, April 13, 2006.

<sup>38</sup> "Islamist Inmates Stage Hunger Strike in Jordan," Reuters News, August 26, 2006.

<sup>39</sup> Human Rights Watch telephone conversation with Jordanian relative of a *Tanzimat* prisoner, Amman, July 8, 2007, and Human Rights Watch interview with *Tanzimat* prisoners at Swaqa, August 21, 2007. The EU has put out a tender for a contract to detect mobile telephone activity within prisons. European Neighbourhood Policy Initiative, "Supply Procurement Notice. Supply of Security and Surveillance Equipment for the Corrections and Rehabilitation Centres Directorate of the Hashemite Kingdom of Jordan," Delegation of the European Commission in Jordan, EuropeAid/126697/D/SUP/JO. Jordan installed its own

In response to the Juwaida escape and the Swaqa protests, guards carried out collective attacks on the *Tanzimat* prison population. Inmates told us that guards wearing face masks and carrying thick truncheons entered the Swaqa *Tanzimat* cells on June 23, July 5, July 26, and July 27 of 2007, carrying out intrusive, violent full-body searches, insulting prisoners, and shaving their hair as part of degrading treatment.<sup>40</sup> On July 28, during another search, inmates said that masked guards accompanied by four officers entered the cells, pushed the prisoners toward the wall, carried out a full-body search and ordered the prisoners to shout “long live the king,” while flogging them with knotted electrical cables on the backs.<sup>41</sup> The *Tanzimat* prisoners, who ideologically oppose the king, refused, and guards poured cold water over them, adding soap to the cement floor so that the prisoners slipped and fell when they tried to dodge the flogging.<sup>42</sup> One inmate, Thamir, said that “at the end, the [guards’] arms got so weary, they started using their feet to beat us on the floor.”<sup>43</sup>

A hunger strike by Swaqa *Tanzimat* prisoners demanding to see a doctor was successful that day. The next day, on July 29, however, the inmates said that guards forced them to sign a statement that they had attacked the guards first the day before. The director then prevented all family visits to the *Tanzimat* prisoners for one month.<sup>44</sup> On July 30, inmates told us that the guards again slapped some of the *Tanzimat* prisoners and beat them with truncheons and cables.<sup>45</sup>

On August 22, 2007, one day after the first Human Rights Watch visit to Swaqa, Majid al-Rawashda became the new director at Swaqa prison. That day, he entered the cells of the prison with a group of prison guards and beat all or nearly all of the inmates, according to testimony Human Rights Watch obtained from inmates during a return trip to the prison on August 26. Inmates said beatings started in the

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jammers of cell phone wireless communication in the prisons in 2008. Human Rights Watch interview with Sharif al-'Umari, July 31, 2008.

<sup>40</sup> Human Rights Watch interview with prisoner 'Amr and three other prisoners, Swaqa, August 21, 2007.

<sup>41</sup> Human Rights Watch interview with prisoner 'Amr and three other prisoners, Swaqa, August 21, 2007.

<sup>42</sup> Human Rights Watch interview with prisoner 'Amr and three other prisoners, Swaqa, August 21, 2007.

<sup>43</sup> Human Rights Watch interview with prisoner Thamir, Swaqa, August 21, 2007.

<sup>44</sup> Human Rights Watch interview with prisoner Nasir, Swaqa, August 21, 2007.

<sup>45</sup> Human Rights Watch interview with prisoners 'Amr, Thamir, Nasir in Swaqa, August 21, 2007.

afternoon and did not stop until late at night. Accounts from *Tanzimat* and ordinary prisoners concerning that day's events indicate that *Tanzimat* prisoners received particularly harsh treatment. Human Rights Watch was able to see the marks of beatings on the backs of six *Tanzimat* prisoners and on the arms and legs of another fourteen *Tanzimat* prisoners.

Prisoners' injuries consisted most commonly of bruises, between 20 and 40 centimeters long, and two to four centimeters wide. Almost all were diagonally across the back, covering the shoulder blades. The color of the bruising ranged from deep purple to light green and light yellow. In addition to these bruises, marks from injuries included long, thin red lines on the backs, necks, arms and legs of prisoners, where they said they were beaten with cables. The skin appeared superficially lacerated. Some prisoners also had bright red spots on their skin, mostly around the thighs, where they said guards had hit them with an improvised whip with a metal ball bearing as a tip. A physically disabled prisoner who could not stand well told Human Rights Watch how guards stuffed paper into his mouth until he gagged because he could not stand up to face the wall.<sup>46</sup>

The director, who wore a face mask but who some *Tanzimat* prisoners recognized from their time together in Juwaida prison, also carried an electric shock instrument, a stick with a handle and a cylindrical device on top, although he did not use it.<sup>47</sup> One prisoner said, "The director grabbed me by the beard and said, 'Don't complain'."<sup>48</sup> Following the beatings, the prison director ordered their hair and beards shaved. One guard told a prisoner, "We will shave even your eyebrows."<sup>49</sup> On their way down the stairs to the barber, guards further beat the prisoners. One prisoner said he saw a guard there whose clothing was covered in blood.<sup>50</sup>

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<sup>46</sup> Human Rights Watch interview with 20 prisoners in four different cells in Swaqa, August 26, 2007.

<sup>47</sup> Human Rights Watch interview with prisoners Husam, Khalil, Shukri in Swaqa, August 26, 2007. A prisoner in Juwaida said al-Rawashda had used the electric shock device on prisoners there. Human Rights Watch interview with prisoner Sami, Juwaida, October 22, 2007.

<sup>48</sup> Human Rights Watch interview with prisoner Muhanna, Swaqa, August 26, 2007.

<sup>49</sup> Human Rights Watch interview with prisoner Husam, Swaqa, August 26, 2007.

<sup>50</sup> Human Rights Watch interview with prisoner Sabri, Swaqa, August 26, 2007.



In Juwaida prison, Human Rights Watch again documented a significant episode of collective punishment of the *Tanzimat* prison population. On June 19, 2007, two *Tanzimat* prisoners successfully escaped, apparently with the help of a guard.<sup>51</sup> Following the escape, prison guards tortured the remaining *Tanzimat* prisoners, according to the testimony of eleven inmates. They reserved particularly harsh treatment for two other *Tanzimat* prisoners who attempted to escape, but were caught, and another wanted Islamist caught on a bus with one of the escapees.<sup>52</sup> One of them described to Human Rights Watch how guards tortured him for days, forcing him to crawl along an internal corridor, licking the floor while being repeatedly beaten.<sup>53</sup>

Another prisoner told Human Rights Watch how after the escape

Special forces put a black bag on my head and banged my head into the walls, saying ‘Watch where you’re going!’ Masked Preventive Security guards slapped me for thirty minutes and said, ‘Now here’s a good party for you.’ They took me to the corridor, made me roll down it like a football, then stand up, then made me spin around on the ground on my face. All the while, they beat me with a stick. Later they beat me on the soles of my feet [فلقة] and on my hands.<sup>54</sup>

Another Juwaida prisoner said that after the escape, guards “put their shoes in my mouth and made me pretend to have sex with my mattress.”<sup>55</sup> A third *Tanzimat* prisoner said that guards beat him “for one month with every meal.”<sup>56</sup> A fourth prisoner said that guards made him fill up his water bottle in the cell by filling and

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<sup>51</sup> Ahmad Karaishan, “Escape of Two Prisoners Sentenced for Planning a Terrorist Operation,” *al-Ra’i* Newspaper, June 20, 2007, and Human Rights Watch conversation with an adviser to Jordanian prisons, October 2007.

<sup>52</sup> Human Rights Watch interview with one of the two who attempted to escape, Juwaidah, October 23, 2007.

<sup>53</sup> Human Rights Watch interview with prisoner Faruq, Juwaida, October 23, 2007.

<sup>54</sup> Human Rights Watch interview with a prisoner Nidal, Juwaida, October 23, 2007.

<sup>55</sup> Human Rights Watch interview with prisoner Sufyan, Juwaida, October 23, 2007.

<sup>56</sup> Human Rights Watch interview with prisoner Nidal, Juwaida, October 23, 2007.

refilling only the cap of his bottle by reaching through a narrow opening in the cell door to a large bottle placed outside.<sup>57</sup>

The PSD replaced the director of Juwaida following the escape, but other officers involved in the torture of the inmates remained in place, a prisoner, Yasir, told Human Rights Watch, including those he identified as torturers.<sup>58</sup>

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<sup>57</sup> Human Rights Watch interview with prisoner Hamza, Juwaida, October 23, 2007.

<sup>58</sup> Human Rights Watch interview with prisoner Yasir, Juwaida, October 23, 2007.

## Other Prison Abuses

Under international law, prisoners have most of the same rights as persons not deprived of their liberty, such as rights to an adequate standard of life, including access to the highest available standards of health,<sup>59</sup> and to adequate food and drink.<sup>60</sup> Due to their confinement, prisoners also have special rights to contact with the outside world.<sup>61</sup> Courts may deprive persons of their liberty as punishment for criminal acts, but not of these other rights. In Jordanian prisons in 2007, however, inmates suffered from untreated health conditions, ate poorly and often had unnecessarily limited contact with the outside world.

### Health Services

Medical doctors regularly serve all Jordanian prisons, but our research indicates that access to health care and its quality is deficient. The administration of services fails to meet even the requirements of Jordanian law for health care in prisons. The Ministry of Health administers health care in prison, but the prison director from the Ministry of Interior has immediate authority over medical staff.

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<sup>59</sup> “Basic Principles for the Treatment of Prisoners, adopted December 14, 1990, G.A. Res. 45/111, annex, 45 U.N. GAOR Supp. (No. 49A) at 200, U.N. Doc. A/45/49 (1990), Principles 5 and 9: “Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in ... United Nations covenants” (Principle 5). “Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation,” principle 9.

<sup>60</sup> “(1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served. (2) Drinking water shall be available to every prisoner whenever he needs it.” United Nations Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules), adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of July 31, 1957, and 2076 (LXII) of May 13, 1977, rule 20.

<sup>61</sup> “A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.” Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles), adopted December 9, 1988, G.A. Res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988), principle 19. Furthermore, “Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.” Standard Minimum Rules, rule 37, and “Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration,” rule 39.

In Aqaba prison, with a capacity of 192, doctors only visited three times a week, according to the prison director.<sup>62</sup> This made it impossible to abide by Jordan's Law on Correction and Rehabilitation Centers requiring the prison authority to administer a medical examination upon an inmate's admission to a prison and before placing him in solitary confinement.<sup>63</sup> In Juwaida prison, the pharmacist told us that two prison doctors working on alternate days are responsible for both the men's and the separate, but adjoining, women's prison.<sup>64</sup> The prison doctor said he sees 150 patients each day.<sup>65</sup> If the doctor is at the men's prison, he is unavailable to see women patients, and vice versa.<sup>66</sup> In Swaqa, Jordan's biggest prison, five doctors try to care for over 2,000 inmates.<sup>67</sup> In Muwaqqar, two doctors cared for 896 inmates on the day of our visit.<sup>68</sup>

The prison doctor in Birain, a smaller detention facility, told Human Rights Watch that he treats 70 or more cases every day.<sup>69</sup> Doctors usually have the assistance of a nurse, but no further help. In each of Birain, Qafqafa, Muwaqqar, Juwaida and Swaqa, one or two prisoners asked Human Rights Watch during our visit to inform the prison doctor and the director that they had been unable to obtain health care.<sup>70</sup> In Juwaida, a new arrival said he was afraid he would miss a long-scheduled operation due to his recent incarceration.<sup>71</sup> Another prisoner there showed us his visibly broken arm with part of his bone protruding under the skin.<sup>72</sup> Hospital doctors first treating him,

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<sup>62</sup> Human Rights Watch interview with Husain Rawafja , director, Aqaba prison, August 27, 2007.

<sup>63</sup> "The doctor of the [Correction and Rehabilitation] Centre must conduct a medical exam of the inmate and present a report of his state of health in any of the following cases: a) at the admission to the Center of [the inmate] and before his release from it and upon his transfer from one Center to another; b) Before placing the inmate in solitary confinement and after releasing him from it." Prisons Law, art.24. Human Rights Watch interview with prison doctor at Aqaba, August 27, 2007.

<sup>64</sup> Human Rights Watch interview with pharmacist, Juwaida, October 24, 2007.

<sup>65</sup> Human Rights Watch interview with the prison doctor and pharmacist, Juwaida, October 24, 2007.

<sup>66</sup> Human Rights Watch interview with prison doctor and nurse, Juwaida, October 24, 2007.

<sup>67</sup> Human Rights Watch interview with Hani al-Majalli, director, Swaqa, August 21, 2007.

<sup>68</sup> Human Rights Watch interview with Rakat al-Hallalat, director, Muwaqqar, August 19, 2007.

<sup>69</sup> Human Rights Watch interview with prison doctor, Birain, April 15, 2008.

<sup>70</sup> International law requires medical examinations at the point of admission to a prison: "A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge." Body of Principles, principle 24.

<sup>71</sup> Human Rights Watch interview with prisoner Maisara, Juwaida, October 24, 2007.

<sup>72</sup> Human Rights Watch observation in prison, Juwaida, August 24, 2007.

before his arrest, said his arm would need an operation before being set, but the prison director had not coordinated with the hospital and he had not received the operation.<sup>73</sup> Prisoners complained that doctors treat any ailment with simple pain killers and do not provide more specialized care.<sup>74</sup> A Juwaida prisoner complaining of disc problems in his back said “the doctor is only here from 8 a.m. until 11 a.m. He is very bad and only gives you ibuprofen [pain killer].” Some saw the doctor as their enemy, saying “the doctor treats you like he wants to beat you.”<sup>75</sup>

Prisoners do not under Jordanian law have the right to seek a second medical opinion by a different doctor, although Muwaqqar prison director Rakat al-Hallalat said that he generally allows prisoners to continue to see their existing specialist doctors if they have pre-existing medical conditions.<sup>76</sup> He does not allow them to bring in their own medicines, however.<sup>77</sup> International standards provide for the right of a prisoner to seek a second medical opinion.<sup>78</sup>

Frequent health complaints involve respiratory problems, aggravated by incessant smoking inside dormitory wards with between 28 and 50 beds per room. One prisoner told Human Rights Watch that he has “asthma and a lung infection ... and take[s] 12 pills a day... The air in here is bad, fetid. I sleep near the door because of the air that comes in under the door... I wanted to be moved to a different prison where I could breathe fresh air. They refused.”<sup>79</sup>

The regulations accompanying the prison law guarantee each prisoner “health service sufficient ... for his medical needs.”<sup>80</sup> International norms dictate that “The

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<sup>73</sup> Human Rights Watch interview with prisoner Zuhair, Juwaida, October 24, 2007.

<sup>74</sup> Human Rights Watch interviews with over a dozen prisoners in Muwaqqar, Qafqafa, and Juwaida, August and October, 2007.

<sup>75</sup> Human Rights Watch interview with prisoner Zhafir, Qafqafa, August 25, 2007.

<sup>76</sup> Human Rights Watch interview with Rakat al-Hallalat, director, Muwaqqar, August 19, 2007.

<sup>77</sup> Public Security Directorate, Correction and Rehabilitation Centers Administration, “Regulations of the Law of Correction and Rehabilitation Centers,” 2007, art.12.

<sup>78</sup> “A detained or imprisoned person or his counsel shall, subject only to reasonable conditions to ensure security and good order in the place of detention or imprisonment, have the right to request or petition a judicial or other authority for a second medical examination or opinion.” Body of Principles, Principle 25.

<sup>79</sup> Human Rights Watch interview with prisoner Suhail, Muwaqqar, August 19, 2007.

<sup>80</sup> Public Security Directorate, Correction and Rehabilitation Centers Administration, “Regulations of the Law of Correction and Rehabilitation Centers,” 2007, art.8.a.

medical officer [of the prison] ... should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.”<sup>81</sup>

In addition to general physicians, prisons provide the services of dentists, psychiatrists, and, occasionally, dermatologists. The Aqaba prison doctor reported that he refers two to three cases per day to the psychiatrists. At the time of Human Rights Watch’s visit, prison authorities had transferred four persons at the 650 capacity Birain prison, seven inmates at the 500 prisoner capacity Salt prison, and 17 of the 1140 prisoners at Juwaida to Fuhais mental hospital, which accommodates mentally ill prisoners. In the larger prisons, a psychiatrist visits once every week or two.<sup>82</sup>

These services appear to be wholly inadequate for the mental health needs of the prison population. The ICRC in February and March 2008 conducted an assessment of the health care provisions in Jordan’s prisons. While its findings remain confidential, a participating ICRC doctor in August told the media that “manpower has clearly been the most lacking resource... 13 psychiatrists are currently serving the Kingdom, working in 30 clinics in addition to the country’s 10 correctional facilities.”<sup>83</sup>

Jalil, a prisoner at Qafqafa prison told Human Rights Watch, “I have asked to see a doctor to speak about my mental health but have not been able to do so. I have asked for one month now. I am depressed and often get angry.”<sup>84</sup> The mental state of this prisoner’s neighbor, also in solitary confinement, made him apparently unable to respond to Human Rights Watch’s questions. A prisoner in Swaqa also appeared to be mentally disturbed, unable to follow a normal conversation, but had not received specialized psychiatric care.<sup>85</sup> Another prisoner in Juwaida who had been on psychiatric medication for 12 years and had recently spent one month as a patient in Fuhais mental hospital told Human Rights Watch that “the psychiatrist comes once a

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<sup>81</sup> Standard Minimum Rules, Rule 25.1.

<sup>82</sup> Human Rights Watch interview with the directors at Muwaqqar, Swaqa, Qafqafa and Juwaida, August and October 2007.

<sup>83</sup> Taylor Luck, “ICRC Issues Assessment of Healthcare in Kingdom’s Correctional Facilities,” *Jordan Times*, August 12, 2008.

<sup>84</sup> Human Rights Watch interview with prisoner Jalil, Qafqafa, August 25, 2007.

<sup>85</sup> Prisons doctors should be knowledgeable about psychiatry, international norms hold. At each prison, there should be “at least one qualified medical officer who should have some knowledge of psychiatry.” Standard Minimum Rules, Rule 22.1.

month. He was here two weeks ago, but I didn't get to see him. My family tried to get me my medication, but couldn't. In here, if you complain too much, they put you in solitary."<sup>86</sup>

The confinement of inmates in solitary cells no doubt has a significant negative impact on inmates' mental health. Qafqafa's solitary confinement cells are underground, without natural light, locked with heavy steel doors in a dank and fetid environment. All inmates on death row also are in solitary confinement, and prison directors used short-term solitary confinement as a frequent disciplinary measure.<sup>87</sup> Three prisoners in Juwaida separately told Human Rights Watch about a "black room," called "the pharmacy," where guards sent them for punishment, sometimes lasting up to one month. This room was bigger than a solitary cell, and accommodated three or four prisoners at a time, but let in no light.<sup>88</sup>

According to the medical professionals we interviewed, neither psychologists nor general physicians treat prison rapes. Rape in prison is a common occurrence, one former prisoner and four current prisoners in three different prisons told Human Rights Watch.<sup>89</sup> They spoke in German, English or French so that Arabic speaking fellow prisoners could not understand them. Doctors do not provide condoms.

Human Rights Watch learned of two suicides in Qafqafa prison, one on April 14, the other on August 14, 2007, and spoke to fellow prisoners about the incidents. Both prisoners hung themselves, allegedly following heavy beatings. One fellow prisoner told Human Rights Watch that his cellmate showed signs of depression the night after the beating and that his body showed many bruise marks.<sup>90</sup>

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<sup>86</sup> Human Rights Watch interview with prisoner Ibrahim, Juwaida, October 22, 2007.

<sup>87</sup> Human Rights Watch interviewed seven prisoners in solitary confinement and more than ten prisoners who had been in solitary confinement.

<sup>88</sup> Human Rights Watch interviews with three prisoners, Kazhim; Qasim; Husain, Juwaida, October 22 and 24, 2007.

<sup>89</sup> Human Rights Watch interviews with former prisoner Munir, Amman, April 12, 2008, and with two prisoners, Basim and Ali, Salt, August 23, 2007, prisoner Hashim, Qafqafa, August 21, 2007, and prisoner Husain, Juwaida, October 22, 2007.

<sup>90</sup> Human Rights Watch interview with prisoner Khalid, Qafqafa, August 25, 2007.

## The Castor Oil Treatment

All prison directors informed Human Rights Watch about recent discoveries of smuggled drugs and weapons. Commonly, they said, prisoners ingest balloons filled with psychiatric pills or razor blades or other sharp objects.<sup>91</sup> When prison guards suspect a new inmate or a prisoner returned from a court hearing or hospital of bringing in illegal substances, they force him to eat three to eight castor oil pills that rapidly cause diarrhea. One prison director openly told Human Rights Watch that the prison buys the pills on the open market.<sup>92</sup>

Prisoners told Human Rights Watch about the inhumane and degrading procedures of the castor oil treatment. In Muwaqqar, a prisoner told us that guards made over one dozen new arrivals sit naked in a row on buckets waiting for the pills to start working, usually within 30 minutes. One prisoner, Lu'ai, told Human Rights Watch "I had to go to the toilet, but the guards refused. The pills make you defecate after one minute. They brought me a bowl but I didn't want to do it there in front of them, so I said 'I am going to soil myself, and it will stink.' They slapped me, but brought me to the toilet."<sup>93</sup> In Birain prison, Human Rights Watch spoke to a prisoner who said that guards had forced him to swallow eight pills when he arrived. Two days later, he was still lying in bed, too weak to get up because of the violent diarrhea caused by the pills.<sup>94</sup> In Juwaida, a prisoner had no complaints about his treatment except for having been forced to swallow three castor oil pills upon arrival.<sup>95</sup>

Prison officials admitted to forcing prisoners to swallow castor oil pills, but insisted it was the lesser of two evils: "We do not have the facilities to x-ray every prisoner to discover ingested balloons with drugs. So we give them castor oil."<sup>96</sup> Such facilities exist in hospitals, but officials shun the expense and time to refer most prisoners

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<sup>91</sup> While some prisoners admitted that fellow prisoners smuggle drugs, usually psychiatric pills, sold for seven dinars per pill (a 700 per cent profit over the price at the pharmacy), many more put the blame on individual prison guards running illegal drug distribution rings in prison.

<sup>92</sup> Human Rights Watch interview with Muhammad Muhaimid, director, Juwaida prison, October 22, 2007.

<sup>93</sup> Human Rights Watch interview with prisoner Lu'ai, Muwaqqar, August 19, 2007.

<sup>94</sup> Human Rights Watch interview with prisoner Raja'i, Birain, April 15, 2008.

<sup>95</sup> Human Rights Watch interview with prisoner Shakir, Juwaida, October 22, 2008.

<sup>96</sup> Human Rights Watch interview with the director, Birain, April 15, 2008.



there. The EU assistance program has put out a tender for equipment for the detection of illicit objects for use in prisons by June 2008.<sup>97</sup> In July 2008, the director of prison service, Sharif al-'Umari, informed Human Rights Watch that he had stopped the use of castor oil pills as a laxative in prisons.<sup>98</sup>

## Food, Water, Hygiene

Prisoners in all prisons complained about the quantity and quality of their food. Human Rights Watch saw lunch being served in most prisons we visited. Prisoners at Qafqafa prison told us that that day's portions were bigger, and there was an added vegetable on account of our visit.<sup>99</sup> Lunch consisted of a bowl of rice with one or two cubes of meat or chicken and a vegetable sauce. One prisoner told Human Rights Watch that he frequently has to buy a can of tuna from the prison shop in order not to go hungry.<sup>100</sup> Another prisoner said the food was generally sufficient, but badly cooked and tasteless. He complained that there were no special meals for persons with diabetes like him.<sup>101</sup> Breakfast and dinner usually consisted of one egg and a piece of bread with half a cucumber or tomato. All prisoners complained about the water they had to drink, saying it smelled foul. In Qafqafa, prisoners filled huge plastic barrels full of water in the showers, to serve them as drinking water, because the administration frequently turned off the water during the day. A Swaqa prisoner complained of "too little food and water that is not good to drink."<sup>102</sup>

The prison regulations stipulate that the prison provide "food of a sufficient nutritional quality" and that it "must provide every inmate with drinking water whenever he needs it."<sup>103</sup>

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<sup>97</sup> European Neighbourhood Policy Initiative, "*Supply Procurement Notice. Supply of Security and Surveillance Equipment for the Correctional and Rehabilitation Centres Directorate of the Hashemite Kingdom of Jordan,*" *Delegation of the European Commission in Jordan*, EuropeAid/126697/D/SUP/JO.

<sup>98</sup> Human Rights Watch interview with Sharif al-'Umari, director, prison service, Amman, July 31, 2008.

<sup>99</sup> Human Rights Watch observation of lunch at Qafqafa, August 25, 2007.

<sup>100</sup> Human Rights Watch interview with prisoner 'Aql, Swaqa, August 21, 2007.

<sup>101</sup> Human Rights Watch interview with prisoner Khalid, Qafqafa, August 25, 2007. At least one prison director said that the kitchen prepared special meals for diabetic prisoners.

<sup>102</sup> Human Rights Watch interview with prisoner Falih, Swaqa, August 21, 2007.

<sup>103</sup> Public Security Directorate, Correction and Rehabilitation Centers Administration, "Regulations of the Law of Correction and Rehabilitation Centers," 2007, art.10.

The sanitary conditions were generally poor, especially at the older prisons like Juwaida, Qafqafa and Swaqa. Prisoners at Swaqa complained about toilets “covered with mould, and fungi ... causing fungous disease on the feet.”<sup>104</sup> Solitary confinement cells in particular were filthy. The cells contained a toilet hole in the floor without running water, separated only by a low wall from the rest of the one meter by two meter cell. An Egyptian man in administrative detention was in a solitary confinement cell in Swaqa that stank of feces. This 69-year old man had only one blanket to sit on while he continued his hunger strike to protest his detention.<sup>105</sup> Another prisoner in Salt did not even have a blanket.<sup>106</sup>

## Contact with the Outside World

Contact with the outside world is an essential right of prisoners. International standards dictate that prisoners must be allowed “communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits,” and that they must be informed of important news by “reading of newspapers, periodicals or special institutional publications, [and] by ... wireless transmissions.”<sup>107</sup> A prosecutor or prison director cannot arbitrarily withdraw a prisoner’s rights to such contact: International standards require that “communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.”<sup>108</sup>

Jordan’s prisons only afford prisoners limited contact with the outside world, whether they are unconvicted detainees or sentenced prisoners. The number of telephone booths is insufficient for the number of prisoners, the paucity of visiting booths cuts short visits with family to mere minutes. Prisoners may only receive

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<sup>104</sup> Human Rights Watch interview with prisoner Fadi, Swaqa, August 21, 2007.

<sup>105</sup> Human Rights Watch interview with prisoner Sa’ud, Swaqa, August 21, 2007.

<sup>106</sup> Human Rights Watch interview with prisoner Wajih, Salt, August 23, 2007.

<sup>107</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules), adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of July 31, 1957, and 2076 (LXII) of May 13, 1977, rules 37 and 39.

<sup>108</sup> Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles), adopted December 9, 1988, G.A. Res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988), principle 15.

relatives, although the prison service said it wanted to approve friends as visitors in the near future.<sup>109</sup> Prisoners occasionally have access to newspapers, and generally can watch Jordanian television, but have difficulty accessing books and periodicals.

The directors of Qafqafa and Swaqa prisons, Jordan's largest, said that they only had enough telephones to allow prisoners one call per month.<sup>110</sup> 'Aql, a prisoner sentenced to 20 years in Swaqa prison, complained that prison authorities allowed him to make only one telephone call to his family each month. This non-*Tanzimat* prisoner said he requested more frequent calls, but that the Preventive Security and the prison director, who must both agree, had recently refused.<sup>111</sup> Another prisoner in Qafqafa, Murad, said that while the authorities had allowed him to make one phone call upon admission three weeks earlier, they had denied all further requests for calls.<sup>112</sup> However, prisoners in other facilities such as Birain said they faced few problems accessing the telephone.<sup>113</sup> A prisoner in Juwaida said he was able to send faxes to the governor of Amman protesting his detention.<sup>114</sup>

Long queues of visitors for only around 20 – 40 visiting booths at Swaqa and Qafqafa prisons meant that prisoners did not get more than five minutes to a maximum of 15 minutes visiting time with their relatives. Prisoner Ra'id told Human Rights Watch that these short visits had become too painful for him, because he could barely spend time with his children, so he preferred that they did not visit.<sup>115</sup> Another prisoner beseeched Human Rights Watch to call his wife to come because she had not visited in 35 days. When we called, she said the trip to the prison was too expensive for just a few minutes.<sup>116</sup>

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<sup>109</sup> Human Rights Watch interview with Sharif al-'Umari, April 13, 2008.

<sup>110</sup> Human Rights Watch interview with Mahmud 'Ashran, director, Qafqafa prison, August 25, 2007.

<sup>111</sup> Human Rights Watch interview with prisoner 'Aql, Swaqa, August 21, 2007.

<sup>112</sup> Human Rights Watch interview with prisoner Murad, Qafqafa, August 25, 2007.

<sup>113</sup> Human Rights Watch interview with prisoner Mu'adh, Birain, April 15, 2008.

<sup>114</sup> Human Rights Watch interview with prisoner Musa, Juwaida, October 22, 2007.

<sup>115</sup> Human Rights Watch interview with prisoner Ra'id, Swaqa, August 21, 2007.

<sup>116</sup> Human Rights Watch telephone call to wife of a prisoner 'Aql, Swaqa, August 22, 2007.

Prisons allow only immediate family to visit inmates. Jalil, a death row inmate told Human Rights Watch he had not had visitors for over one year, because his father had repudiated him, and prison regulations did not allow his former colleagues to visit him, only first-degree relatives.<sup>117</sup> The head of the prison service, Sharif al-'Umari, told Human Rights Watch that the prisons are in the process of complying with prison regulations allowing for approved friends to visit.<sup>118</sup>

The prison libraries had a few hundred to a few thousand volumes according to the prison directors we interviewed. Prison authorities generally do not allow prisoners to keep their own reading materials. 'Amr, a Swaqa prisoner told Human Rights Watch that "on June 23, [2007] they confiscated all items in the ward that were previously allowed by the warden, including books, clothes, and food bought by us from the prison. They took course books Usama Abu Hazim needs because he is doing two Masters [degrees] in prison, one in political science and one in engineering. These books took a long time of negotiation between us and the administration to obtain."<sup>119</sup> In Qafqafa, Jalil told Human Rights Watch that for unknown reasons, he had recently been unable to get the two daily newspapers available to prisoners, *al-Ra'i* and *Addustour*.<sup>120</sup> Nasir, a prisoner in Salt who had been in solitary confinement for three months after being sentenced to death complained that he had no news of the outside world and could not watch television like other prisoners.<sup>121</sup>

The directors did not take these measures out of a lack of availability or to ensure good order in the facilities. Indeed, both directors and especially the senior leadership of the PSD appeared keen on expanding libraries and access to news.<sup>122</sup> International standards require that prisoners have access to "reasonable quantities

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<sup>117</sup> Human Rights Watch interview with prisoner Jalil, Qafqafa, August 25, 2007.

<sup>118</sup> Human Rights Watch interview with Sharif al-'Umari, April 14, 2007. Prison Regulations, art.11.d.1.

<sup>119</sup> Human Rights Watch interview with prisoner 'Amr, Swaqa, August 22, 2007.

<sup>120</sup> Human Rights Watch interview with prisoner Jalil, Qafqafa, August 25, 2007.

<sup>121</sup> Human Rights Watch interview with prisoner Nasir, Salt, August 23, 2007.

<sup>122</sup> Human Rights Watch interview with directors at Swaqa and Qafqafa, August 21 and 25, 2007, and with the PSD leadership, Amman, April 13, 2008.

of educational, cultural and informational material”<sup>123</sup> and that “Every institution shall have a library for the use of all categories of prisoners [who] shall be encouraged to make full use of it.”<sup>124</sup>

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<sup>123</sup> Body of Principles, principle 28.

<sup>124</sup> Standard Minimum Rules, rule 40.

## Impunity

Jordan's mechanisms to hold accountable those responsible for torture and ill-treatment or violations of prisoners' rights are insufficient either to provide redress to victims of abuse or to deter perpetrators. The justice system does not effectively hold officials accountable for torture or ill-treatment, creating a climate of impunity. The lack of transparency and responsiveness to prisoner complaints also shows that the mechanism to address grievances is equally broken. Indeed, officials have repeatedly dismissed allegations by individuals or human rights organizations regarding violations of prisoner rights without starting a serious and transparent investigation.

The Convention Against Torture stipulates that states have an obligation to "proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed."<sup>125</sup> Reasonable allegations of torture not just incontrovertible material evidence, are thus sufficient to launch an investigation. Furthermore, every person subjected to torture has "the right to complain to, and to have his case promptly and impartially examined by, [the] competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given."<sup>126</sup>

Human Rights Watch heard accounts of over 60 prisoners alleging torture or ill-treatment in 2007.<sup>127</sup> In the cases we investigated, guards appear to have abused prisoners with near total impunity. This is in part because there is no independent body to hold them accountable. The Public Security Directorate (PSD), which is the agency that employs all prison staff, including guards and prison directors, is also the authority that investigates and prosecutes prison abuses by such staff. Police prosecutors under the PSD's Legal Affairs department are responsible for bringing charges against their fellow officers in the prison administration. The PSD also

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<sup>125</sup> CAT, art.12.

<sup>126</sup> CAT, art.13.

<sup>127</sup> Of the 66 cases of allegations of abuse, three came from detainees in Birain in April 2008.

convenes a special court, the Police Court, to which it appoints the judges; the Police Court tries all crimes involving PSD officials.<sup>128</sup> The PSD director can personally adjudicate criminal cases of misdemeanors carrying a prison sentence of less than three years.<sup>129</sup> Ordinary courts do not have jurisdiction of crimes committed by PSD officials. As can be expected, this internal prosecution mechanism has failed adequately to investigate and prosecute its own staff.

## **Deficient Complaints Mechanism**

Prisoners have four ways to complain about mistreatment: formally to the director of the prison, often via the guards in their wards; to the PSD Legal Affairs prosecutors now present full-time in seven prisons; to the PSD's Grievances and Human Rights Office during its regular visits, or by posting a complaint to its complaints box; or informally to external visitors, such as the International Committee of the Red Cross (ICRC), the National Center for Human Rights (NCHR), or their lawyers or visiting family members.

The lack of confidentiality in the formal complaints process, the lack of independence of the prosecutors, who appear in the same uniform as prison guards and report to the same authority, as well as fear of retaliation from prison guards, appears to dissuade prisoners from filing complaints of torture. In addition, prosecutors do not vigorously investigate the cases of abuse they are informed about by obtaining credible witness testimonies, but rely too heavily on incontrovertible forensic reports proving torture to pursue cases. Furthermore, the ability of prison directors to decide which cases of abuse to refer to prosecution and to "settle" cases internally by disciplining abusive guards also results in few cases of formal prosecution with criminal sanction for abusers.

The Grievances and Human Rights Office in 2007 received 710 complaints, of which "95 per cent were administrative complaints."<sup>130</sup> Officials investigated 19 complaints of a potentially criminal nature, referred six to the Police Court for prosecution and

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<sup>128</sup> Public Security Law No 38 (1965), art. 85.

<sup>129</sup> Public Security Law No 38 (1965), art. 81.c.

<sup>130</sup> Human Rights Watch interview with Mahir al-Shishani, director, Grievances and Human Rights Office, PSD, Amman, April 13, 2008.

decided not to refer five cases to court for prosecution for lack of evidence (see below for the outcome of prosecutions). Unit commanders disciplined officials in eight cases of misdemeanors or administrative transgressions without recourse to the courts. Between January and April 13, 2008, prison-based police prosecutors and Grievances Office prosecutors investigated only one case of alleged abuse.<sup>131</sup> By August 2008, that number had risen to 24 cases.<sup>132</sup>

The official 2008 PSD guide instructs prison directors, all of whom make regular visits to the wards, about the steps they must take when presented with a complaint. Formalizing the complaints procedure is a welcome step, but the guide underscores the lack of independence of the formal complaints mechanism: while the officer receiving the complaint must record each prisoner complaint in a register and give prisoners a copy of the filed complaint without checking the content, prisoners are supposed to present their complaints to the officer in charge of the prison wing, who also supervises the registry.<sup>133</sup> This officer, however, may well be the abuser.

In January 2008 the PSD assigned police prosecutors under its Legal Affairs department to seven prisons to more effectively investigate claims of crimes committed by prison personnel.<sup>134</sup> This is a significant step toward providing more localized and timely monitoring of prison abuses. Ideally, such a presence would send a strong deterrent signal to the prison guards. However, it is not clear that these prosecutors are always fulfilling their mandate to actively investigate any incidents of abuse.<sup>135</sup>

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<sup>131</sup> Human Rights Watch interview with Hani al-Majali, director, Swaqa prison, August 21, 2007. In 2006, the Grievances and Human Rights office received 56 complaints of beatings, nine of which concluded with a suspended investigation, three cases were decided not to be referred to court, four cases were settled within the PSD, and one case was referred to the Police Court, while investigations in 39 cases were ongoing. Luqman Iskandar, "Has the Prison Administration Benefited from the Recommendations of the National Center for Human Rights?," *Al-Arab al-Yawm*, September 1, 2007, [http://www.alarabalyawm.net/pages.php?news\\_id=41238&select=%C3%A1%C3%A3%C3%98%C3%87%C3%A1%C3%88](http://www.alarabalyawm.net/pages.php?news_id=41238&select=%C3%A1%C3%A3%C3%98%C3%87%C3%A1%C3%88) (accessed May 28, 2008). A representative of a human rights organization in Jordan who provides individual legal services to prisoners said that numbers of complaints of torture had declined in recent years. Human Rights Watch interview with human rights lawyer, Amman, July 31, 2008.

<sup>132</sup> Human Rights Watch interview with Mahir Shishani, director, Grievances and Human Rights Office, PSD, Amman, July 31, 2008.

<sup>133</sup> Sa'd al-Limun and Khalid al-Majali, "Working Guide for Directors of Correction and Rehabilitation Centers," Public Security Directorate, 2008, p.29.

<sup>134</sup> The seven prisons are: Balqa' (Salt), Muwaqqar, Qafqafa, Juwaida, Swaqa, Birain, and Juwaida.

<sup>135</sup> The UN Committee Against Torture found that, to effectively prevent torture, States should "establish impartial mechanisms for inspecting and visiting places of detention and confinement, and [make available] to detainees and persons



For example, on a visit to Birain prison on April 15, 2008, the newly-assigned prosecutor there told Human Rights Watch that he had not had a single case of abuse against a prison employee.<sup>136</sup> Three detainees in the same prison, however, separately recounted to Human Rights Watch an incident of torture in early March, in which several guards had taken them and two other prisoners at night to a courtyard out of sight of the prison wings and beat them for about two hours, before suspending them cuffed to a metal bar for one hour because one prisoner caught trying to smuggle drugs into the prison had named them as co-conspirators.<sup>137</sup> The prison director was aware of the incident, but neither he nor the prosecutor had investigated the alleged abuse by the guards.<sup>138</sup>

The number of investigations has increased since April. The director of the prison service, Sharif al-'Umari, told Human Rights Watch in July 2008 that prison-based prosecutors had investigated 24 incidents of abuse in 2008, at least one in each of the seven prisons.<sup>139</sup>

The PSD's Grievances and Human Rights officials work closely with prison-based police prosecutors. They conduct their own prison visits every two weeks and empty a sealed mailbox for complaints located in an accessible area, like the dining hall.<sup>140</sup>

Only Grievances officials are supposed to have the key to the complaints box. However, prisoners in Muwaqqar and Swaqa told Human Rights Watch that the

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at risk of torture and ill-treatment ... judicial and other remedies that will allow them to have their complaints promptly and impartially examined." UN Committee Against Torture, General Comment No. 2, Implementation of Article 2 by States Parties, U.N. Doc. CAT/C/GC/2 (2008), para. 13.

<sup>136</sup> He said that he instead spent his time helping the detainees speed up their court dates. Human Rights Watch interview with Zaid (last name was not given), PSD prosecutor, Birain Correction and Reform Center, April 15, 2008.

<sup>137</sup> Human Rights Watch interview with prisoners at Birain, April 15, 2008.

<sup>138</sup> Human Rights Watch interview with director of Birain prison, April 15, 2008.

<sup>139</sup> Human Rights Watch interview with Sharif al-'Umari, director, prison service, Amman, July 31, 2008.

<sup>140</sup> In April 2008, an official said the boxes are emptied every two weeks. Human Rights Watch interview with Mahir al-Shishani, director, Grievances and Human Rights Office, April 13, 2008. In August 2007, prison officials at Muwaqqar said the box was emptied every week. Human Rights Watch interview with Rakat Mahmud al-Hallalat, director, Muwaqqar prison, August 19, 2007. Since *Tanzimat* prisoners do not share the dining hall, however, it is unclear how they can present complaints other than through their guards.

prison staff have emptied the boxes and read the complaints with their own key.<sup>141</sup> The PSD denied that this had occurred.<sup>142</sup>

Informal complaints to outside visitors benefit from greater confidentiality, but do not generally lead to judicial investigations. The National Center for Human Rights (NCHR) can only refer cases it receives during visits or via telephone to the Grievances officials for judicial investigation or can decide to report publicly, but anonymously, on incidents of abuse.<sup>143</sup>

In the aftermath of the mass beatings of prisoners and riots in August 2007, the PSD on February 3, 2008 allowed the NCHR to open an office inside Swaqa prison, staffed every Monday, to receive complaints from prisoners. This new NCHR presence complemented the new prison prosecutors at the prison and visits from the Grievances Office.<sup>144</sup> However, PSD officials denied the NCHR's request to visit Swaqa prison during disturbances there on April 15, 2008 and renege on its promise to extend NCHR offices to other prisons, too.<sup>145</sup>

One concern with the current complaints mechanism is its lack of confidentiality and the failure to protect complainants and witnesses. Prisoners told Human Rights Watch that they had not told police prosecutors from the Grievances Office all of what they told us.<sup>146</sup> Prisoners said they feared retaliation for telling the truth

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<sup>141</sup> Human Rights Watch interview with prisoner Dawud, Muwaqqar, August 19, 2007 and with a prisoner Hasan, Swaqa, August 21, 2007.

<sup>142</sup> Human Rights Watch interview with Major General Mazin al-Qadi director, PSD, April 13, 2008.

<sup>143</sup> Since a change in the law governing the center in 2006, the NCHR has "the right to ... visit Correction and Rehabilitation Centers ... according to the established foundations." Law No 51 of 2006 on the National Center for Human Rights, *Official Gazette* (No. 4787), October 16, 2006, art.10.a.

<sup>144</sup> A Grievances Office prosecutor would accompany NCHR staff when they visited the prison, but the center's rights monitors could meet prisoners in private without the presence of officials. Human Rights Watch interview with Nisreen Zureikat, supervisor of the prisons unit, National Center for Human Rights, Amman, April 9, 2008.

<sup>145</sup> Human Rights Watch interview with Maj.Gen. Mazin al-Qadi, April 13, 2008. The NCHR reported on the denial of the visit. *Report on the Events of Muwaqqar and Swaqa Prisons*, National Center for Human Rights, Amman, April 20, 2008. The PSD maintained this was to allow the situation to quiet down. Human Rights Watch telephone interview with Mahir Shishani, head, Grievances and Human Rights Office, Amman, April 22, 2008. NCHR officials had not publicized the PSD renege on its promise. Human Rights Watch interview with Nisreen Zuraikat, supervisor of prisons unit, NCHR, Amman, July 31, 2008. The Human Rights Office of the Ministry of Foreign Affairs was not informed about these developments. Human Rights Watch interview with Ibrahim Awawdeh, director, Human Rights Office, Ministry of Foreign Affairs, Amman, August 5, 2008.

<sup>146</sup> Human Rights Watch telephone interviews with former Jordanian prisoners Bilal, 'Amjad, 'Abduh, Amman area, May 2 – 5, 2008. The NCHR also described to Human Rights Watch the problem of prisoners withdrawing their accounts made to the

because the investigating prosecutors wear the same uniform and are administratively responsible to the same body as the prison official accused of misbehaving.<sup>147</sup>

Prisoner Hazim told Human Rights Watch during a visit that “there is a 90 per cent chance that the prison guards will come in here after you leave, interrogate us about your questions, and punish us for talking to you.”<sup>148</sup> In all prison wings Human Rights Watch visited, prisoners were frank about informers among prisoners who relayed information to the administration in exchange for favors from the guards.<sup>149</sup> One prisoner in Juwaida said “I can’t tell everything that goes on here,” in a whispered comment repeated in other prisons.<sup>150</sup> Another prisoner in Swaqa, Ra’id, said that “when the [guards] came in to beat us, they taunted us, saying, ‘You think the ICRC is better than us, then, do you?’ While they were beating us, they said ‘Spit on the ICRC’.”<sup>151</sup>

Another reason for few complaints and the low number of investigations besides fear of retaliation may be the failure by the Grievances officials to protect complainants or witnesses. Prisoners told Human Rights Watch that prison guards emptied the complaints box and “punished the prisoner for complaining.”<sup>152</sup>

In one incident of abusing witnesses instead of protecting them, guards and special forces beat witnesses and failed to remove threatening guards from contact with them.

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center when formally questioned by police prosecutors. Human Rights Watch interview with Nisreen Zuraikat, supervisor of prisons unit, NCHR, Amman, April 10, 2008.

<sup>147</sup> Human Rights Watch telephone interview with former prisoner ‘Abduh, Amman area, May 5, 2008.

<sup>148</sup> Human Rights Watch interview with prisoners Hazim and Saddam, Muwaqqar, August 19, 2007.

<sup>149</sup> The “informers” were generally different from the “bosses” of the prison wing. The “bosses” at times also discouraged frank recounting prisoner-on-prisoner or guard-on-prisoner violence.

<sup>150</sup> Human Rights Watch interview with prisoner Nu’man, Juwaida, October 22, 2007.

<sup>151</sup> Human Rights Watch interview with prisoner Ra’id, Swaqa, August 26, 2007.

<sup>152</sup> Human Rights Watch interview with prisoners Hazim and Saddam in Muwaqqar, August 19, 2007 and with prisoner Dawud, Swaqa, August 21, 2007.

Ziyad, a former detainee described the investigation into the Muwaqqar prison fire in April 2008: “The prosecutor came and asked us only why we cut ourselves up. Then they took us to the solitary confinement cells, and beat us on the way there. They put two of us to one cell.”<sup>153</sup> Fawzi, another former prisoner questioned in the same incident said “a civilian prosecutor came the second day after the incident to take my statement, but the clerk who wrote it down was a prison guard who looked at me intimidatingly.”<sup>154</sup> Fawzi also described beatings three days after the prison riot and fire:

On Thursday morning at 4 a.m. Team 14, Team 17, and the Rapid Intervention Forces came with a list of 120 prisoners. They handcuffed us in the back and took us to prisoner transport vans outside, with their faces masked, and four officers in front of us, and four behind. We were five to six prisoners per van, where they beat and insulted us and told us to say the right thing in the investigation. On the way back to the cell, one of them said, “There is no more [parliamentary] public freedoms committee, no more national center for human rights. We sent them away.”<sup>155</sup>

International guidelines on investigating torture require that officials implicated in torture be removed from positions of control or power over witnesses:

Those potentially implicated in torture should be removed from any position of control or power, whether direct or indirect over complainants, witnesses and their families as well as those conducting investigations. Investigators must give constant consideration to the effect of the investigation on the safety of the person alleging torture and other witnesses.<sup>156</sup>

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<sup>153</sup> Human Rights Watch interview with former prisoner Ziyad at Muwaqqar, Rusaifa, August 4, 2008.

<sup>154</sup> Human Rights Watch interview with former prisoner Fawzi at Muwaqqar, Rusaifa, August 4, 2008.

<sup>155</sup> Human Rights Watch interview with former prisoner Fawzi at Muwaqqar, Rusaifa, August 4, 2008.

<sup>156</sup> Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Istanbul Protocol”), August 9, 1999., p.19.

## Lackluster Prosecutions

Problems with the complaints mechanism have produced fewer complaints than the incidence of torture and ill-treatment in Jordan's prisons would warrant. Additional problems occur at the stages of investigation and prosecution. Overall, the number of prosecutions for physical or mental pain prison guards inflict on their charges is low compared to the widespread and routine use by guards of violence against inmates Human Rights Watch's research in 2007 indicated.

One reason for fewer prosecutions is the provision of the Public Security Law allowing "unit commanders" such as prison directors of the militarily organized PSD to discipline subordinates for misdemeanors without trial.<sup>157</sup>

Our research indicates that police prosecutors proceed to trial only where incontrovertible forensic medical reports indicating injuries consistent with physical torture exists. The office's director told Human Rights Watch that in several cases of alleged abuse, he could not proceed with an investigation because the medical report did not specify that injuries were sustained as a result of ill-treatment.<sup>158</sup>

Hospital doctors may not be specialized in detecting the effects of torture, including psychological torture, and the prisoner remains cuffed and in the presence of a prison guard in hospital, making it difficult for him to ask the doctor to examine signs of possible torture. All prisons have video monitoring of public areas, corridors, open spaces, entry and exit areas, and the space around the solitary confinement cells, accessible on screens from a separate control room and the prison director's office. However, no routine recordings are made and preserved for some time to serve as potential evidence in cases of abuse, although the Ministry of Interior planned to do so in the future.<sup>159</sup>

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<sup>157</sup> It is not always clear how the PSD decides which incidents to refer for prosecution at the Police Court and which to leave in the hands of prison directors. On the one hand, the Police Court has issued verdicts for misdemeanors, such as violations of the Public Security Law, while on the other hand, Grievances Office prosecutors in 2007 were involved in investigations that led to disciplinary measures.

<sup>158</sup> Human Rights Watch interview with Mahir Shishani, director, Grievances and Human Rights Office, Amman, April 14, 2008.

<sup>159</sup> One control room operator told Human Rights Watch "We monitor the prison 24 hours. It is my job to observe, and, when there is an irregular occurrence, to record it, but I don't make routine recordings."<sup>159</sup> Officials cited privacy concerns prohibiting filming inside wards and cells, but could not explain why they did not use the cameras for routine recordings, kept for a specific amount of time before being destroyed. Human Rights Watch interview with control room supervisor, Swaqa,

Grievances officials appear to make little effort to independently research conditions of abuse, for example by frequently and repeatedly visiting the wards to interview inmates as victims and witnesses in private and individually, speaking to prison doctors, or operating an anonymous complaints mechanism that prisoners trust. In the cases known to Human Rights Watch, prosecutors from the Grievances Office relied on a formal complaint before opening an investigation, and did not routinely research prison conditions.<sup>160</sup> Their biweekly prison visits are too infrequent to secure timely information to stop or document torture as it happens.

In 2007, officials investigated 19 complaints potentially indicating a crime out of 710 received, but referred only six to trial while internally settling five cases. Prison directors appear to receive more complaints of abuse but, without objection from police prosecutors, mete out mild disciplinary rebukes to abusive guards under their authority as unit commanders.

The directors of Muwaqqar, Qafqafa, and Swaqa prisons together told Human Rights Watch of 20 complaints of abuse they had received in the first seven and a half months of 2007 alone. They settled these cases internally, although the prosecutors were informed.<sup>161</sup>

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August 26, 2007 and with Jordanian prison director, Washington, D.C., May 8, 2008, and Human Rights Watch interview with Mukhaimer Abu Jammous, secretary-general, Ministry of Interior, Amman, October 25, 2007.

<sup>160</sup> The National Center for Human Rights reported that it had “noticed a tangible reduction and decline in the numbers of complaints and accusations of subjection to beating and ill-treatment during the last quarter of this year 2007” following a trend since it began reporting on prison conditions in 2004. National Center for Human Rights, Fifth Periodic Report on Conditions of Rehabilitation and Reform Centers and Places of Temporary Detention in the Kingdom for the Year 2007, Amman, December 2007, p.20.

<sup>161</sup> The director of one prison alone, Muwaqqar, reported that between January and August 2007, there had been six complaints of abuse reported to the public prosecutor, resulting in two staff being suspended. Two of these cases involved the use of excessive force, prosecutors did not refer them to the police court only because the forensic report from the second case did not indicate signs of torture. Human Rights Watch interview with Rakat Mahmud al-Hallalat, director, Muwaqqar prison, August 19, 2007.

In Qafqafa prison, between January and August 2007, there had been four complaints against guards for abusing inmates. In two cases, the prison director’s internal investigation found the guards not guilty; in the third case, he internally disciplined a guard he found guilty of abusing a prisoner. The fourth case remained under investigation by the Grievances Office. Human Rights Watch interview with Mahmud ‘Ashran, director, Qafqafa prison, August 25, 2007.

In Swaqa, there had been 10 cases of alleged abuse against prisoners between January and August 2007. The director again investigated and settled most incidents internally. He said he fired one officer for “abusing a prisoner,” detained another officer for one week for abuse caught on camera, and docked another guard’s pay for two weeks for assaulting a prisoner, although the prisoner did not file a complaint and an earlier internal investigation had found the guard not guilty. Human Rights Watch interview with Hani al-Majali, director, Swaqa prison, August 21, 2007.

Of the 24 cases the Grievances Office and prison-based police prosecutors investigated until August 2008, information on the outcome was only available for four cases that occurred in Salt prison. The Grievances Office had referred three cases to Legal Affairs prosecutors to pursue the prosecution at trial, and in one case had stopped the charges, the director of the Grievances Office told Human Rights Watch.<sup>162</sup>

In some cases, Grievances officials failed to prosecute suspected guards, despite ample evidence of abuse. For example, the Office did not prosecute guards for the torture of all or nearly all *Tanzimat* prisoners in Swaqa and Juwaida of June and July 2007. These incidents did not feature among the reported 19 cases the Grievances Office investigated in 2007. When the Grievances Office visited Swaqa on August 27 in the wake of a separate riot there on August 22, its staff could have recorded allegations of abuse, and what some prisoners said were marks on their bodies from the torture they endured in June and July. Yet there appears to have been no investigation into these earlier incidents. The PSD did investigate and prosecute the August 2007 torture of Swaqa prisoners, but the results were disappointing (see below).

In April 2008, the Grievances Office and other PSD prosecutors conducted a lengthy investigation into the riot and prison fire resulting in three inmate deaths at Muwaqqar prison, but quietly concluded that no official had done anything wrong.<sup>163</sup> Human Rights Watch's research into the Muwaqqar riot and fire in April 2008 showed that beatings and ill-treatment were the underlying reason for the riot on April 15, 2008 (See Appendix 3). The PSD in July 2008 strongly disagreed with our findings and we therefore carried out further research with eyewitnesses, who largely confirmed our findings.

The PSD disagreed that Firas al-'Utti and Hazim Abu Ziyad had been tortured in the days prior to their deaths during the fire. New eyewitnesses came forward to say that

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<sup>162</sup> Human Rights Watch interview with Mahir Shishani, director, Grievances and Human Rights Office, Public Security Department, Amman, July 31, 2008.

<sup>163</sup> Human Rights Watch interview with Mahir Shishani, director, Grievances and Human Rights Office, Public Security Department, Amman, July 31, 2008.

'Amir al-Qutaish, the prison guard alleged to have abused them, took Firas out of his room on April 13 and cuffed him to the holding pen for a few hours before sending him to the solitary confinement cells.<sup>164</sup> Mundhir, Wadi', and Jamal, all confirmed earlier accounts of guards beating inmates as they exited their burned out room, and one guard shooting one prisoner, Muhammad al-Tabbasha, with a rubber bullet. Wadi' said, "We went into a large area, outside the buildings, but inside the prison walls and stayed there for four hours. Al-Tabbasha lay there like dead without medical assistance, surrounded by special forces in balaclavas with electric stun devices."<sup>165</sup> These former prisoners also shed further light on why three prisoners burned to death in their room.<sup>166</sup>

These former prisoners also reported problems with the PSD investigation. Mundhir said that "the prison director intimidated me before the release, telling me to affirm that Firas al-'Utti [a prisoner who died in the fire], not the guards, beat me causing marks on my body. He told another prisoner in my presence to lie to investigators about which room he was in."<sup>167</sup> Guards beat prisoners who had cut themselves up and put them into solitary confinement cells, two prisoners to a cell. They isolated the rest in an unused wing of the prison.<sup>168</sup>

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<sup>164</sup> When Firas returned the next morning, he did not speak about what happened, but went to sleep in his room. Human Rights Watch interview with former prisoners Mundhir, Wadi', and Jamal, Rusaifa, August 4, 2008. Former prisoner Wadi' said that he did not see or hear of Firas being beaten, while Jamal said he knew Firas had been beaten. Wadi' said that 'Amir Qutaish beat him severely in the weeks preceding the fire, too. Human Rights Watch interview with former prisoner Wadi', Rusaifa, August 4, 2008. Jamal said Qutaish and others beat him, too, including shortly before the fire. Human Rights Watch interview with former prisoner Jamal, Rusaifa, August 4, 2008.

<sup>165</sup> Human Rights Watch interview with former prisoner Wadi', Rusaifa, August 4, 2008.

<sup>166</sup> As the riot spread and prisoners were shouting and cutting themselves with sharp objects, special forces entered the prison and went from room to room, beating prisoners, they said. To prevent them entering, prisoners barricaded the door of their room with steel beds and set a foam mattress alight. Guards then pushed the burning mattress into the room with their truncheons, and stood by while the room started burning, with the civil defense department's fire fighters behind them, unable to get to the room. Prisoners fled to a courtyard outside through an open door except for three prisoners, who were trapped. One escaped prisoner, Firas, went back into the room to rescue a friend, but could not get out. Muhammad al-Tabbasha, one of the four now inside, managed to get out. Breaking the windows caused the fire to ignite even more, accounting for what earlier witnesses had said were two fires. Human Rights Watch interview with former prisoners Mundhir, Wadi', Jamal and Ghassan, Rusaifa, August 4, 2008.

<sup>167</sup> Human Rights Watch interview with former prisoner Mundhir, Rusaifa, August 4, 2008.

<sup>168</sup> Human Rights Watch interview with former prisoners Mundhir, Wadi', Jamal and Ghassan, Rusaifa, August 4, 2008. The PSD also queried whether prisoners had been transported to other prisons. Four new eyewitnesses confirmed that prisoners were taken to other prisons, but they placed these events at between four and seven days after the prison fire, not the following day. Human Rights Watch interview with former prisoners Mundhir, Wadi', Jamal and Ghassan, Rusaifa, August 4, 2008.



## Police Court

The Police Court is not independent and averse to public scrutiny. Its verdicts reveal lenient sentences for torturing prison officials.

The PSD director appoints qualified police officers as its judges and prosecutors who try fellow officers. Jordan's constitution and Public Security Law allows, but does not mandate, the establishment of this special court with jurisdiction over members of the Public Security Directorate for any crime, whether committed on or off duty.<sup>169</sup>

The PSD points out that the Police Court adheres to the highest standards of justice, and its former head told Human Rights Watch that no one interfered in his work in the two years of his judgeship there.<sup>170</sup> Nevertheless, the leadership of the PSD could not convincingly answer why such a special court was necessary in the first place. The current head of the police court, Col. Muhammad al-Zu'bi, replied that it existed because it was prescribed by law.<sup>171</sup>

The court, which generally holds its trials openly, does not invite scrutiny. When Human Rights Watch visited the Police Court to obtain a copy of the verdict in the Zaidan case, court officers declined the request and told us to speak to the PSD's information office.<sup>172</sup> In a subsequent visit coordinated with the PSD, the chief of the Police Court, Muhammad al-Zu'bi, provided us with six verdicts of the six cases of alleged prison abuse concluded in 2007. However, only three were related to prison abuse, one from 2004, and the two 2007 cases of the mass beatings at Swaqa on August 22, 2007 and the beating to death of Firas Zaidan at Aqaba prison on May 9, 2007, and al-Zu'bi requested Human Rights Watch not mention the names of the convicted officers, which he had blanked out.<sup>173</sup> A court that is so ill-disposed to

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<sup>169</sup> The Constitution of The Hashemite Kingdom of Jordan, January 1, 1952, arts 99, 102, and 110, and, Law of Public Security, art. 85.1. The Police Court also tries PSD officials for traffic violations committed off duty. PSD prosecutors do not have jurisdiction to investigate crimes committed by prisoners inside prison, such as rape or assault.

<sup>170</sup> Human Rights Watch meeting with 'Isa al-Raba'ba, director, Juwaida prison, and former head of the police court, Washington, D.C., May 8, 2008.

<sup>171</sup> Human Rights Watch interview with Muhammad al-Zu'bi, head, Police Court, Amman, April 13, 2008. In fact, Article 85 of the PSD law allows the PSD director to establish such a court, but it does not make its establishment mandatory.

<sup>172</sup> Human Rights Watch visit to the Police Court, Amman, April 13, 2008.

<sup>173</sup> Human Rights Watch interview with Muhammad al-Zu'bi, head, Police Court, Amman, April 14, 2008.

public disclosure of its work can hardly serve the cause of public justice by acting as a deterrent against crime.

The Jordanian media has not covered proceedings at the court in contrast to more extensive coverage of the State Security Court, a military dominated special court set up to try suspects accused of crimes against national security.<sup>174</sup>

As described earlier, the August 2007 Swaqa case involved the prison director and a group of prison guards beating dozens of inmates before subjecting inmates to the forced shaving of their heads and beards.<sup>175</sup> Following its investigation into the incident, the prosecution charged the prison director and 12 other prison guards, including one Preventive Security officer, with “exercising unlawful authority resulting in harm,” according to Article 37.8. of the Public Security Law for having treated inmates in a manner not in accordance with instructions issued by the PSD.<sup>176</sup> The court did not charge the director with a crime under Jordan’s penal code, such as assault.

The evidence in the case consisted of forensic medical reports of injured inmates, statements of the accused and of prisoners who were witnesses, as well as a report by the National Center for Human Rights. The prison director personally participated in the beatings; he was found to have used an electric stun device, which is not among the PSD’s authorized weapons.<sup>177</sup> He confessed to having beaten prisoners, ordered their heads and beards shaved, and put some prisoners into solitary confinement. The remaining 12 officers confessed to the same things, but claimed they acted on orders of the director. The court accepted the evidence that the director had, in the words of one witness cited in the verdict, “gathered around 70 inmates and put them in the corridors and, together with a group of prison officials,

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<sup>174</sup> A search of the archives of four major Jordanian dailies, *al-Ra'i*, *al-Dustur*, *al-Ghadd*, *al-Arab al-Yawm*, revealed only occasional mention of the Police Court, and no mention of the verdicts in the Zaidan and Aqaba cases.

<sup>175</sup> Prisoners at Swaqa told Human Rights Watch that all or nearly all of the around 2,000 prisoners were beaten on August 22, 2007. Human Rights Watch saw about 100 prisoners, all of whom had their heads and beards shaved. The court verdict found that the director and prison guards beat around 70 prisoners. Human Rights Watch interviews with prisoners at Swaqa, August 26, 2007.

<sup>176</sup> Hashemite Kingdom of Jordan, Public Security Directorate, Police Court, *Decision in the Criminal Case Number 760/2007*, October 29, 2007, p.1.

<sup>177</sup> Human Rights Watch interview Mazin al-Qadi, director, Public Security Directorate, Amman, April 13, 2008.

beat them because they were the chiefs of the prison.” However, it found that the director had issued these orders “with good intention and with the motive of controlling the inmates,” and sentenced him to a fine of JOD120, or roughly US\$180.<sup>178</sup>

The court did not convict the other officials, accepting that they had followed orders and thus were not personally liable. While the court noted that Article 61.2. of Jordan’s penal code does not absolve a person of criminal responsibility for following “an unlawful order,” it argued that “the nature of the military system and the proper performance of one’s work constitutes an excuse for the guilty when considering the extent of the legality of the order” by the prison director.<sup>179</sup>

This verdict reveals a great deal about the prison system: first, that prison officials may not recognize that beating prisoners is illegal and followed the order believing it to be legal; second, that the PSD’s instructions prohibiting beatings either had not reached their intended targets or were being ignored; third, that for prison officials obedience to one’s superiors is clearly more important than any perceived risks in committing a crime by carrying out the orders; and fourth, that there is no appropriate mechanism to protect officials who refuse to carry out unlawful orders, which the court could have cited had it existed. In its ruling, the court legitimized crimes committed by prison officials when they were following orders.

In another case, the prosecution and trial of five persons involved in the beating to death of inmate Firas Zaidan at ‘Aqaba prison in May 2007 was more thorough, but exhibits different problems. The prosecution did not fully investigate all guards involved, failed to protect witnesses, and the judges issued lenient sentences.

The court convicted two guards of beating Zaidan to death, but found a third guard innocent of these charges because of conflicting testimony of witnesses with long criminal records and never charged a fourth guard with intimidating witnesses. In a

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<sup>178</sup> Hashemite Kingdom of Jordan, Public Security Directorate, Police Court, *Decision in the Criminal Case Number 760/2007*, October 29, 2007, pp.3-5.

<sup>179</sup> Hashemite Kingdom of Jordan, Public Security Directorate, Police Court, *Decision in the Criminal Case Number 760/2007*, October 29, 2007, p.4. The PSD follows military ranks and organization.

September 17, 2007 memorandum, Human Rights Watch conveyed to the prosecution the results of our interviews with eyewitnesses to the events, who clearly implicated the third and fourth guards as having participated in the deadly beatings and intimidating witnesses, respectively.<sup>180</sup> The court sentenced two guards to two and a half years in prison with hard labor for “beatings resulting in death,” and the fourth guard to two months in prison for “neglect in carrying out duties.”<sup>181</sup>

The prosecution only upgraded charges of “neglect of duties,” “acting against orders,” and “abuse of power,” to “beatings resulting in death,” following Human Rights Watch’s consultation with leading psychiatrists in the United States, and interventions by the US embassy in Amman (Zaidan was engaged to a US citizen and his immediate family members are US citizens) and the Royal Palace.

Prosecutors based their initial charges on an early autopsy report that identified the cause of death as an extremely high dosage of Clomipramine, a chemical substance used in psychiatric medications, in Zaidan’s blood sample. Outside intervention resulted in a further autopsy finding Clomipramine levels within the therapeutic norm, and thus only a contributing cause of death.<sup>182</sup>

In contrast to the verdict in the Swaqa case, the court in the Aqaba case found that the prison director had committed “neglect in carrying out duties,” in violation Article 37.6. of the Public Security Law for ordering Zaidan into solitary confinement without assessing his health. The director, who did not participate in the beatings, received a JOD120 (US\$180) fine.<sup>183</sup> PSD director Maj.Gen. Mazin al-Qadi told Human

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<sup>180</sup> Letter from Human Rights Watch to Abd al-Karim Radaida, “Memorandum Concerning the Investigation Into the Treatment of Firas Zaidan at ‘Aqaba Correction and Rehabilitation Center, May 6-10, 2007,” September 17, 2007. International standards require the removal of a person implicated in torture from contact with victims or witnesses. Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Istanbul Protocol”), August 9, 1999., p.19.

<sup>181</sup> Hashemite Kingdom of Jordan, Public Security Directorate, Police Court, *Decision in the Criminal Case Number 383/2007*, April 3, 2008, p.16.

<sup>182</sup> Clomipramine is used in anti-depressant medication and witnesses told Human Rights Watch that two prisoners, also prosecution witnesses sharing a ward with Zaidan, were taking psychiatric drugs at the time, given to them by guards who participated in the beating of Zaidan. The prosecution did not investigate how the substance entered Zaidan’s body, despite orders of the head of the Public Security Directorate urging the Legal Affairs department’s prosecutors to “find out how the [substance] entered Zaidan’s body.” Handwritten note by Maj.Gen Mahmud al-‘Aitan, the previous PSD director, written on prosecution documents in the case. Papers on file with Human Rights Watch.

<sup>183</sup> Hashemite Kingdom of Jordan, Public Security Directorate, Police Court, *Decision in the Criminal Case Number 383/2007*, April 3, 2008, p.16.

Rights Watch he had personally appealed the sentence to the civilian Court of Appeals.<sup>184</sup>

An earlier case from 2004 again shows the leniency of verdicts handed down to guards guilty of murder. In September 2005, the Police Court found 10 prison officials guilty of “beating resulting in death” of Abdullah al-Mashaqba, an inmate at Juwaida prison, in January 2004. The court sentenced them to five years in prison with hard labor, but immediately reduced by half the sentence because the prison guards “are in the prime of their youth, and to provide them with an opportunity to change their behavior in the future.”<sup>185</sup>

## Official Responses to Human Rights Reporting

Jordan’s successive governments have been among the most open to local and international human rights investigations in the region, but quickly dismiss as unfounded human rights criticism.<sup>186</sup> Jordanian officials increasingly have also recognized the need for speedy media responses to incidents such as prison riots.<sup>187</sup> For its transparency and willingness to engage on the issue of torture in Jordan’s prisons, the government is to be commended.

Since 2007, however, the government has allowed markedly fewer prison visits by local human rights organizations. In 2006, the Arab Organization for Human Rights

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<sup>184</sup> Human Rights Watch interview with Maj.Gen. Mazin al-Qadi, director, PSD, Amman, April 13, 2008.

<sup>185</sup> Hashemite Kingdom of Jordan, Public Security Directorate, Police Court, *Decision issued by the Police Court / First Chamber, in the Criminal Case Number 299/2004*, March 9, 2004, p.14.

<sup>186</sup> For example, the International Committee of the Red Cross, the body internationally tasked with looking after the welfare of detainees around the world, has visited Jordanian detention centers since 1979, and has not suspended visits in protest at official obstruction since 2006. Jordan’s National Center for Human Rights regularly visits places of detention, including the detention center at the General Intelligence Department (although visits there remain announced despite the GID’s promises to allow for surprise inspections). Human Rights Watch interview with officials of the General Intelligence Department, Amman, August 30, 2007, debriefing them on our findings following two weeks of repeated surprise visits to the detention facility in which they agreed on similar conditions for the NCHR. In 2006, Jordan became the first country in the region to invite the UN Special Rapporteur on Torture, although officials in two detention centers obstructed his visit. Jordan has not at present signed the Optional Protocol to the Convention Against Torture providing increased methods of prevention and detection of torture.

<sup>187</sup> “Relationship with the Press During Times of Emergency,” in: Sa’d al-Limun and Khalid al-Majali, “Working Guide for Directors of Correction and Rehabilitation Centers,” *Public Security Directorate*, 2008, pp.33-34.

and the Public Liberties Committee of the Engineers' Association had been able to carry out multiple visits to ordinary prisons.<sup>188</sup>

Jordan's openness toward independent human rights scrutiny contrasts with its reserved, even dismissive, attitude toward the findings of such organizations. Officials disparage human rights organizations, dismiss their findings, while their own investigations remain non-transparent internal affairs with unsatisfactory results.

The PSD's public announcements following prison unrest have provided essential facts to the public, but at the same time have sometimes misrepresented the underlying reasons for the protests. The PSD publicly responded to prison riots in 2006 and 2007, announced the start of an investigation, but then did not inform the public about the proceedings or the results of the investigation.<sup>189</sup> The families of prisoners at times turned to human rights organizations for information.<sup>190</sup>

In April 2008, the PSD spokesperson described the Muwaqqar riots as protests against the new segregation of convicted prisoners from those awaiting trial, when in fact separate investigations by the National Center for Human Rights and Human Rights Watch found that the overriding reason for the protests was ill-treatment. The head of the prison service, Sharif al-'Umari, in an interview with *al-Ghadd* newspaper, criticized the NCHR report, saying organizations

    speak about one side of the human equation, and that is human rights,  
    and they put aside the other side, which is the response to [crimes] ...  
    The purpose of these reports is to cause disturbance and alarm, and  
    their purpose is not humanitarian despite being human rights  
    reports.<sup>191</sup>

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<sup>188</sup> Arab Organization for Human Rights, Annual Report, Amman, 2007, and Report of the Freedoms Committee of the Jordan Engineers Association, Amman, April 12, 2006.

<sup>189</sup> This was the case in riots at Qafqafa prison in March 2006 in which one prisoner died, and in riots in Swaqa prison in August 2007 at which Human Rights Watch was present.

<sup>190</sup> Several families contacted Human Rights Watch for information about their loved ones following riots at Swaqa prison in July and August 2007, and following riots at Muwaqqar prison in April 2008.

<sup>191</sup> Muwaffaq Kamal, "Col. Al-'Umari: International Organizations Speak of Human Rights and Neglect the Duties," *Al-Ghadd*, March 8, 2008 <http://www.alGhad.jo/index.php?news=312831> (accessed August 25, 2008).

Despite announcements in April and early May 2008 that the investigation into the Muwaqqar riots would conclude imminently, no results had been made public by late July.<sup>192</sup> One person familiar with the inquiries said they had concluded by absolving all officials of wrongdoing and referring nine inmates to the regular courts on various charges related to the riots.<sup>193</sup>

In another instance, the government ignored Human Rights Watch's private account to the government about a riot at Swaqa prison that our researchers witnessed, choosing instead to misrepresent the events to the media. During our visit on August 26, 2007, we witnessed prisoners suffering from apparently self-inflicted injuries. We also recorded the accounts of 22 prisoners who described to us earlier mass beatings of prisoners on August 22, the day following our first visit. We immediately informed the PSD, the Ministry of Interior, and the National Center for Human Rights of both incidents—the mass beatings on August 21, and the self-inflicted injuries on August 26, clarifying that those injuries appeared to be a sign of protest against torture the prisoners had endured four days earlier but that prison officials had not investigated. Nevertheless, according to identical reporting in three major Jordanian daily newspapers, the government spokesperson the next day continued to claim that the Swaqa prisoners had “beaten themselves up so that they appeared to carry marks of being subjected to torture.”<sup>194</sup>

In addition to misrepresenting underlying reasons for prison riots to the public, officials roundly dismiss as unreliable prisoner accounts of torture.<sup>195</sup> However, court documents in two instances show that witnesses separately interviewed by prosecutors and by Human Rights Watch gave similar accounts of torture. For example, on the occasion of Minister of Interior Eid al-Fayez's visit to open

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<sup>192</sup> Hashal al-'Adayila and Ziyad al-Dakhil, "Publication of Results of the Inquiry into 'Muwaqqar, Swaqa, and Qafqafa Riots' Within Days" *Al-Ghadd*, April 19, 2008.

<sup>193</sup> Human Rights Watch interview with Mahir Shishani, Amman, July 31, 2008.

<sup>194</sup> Zayid al-Dakhil, "Judeh: Some Prisoners Beat Themselves Before the Visit of a Delegation of 'Human Rights'," *Al-Ghadd*, August 27, 2008 <http://www.alGhad.jo/index.php?news=196384> (accessed August 25, 2008).

<sup>195</sup> Following publication of the Human Rights Watch report, *Suspicious Sweeps. The General Intelligence Department and Jordan's Rule of Law Problem*, in Amman in September 2006, *Al-Ra'i* newspaper reported that the secretary of the parliamentary Committee for Public Freedoms and Citizen Rights, Deputy Jamal al-Dumur, said that "the sources of this [report's] information came from suspicious parts known to attach epithets to the Jordanian state and to distort its snow-white image in international circles." "'Parliamentary Freedoms' Rebuts False Accusations by 'Human Rights'," *Al-Ra'i*, September 21, 2006.

Muwaqqar prison in April 2007, *al-Ra'i* newspaper quoted him as “stressing the importance of striving for accuracy in the reports of international organizations, which seek their information from untrustworthy sources.”<sup>196</sup> Almost one year later, during another prison visit, al-Fayez called on international organizations to “derive their information from trusted sources and not to rely on falsified sources.”<sup>197</sup>

While such dismissals may be expected from government officials, Jordan’s parliamentarians and media are equally defensive of the security services. Aside from a few local human rights organizations, the PSD faces little scrutiny of its treatment of detainees.<sup>198</sup>

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<sup>196</sup> “Al-Fayez: Necessity of Striving for Accuracy in the Reports of International Organizations,” *Al-Ra'i*, April 26, 2007.

<sup>197</sup> Muwaffaq Kamal, “Minister of Interior: International Criticisms of Kingdom’s Prisons Not Objective” *Al-Ghadd*, January 6, 2008. Similarly, the head of the PSD’s Grievances and Human Rights Office, Mahir Shishani, whose job is to investigate police abuse, dismissed human rights reporting, saying that “some human rights institutions and activists pretend to forget the human right to live in security far from terrorism or crime.” Muwaffaq Kamal, “‘Security’ Tries 12 Police for Abusing Citizens,” *Al-Ghadd*, April 1, 2007. The previous head of the prison service, Husain al-Tarawna, also considered information human rights organizations obtain from prisoners to be “mostly incorrect.” Muwaffaq Kamal, “Director of Correction and Rehabilitation Centers Confirms to ‘Al-Ghadd’ that its Doors Are Open for Civil Society Institutions,” *Al-Ghadd*, June 3, 2006.

<sup>198</sup> Muhammad al-Shahwan, the head of the Parties of the National Movement, a bloc of political parties, wrote to the United Nations Secretary-General following the United Nations Special Rapporteur on Torture’s report on torture in Jordan. Al-Shahwan, who later told Human Rights Watch he had no expertise in conducting prison visits, insisted that he himself had visited the General Intelligence Department’s (GID) detention center and Juwaidah prison and found that they were “completely in compliance” with the stipulations of the Convention against Torture. “National Movement Parties Respond to ‘Nowak’ and Deny the Presence of Transgressions in Rehabilitation Centres,” *al-Ra'i*. Human Rights Watch communication with Muhammad al-Shahwan, February 2007. When Human Rights Watch briefed the president of the parliament, Abd al-Hadi al-Majali, about our findings concerning arbitrary arrest and torture by the GID in September 2006, he called the report “an insult to Jordan,” while pointing out that torture existed not only in Jordan, but also in other countries like West Germany in the 1970s. Human Rights Watch interview with Abd al-Hadi al-Majali, President, Lower House of Parliament, Amman, September 18, 2006.

When King Abdullah ordered the closure of Jafr prison, which the National Center for Human Rights recommended in 2005, a columnist for the government-prone *al-Ra'i* dismissed the “Royal Committee for Human Rights [sic], [which] does not have the attributes or law that would qualify its recommendations to be mandatory. The closure of the Jafr prison was not at its recommendation or under obligation... but there had been for four years a desire [by the PSD] to close that prison.” Abd al-Hadi Raji al-Majali, “About the Prisons,” *Al-Ra'i*, November 15, 2007. Jafr prison only re-opened in 2005.



# Prison Reform

## General Reforms

Beginning in April 2006, the Public Security Directorate (PSD) undertook a plan to reform Jordan's prison administration. Following prison riots in March and April 2006, the PSD hired a US consulting firm, Kerik International group, headed by the former Police Commissioner for New York City, Bernard Kerik, to provide analysis, advice, and training for prison management. These reform efforts received renewed impetus following a critical report by the UN Special Rapporteur on Torture, who had visited Jordanian detention sites in June 2006, finding "cruel, inhuman or degrading treatment ... amounting to torture in some instances [to be] widespread,"<sup>199</sup> and "general impunity for torture and ill-treatment in Jordan."<sup>200</sup>

King Abdullah called on the government to present a reform plan "according to the latest specifications consistent with international standards."<sup>201</sup> Upon being appointed director of the Public Security Directorate in December 2007, Maj.Gen. Mazin al-Qadi made it a priority of his tenure to "maintain the process of upgrading the performance of personnel working in the country's correctional and rehabilitation centres and developing the[se] centres' infrastructure, premises and services."<sup>202</sup>

Overall, it appears that the reform program has emphasized physical improvements over procedural reform and accountability for abuses. The most tangible results have been the building of several new prisons, with al-Muwaqqar prison, southeast of Amman, opening in May 2007, and the closure in December 2006 of Jafr prison, a remote desert prison with a particularly bad reputation for torture.<sup>203</sup> Furthermore,

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<sup>199</sup> UN Human Rights Council, "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak. Mission to Jordan," A/HRC/4/33/Add.3, January 5, 2007. Jordan was the first Arab country to allow a visit by the U.N. Special Rapporteur on Torture.

<sup>200</sup> "UN Expert Visiting Jordan Finds 'General Impunity For Torture And Ill-Treatment'," *UN News*, New York, July 3, 2006.

<sup>201</sup> Ghaith Tarawna, "King Orders 'Immediate' Closure of Jafr Prison and Its Conversion to a School and Training Center," *al-Ra'i*, December 18, 2006.

<sup>202</sup> "Qadi Pledges to Continue Upgrading PSD Performance," *Jordan Times*, December 11, 2007.

<sup>203</sup> Jafr prison had a long history of housing political dissidents and armed Palestinian opposition before closing in the 1970s. It only reopened in the late 1990s to alleviate overcrowding, but quickly earned criticism for its remote location in the southern desert and as a "punishment center," before again closing, and reopening in 2005, before closing again in 2006. UN

Jordan passed an amendment to Article 208 of the Penal Code criminalizing torture for the first time in October 2007, following Jordan's ratification of the UN Convention against Torture on June 15, 2006.<sup>204</sup> There have so far not been any prosecutions under this article.<sup>205</sup> In November 2007, the PSD director circulated an advisory to all PSD members stressing that torture is a crime and that they must not have recourse to violence.<sup>206</sup>

Less tangible but potentially more important areas of reform have included a new system to classify prisoners, which separates convicted prisoners from detainees awaiting trial who must be presumed innocent; an interest in reducing the growing number of inmates by imposing punishments other than imprisonment; and improvements to prison services, including medical services, visitor and telephone services, and court transportation. In addition to criminalizing torture in the Penal Code, the PSD assigned police prosecutors to seven prisons to investigate potential abuses (see "Impunity," "Complaints and Prosecutions"). The reform plans have also included a new training program for an augmented prison staff and directors on principles of the use of force and human rights, among other topics.

## New Prisons

The PSD is in the process of building a string of new prisons to alleviate overcrowding and decrepit facilities in the existing prisons. The prison population stood at 7,665 on April 13, 2008, and around 55,000 inmates enter and exit the prison system each year.<sup>207</sup> The plan to build new prisons is ambitious, aiming to add

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Special Rapporteur on Torture. U.N. Human Rights Council, "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak. Mission to Jordan," A/HRC/4/33/Add.3, January 5, 2007. Guards from Jafr prison now serving in different Jordanian prisons are still especially feared today. Human Rights Watch interview with prisoners in Aqaba, August 27, 2007, and Swaqa, August 21, 2007.

<sup>204</sup> The amended article took the Convention's definition of torture into Jordanian law. The article prohibits "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." Penal Code, art. 208.

<sup>205</sup> Human Rights Watch interview with Mahir Shishani, director, Grievances and Human Rights Office, PSD, Amman, April 14, 2008.

<sup>206</sup> Hilmi al-Asmar, "Legislation Criminalizes Torture in Jordan," *Amman News Center*, January 2, 2008, <http://www.amanjordan.org/a-news/wmview.php?ArtID=17594> (accessed June 9, 2008).

<sup>207</sup> Human Rights Watch interview with Sharif al-'Umari, director, prison service, Amman, April 13, 2008.

a large prison for convicted prisoners in northern Jordan, Umm Lu'lu', by early 2009, in addition to two smaller detention centers in Zarqa and Marka, with capacity for 900 to 1000 inmates each over the coming two years. Umm Lu'lu' and Marka would replace Juwaida prison, and Zarqa would replace Birain. In September, the government plans to finish construction of the super-maximum security prison Muwaqqar II (see below). In 2009, the PSD aims to open three more prisons in Karak/Tafila, Balqa' and Irbid to replace existing prisons there.

Human Rights Watch's visits to seven prisons showed that most prisons were at or above capacity, but that in general the building structures in most prisons appeared adequate, with the exception of Juwaida and parts of Qafqafa, and sanitary facilities. It is therefore surprising that by far the largest effort, financially and administratively, has been directed toward the construction of new prisons. PSD Director Mazin al-Qadi did not reveal the budget for these new prisons.<sup>208</sup> Current expenses per prisoner per day excluding capital outlays run at around JOD20 (ca. US\$30), an official said.<sup>209</sup> Director of prison service, Sharif al-'Umari, told Human Rights Watch that the design of the existing prisons, large rooms for 20- 60 prisoners facing a shared exercise courtyard, was inappropriate for modern prison operations.<sup>210</sup>

### *The Super-maximum security prison Muwaqqar II*

In early 2006, King Abdullah hired the Kerik International group to reform the kingdom's prisons.<sup>211</sup> Among projects to train Jordanian prison staff and modernize its prisons, the Kerik Group also advised on the establishment and design of a super-maximum security prison (supermax). Such prisons are designed to isolate violent inmates from the general population. Jordan's new supermax adjoins a brand-new regular prison a few kilometers east of the police training academy outside al-Muwaqqar. Still under construction, it is officially called Muwaqqar II. The head of the PSD, Maj.Gen. Mazin al-Qadi, told Human Rights Watch that he hopes to

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<sup>208</sup> Human Rights Watch interview with Mazin al-Qadi, director, Public Security Directorate, Amman, April 13.

<sup>209</sup> Human Rights Watch interview with prison official, Amman, October 24, 2007.

<sup>210</sup> Human Rights Watch interview with Sharif al-'Umari, director, prison service, Amman, July 31, 2008.

<sup>211</sup> Kerik had spent a brief spell in Iraq as Minister of Interior under the U.S.-led occupation in 2003, and was then involved in the training academy for Iraqi police set up outside the Jordanian town of al-Muwaqqar.

have construction completed in September 2008.<sup>212</sup> Reports indicate that the government, at least in 2007, considered imprisoning Islamists charged with “national security” offenses there, among others.

Human Rights Watch visited the supermax on April 15, 2008, met with the supervising engineer, and inspected the facility. It has 240 cells divided among three wings, two stories tall and at 90 degree angles to one another. In between wings are high walls to prevent prisoners on the second floor from seeing, and communicating with, prisoners on the first floor of another wing. The cells are no bigger than two by three meters, containing a shower above a French toilet, a sink, and a cot. An outdoor veranda with metal bars at the back of the cell is big enough to stand up, but not to lie down. This is the exercise area. According to the supervising engineer, each prisoner will eat inside his cell and have no contact with fellow prisoners.<sup>213</sup> Visiting cubicles, however, are included in the design.

The purpose of supermax prisons, which came into vogue in the US in the 1980s, was to isolate incorrigibly violent or dangerous inmates for whom the normal panoply of prison regulations stipulating the piecemeal withdrawal of privileges was insufficient. Human Rights Watch has documented the danger of these facilities in the US. In a report issued in 2000, we found that

Inmates have described life in a supermax as akin to living in a tomb. At best, prisoners' days are marked by idleness, tedium, and tension. But for many, the absence of normal social interaction, of reasonable mental stimulus, of exposure to the natural world, of almost everything that makes life human and bearable, is emotionally, physically, and psychologically destructive. Prisoners subjected to prolonged isolation may experience depression, despair, anxiety, rage, claustrophobia, hallucinations, problems with impulse control, and/or an impaired ability to think, concentrate, or remember. As one federal judge noted, prolonged supermax confinement "may press the outer bounds of what most humans can psychologically tolerate."

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<sup>212</sup> Human Rights Watch interview with Maj.Gen. Mazin al-Qadi, director, Public Security Directorate, Amman, April 13, 2008.

<sup>213</sup> Human Rights Watch interview with the supervising engineer from the PSD, Muwaqqar II, April 15, 2008.

Some inmates subjected to supermax confinement develop clinical symptoms usually associated with psychosis or severe affective disorders. For mentally ill prisoners, supermax confinement can be a living horror: the social isolation and restricted activities can aggravate their illness and immeasurably increase their pain and suffering. Moreover, few supermax facilities offer mentally ill inmates the full range of mental health services and treatment that their psychiatric conditions require.<sup>214</sup>

Bernard Kerik in July 2007 told a U.S. television program that “we're building a supermaximum facility for Al-Qaeda types, for these radical Islamics so that they all go into one centralized center and they're held there under supermaximum security so that they done [sic] go into different institutions throughout the country and radicalize other people.”<sup>215</sup> Officials did not invite broader discussion about the supermaximum prison and its appropriateness for *Tanzimat* inmates. In October 2007, Secretary-General of the Ministry of Interior Mukhaimer Abu Jammous expressed surprise in a meeting with Human Rights Watch that we had learned of the planned relocation of national security prisoners to the supermax.<sup>216</sup> The designation of a supermax for prisoners who have committed certain types of crimes, rather than based on their violent or dangerous behavior inside the prison, regardless of their charge or conviction, defies the original purpose of such facilities.

A supermax is not appropriate for national security prisoners, so-called Islamist *Tanzimat*, who are already housed in separate facilities inside two Jordanian prisons. Prison authorities hold the *Tanzimat* prisoners in small group isolation, with three or four prisoners to a cell, where they exercise and eat alone. The desire by prison authorities to manage this population by imposing additional restrictions on their

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<sup>214</sup> Human Rights Watch, *Out of Sight: Super-Maximum Security Confinement in the United States*, vol. 12, no 1 (G), February 2000, <http://www.hrw.org/reports/2000/supermax/Sprmx002.htm> .

<sup>215</sup> “Bernard Kerik Building Nuke Proof Complex in Jordan,” Transcript, Glenn Beck Program, July 03, 2007, <http://archive.glennbeck.com/news/07032007a.shtml> (accessed May 19, 2008). In June 2007, the magazine *Best Life*, in its profile of Kerik wrote, “Based on his undisputed success as commissioner of New York City’s prisons, Kerik has been entrusted to overhaul Jordan’s prison system and design a “supermax” facility to incarcerate hard-core Al-Qaeda detainees.” Joseph Braude, “Bernie Kerik Won’t Fold,” *Best Life Magazine*, [http://www.bestlifeonline.com/cms/publish/finance/Bernie\\_Kerik\\_Wont\\_Fold.shtml](http://www.bestlifeonline.com/cms/publish/finance/Bernie_Kerik_Wont_Fold.shtml) (accessed May 19, 2008).

<sup>216</sup> Human Rights Watch interview with Mukhaimer Abu Jammous, secretary-general, Ministry of Interior, Amman, October 25, 2007.

movement seems to go beyond legitimate security concerns of indoctrination and escape risks. Small group isolation has already caused psychological strain, which complete isolation in solitary confinement would likely heighten.

The authorities in 2007 withdrew privileges, such as seeing prisoners from other cells or praying together, citing the desire to apply the same regime on *Tanzimat* inmates as on ordinary inmates. In fact, other prisoners enjoyed more interaction with fellow prisoners. In August 2007, some of the *Tanzimat* complained that “we are exposed to the sun for just four hours, then we stay in small cells for 20 hours [which has led to] hypertension, shortsightedness, severe constipation, back pain, rheumatism and skin disease.”<sup>217</sup> Human Rights Watch cannot verify the accuracy of these complaints, but has documented similar abuses of state security prisoners in small-group isolation in Turkey.<sup>218</sup> The psychological effects of small group isolation have led a governmental group of prison experts to recommend certain minimum measures for inmates in such group isolation:

Prisoners who present a particularly high security risk should, within the confines of their special unit [be] able to mix freely with fellow prisoners in the unit; allowed to move without restriction within what is likely to be a relatively small physical space; [and be] granted a good deal of choice about activities ... by way of compensation for their severe custodial situation.<sup>219</sup>

Jordanian corrections officials in April and again in August 2008 assured Human Rights Watch that Muwaqqar II was no longer intended for national security prisoners, but for violent prisoners, who would enter for an initial period of three months before being returned to the general population.<sup>220</sup> Each case would require a special

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<sup>217</sup> Human Rights Watch interview with prisoners Isma'il, Swaqa *Tanzimat*, August 22, 2007.

<sup>218</sup> Human Rights Watch, *Turkey: Small Group Isolation in Turkish Prisons: An Avoidable Disaster*, vol.12, no. 8(D), May 2000, <http://www.hrw.org/reports/2000/turkey/>.

<sup>219</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, “Report to the Swedish Government on the visit to Sweden carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 5 to 14 May 1991,” CPT/Inf (92) 4 [EN], March 12, 1992, <http://www.cpt.coe.int/documents/swe/1992-04-inf-eng.htm> (accessed May 20, 2008).

<sup>220</sup> According to the current prisons director, this plan was largely developed under the previous PSD director, Muhammad 'Aitan. Human Rights Watch interview with Sharif al-'Umari, director, prison service, Amman, July 31, 2008.

determination by a PSD committee, but repeat offenders could be transferred to the supermax for periods longer than three months. By August 2008, the PSD had not finished writing regulations for Muwaqqar II.<sup>221</sup>

Operating this prison would necessitate a change in the law. Article 38.d. of Jordan's current prison law stipulates that a prisoner who violates prison regulations can be "put in solitary confinement for a period not exceeding seven days each time."<sup>222</sup> International law does not put an explicit limit on the time authorities may put a prisoner in solitary confinement, such as in a supermax, but requires regular and transparent reviews of confinement in isolation.<sup>223</sup> The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has argued that prolonged, consecutive solitary confinement can constitute ill-treatment.<sup>224</sup>

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<sup>221</sup> Human Rights Watch interviews with Khalid al-Majali, Prison Reform Unit in the Royal Police Academy, Muwaqqar II, April 15, 2008, and in Amman, July 31, 2008.

<sup>222</sup> Prison Law, article 38.d.

<sup>223</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Icelandic Government on the Visit to Iceland, conducted between 6 and 12 July 1993, Strasbourg, France, 28 June 1994, CPT/Inf(94) 8, p. 26, <http://www.cpt.coe.int/documents/isl/1994-08-inf-eng.htm#II.B.3> (accessed June 8, 2006).

<sup>224</sup> The principle of proportionality calls for a balance to be struck between the requirement of the situation and the imposition of a solitary confinement-type regime, which can have very harmful consequences for the person concerned. Solitary confinement can in certain circumstances amount to inhuman and degrading treatment; in any event, all forms of solitary confinement should last for as short a time as possible. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 2nd General Report, CPT/Inf(92)3, p.20.

In 2003, Human Rights Watch examined the conditions of mentally ill prisoners in US prisons, including those placed in solitary confinement and concluded that

"Perhaps nowhere in corrections is the contradiction between the paradigm of security and that of mental health more apparent than in supermax settings. Whatever the correctional justification for such facilities, it is clear they were not designed with their mental health impact in mind. Indeed, mental health experts did not participate in the development of such regimes... Yet most independent psychiatric experts, and even correctional mental health staff, believe that prolonged confinement in conditions of social isolation, idleness, and reduced mental stimulation is psychologically destructive." Human Rights Watch, *Ill Equipped: U.S. Prisons and Offenders with Mental Illness* (New York: Human Rights Watch, 2003) <http://www.hrw.org/reports/2003/usa1003/index.htm> .

The UN Committee against Torture, examining the record of the US came to similar conclusions in 2006, when it expressed its "concern[...] about the extremely harsh regime imposed on detainees in "supermaximum prisons," [which, if] its purpose [was] retribution, ... would constitute cruel, inhuman or degrading treatment or punishment (art. 16). United Nations Committee Against Torture, "Conclusions and Recommendations of the Committee against Torture. United States of America," Thirty-sixth Session May 1-19, 2006, CAT/C/USA/CO/2, July 25, 2006 <http://daccessdds.un.org/doc/UNDOC/GEN/Go6/432/25/PDF/Go643225.pdf?OpenElement> (accessed June 10, 2008).

## Classification

The prison law states that inmates should be separated according to gender, conviction status, type of crime, length of sentence and age.<sup>225</sup> The government had not implemented this law until February 2008, when the prison service designated Qafqafa, Swaqa and Muwaqqar as prisons for convicted inmates, with the remainder for pre-trial and administrative detainees. The reason for using entire prisons, rather than wings within a prison, as pre-trial or post-conviction centers was the improved logistics of transporting prisoners from fewer locations to the courts, officials said.<sup>226</sup> Juwaida prison, now largely a pre-trial detention center, will be only a few hundred meters from the planned new criminal court. Another reason was the increased efficiency of concentrating improved rehabilitation measures, such as work, training and study, in only a few centers for convicts. Within these centers, and within each wing, prisoners are now further segregated according to sub-categories of age, health, crime and general behavior, the director of the prison service said.<sup>227</sup>

The regulations accompanying the prison law require a “psychiatrist, a general doctor, and a social worker” to be part of the team classifying prisoners.<sup>228</sup> Since psychiatrists visit prisons between twice a week and once every two weeks, it seems unlikely that this aspect of the law is being followed. Human Rights Watch did not encounter a prisoner who said a doctor or social researcher was present during his classification.

The prison service also blamed prisoners’ opposition to transfers to another prison under the new classification system for the riots that led to a fire in which three prisoners died in Muwaqqar on April 14, 2008. Opposition to the classification system may have been a minor contributing factor.<sup>229</sup>

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<sup>225</sup> Law of the Correction and Rehabilitation Centers Number 9 of 2004 (Prison Law), Official Gazette No. 4656, April 29, 2004, arts 10 and 11.

<sup>226</sup> Human Rights Watch interview with Mazin al-Qadi, April 13, 2008.

<sup>227</sup> Human Rights Watch interview with al-‘Umari, April 14, 2008.

<sup>228</sup> Public Security Directorate, Correction and Rehabilitation Centers Administration, “Regulations of the Law of Correction and Rehabilitation Centers,” 2007, art.3.d.

<sup>229</sup> Human Rights Watch interview with prison official, Muwaqqar, April 15, 2008. These claims are unconvincing, however, because our research has found that prison authorities routinely transfer prisoners to different prisons in Jordan, often as punishment. Our investigation also concluded that the underlying reason for the riots was inmates’ anger at torture by guards. See Appendix 3.



## Health Services

Prison reform plans include providing better medical care for inmates at all of Jordan's prisons. In July 2008, the prison service held three days of workshops with the Ministry of Health concerning the health care needs of prisoners. Current deficiencies, the director of the prison service said, lay in the lack of doctors, especially psychiatrists.<sup>230</sup> In August 2008, Minister of Health Salah Mawajdeh told Human Rights Watch that his Ministry was eager to ease the caseloads of prison doctors.<sup>231</sup> The director of the prison service said that improvements in health services depended on other agencies, too. Recently, the PSD concluded a Memorandum of Understanding with the Ministry of Health to provide improved health care. Qafqafa and Birain have received new medical equipment. Nevertheless, there are still too few psychiatrists, according to the head of the prison service.<sup>232</sup>

The PSD also was studying the possibility of distributing condoms following the appearance of sexually transmitted diseases in Qafqafa prison earlier this year.<sup>233</sup> Human Rights Watch received conflicting information from prison doctors regarding blood testing of inmates upon entry. In April 2008 the doctor of Birain prison said they did not conduct such blood tests, whereas the Muwaqqar prison doctor in August 2007 said he routinely took blood samples to check for sexually transmitted diseases. It was unclear whether prisoners consented to these tests.

## Social Services

PSD director Mazin al-Qadi told Human Rights Watch that other planned improvements include issuing a prisoners' magazine, lectures focusing on national and religious values, a theater, already in place in Swaqa, allowing prisoners access to university text books, and increasing the staff of Ministry of Social Affairs' social workers, for example to run literacy and adult education programs.<sup>234</sup> Sharif al-'Umari, the director of prisons, clarified in July 2008 that plans for a prisons website, a

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<sup>230</sup> Human Rights Watch interview with Sharif al-'Umari, director, prison services, Amman, July 2008.

<sup>231</sup> Human Rights Watch interview with Salah Mawajdeh, minister of health, Amman, August 5, 2008.

<sup>232</sup> Human Rights Watch interview with Sharif al-'Umari, April 14 and July 31.

<sup>233</sup> Human Rights Watch interview with Mazin al-Qadi.

<sup>234</sup> Human Rights Watch interview with Mazin al-Qadi.

magazine, visiting foreign music and theater groups, artisanal workshops for 150 inmates and a school at Muwaqqar were well advanced.<sup>235</sup>

The main role of social workers in prison currently appears to be reviewing applications for financial aid from families where the main breadwinner is in prison. One prison director told Human Rights Watch that “Social services are not working as they should, although they helped 30 families financially.”<sup>236</sup>

Overall, very few prisoners work in Jordanian prisons. In Muwaqqar, no prisoners worked, whereas in Salt (Balqa), around six prisoners out of 433 worked in the kitchen, or as teachers and barbers; in Juwaida 15 prisoners out of a population of 1140 worked, mostly in the kitchen. In Qafqafa, prisoners could work in a bakery and a patisserie. In Swaqa, there is a farm at which prisoners can work. Not more than 20 prisoners worked in each prison.

One idea of the reform program would be to create prisons with different security levels in which prisoners could work and even leave the facility.<sup>237</sup> In late 2008, the PSD hoped to open a low security prison in Salhub, close to Amman, consisting of five villas.<sup>238</sup> Al-‘Umari also said he planned to put in place an individualized system for prisoner assessments, determining the appropriate facility and wing, work and social opportunities, and eligibility for a reduction of sentences of seven and a half days per month of good behavior.<sup>239</sup>

## Training

Another component of the reform program is new training for an augmented prison staff and administration. Sharif al-‘Umari told Human Rights Watch that the prison service had added 400 employees to its staff in 2008, helping to establish closer

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<sup>235</sup> Human Rights Watch interview with Sharif al-‘Umari, July 31, 2008.

<sup>236</sup> Human Rights Watch interview with Muhammad Muhaimid, director, Juwaida, October 22, 2007.

<sup>237</sup> Human Rights Watch interview with Khalid al-Majali, prison reform unit, Royal Police Academy, October 24, 2007.

<sup>238</sup> Human Rights Watch interview with ‘Umari, July 31, 2008.

<sup>239</sup> Human Rights Watch interview with ‘Umari, July 31, 2008.

contact between guards and prisoners.<sup>240</sup> The National Center for Human Rights (NCHR), in cooperation with the prison reform unit at the Royal Police Academy, has instituted a series of training programs: one for prison directors, who are now mostly law school graduates, and one for prison guard trainees, including officials from Preventive Security who are tasked with guarding national security suspects and providing a control function over regular guards. The training focuses on prisoner rights and the prohibition against torture.<sup>241</sup> The Kerik Group also carried out training of trainer workshops with corrections officers, including on non-lethal use of force.<sup>242</sup> At the same time the supervisor of the prisons unit at the NCHR told Human Rights Watch that they were preparing a new brochure about prisoners' rights and duties, which each prisoner would receive upon entering a facility.<sup>243</sup>

The government has also focused on emphasizing limitations on the use of force and the prohibition against torture in its training manuals. In 2007, the PSD issued a Code of Police Honor, which in Article 1 stresses the "protection of human principles and rights that the heavenly laws and international agreements have guaranteed."<sup>244</sup> In 2008, it produced a "Working Guide for Directors of Correction and Rehabilitation Centers," which combines Jordanian law and international norms into some practical recommendations, such as a prisoner's rights to legal counsel, to consult his legal file, or to practice his religion. In his foreword, PSD director Mazin al-Qadi emphasizes the importance "not to have recourse to force ... and the importance of documenting" instances in which force was used.<sup>245</sup> In a separate chapter on torture, the booklet obliges directors to hold weekly lectures on human rights, and emphasizes that as a deterrent to torture, directors should "make the employees

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<sup>240</sup> Human Rights Watch interview with 'Umari, July 31, 2008. In October 2007, Abu Jammous of the Ministry of Interior had promised that some of the additional 12,000 PSD officers in 2008 would be assigned to the prison service. Human Rights Watch interview with Mukhaimer Abu Jammous, secretary-general, Ministry of Interior, Amman, October 25, 2007.

<sup>241</sup> Human Rights interview with Nisreen Zureikat, supervisor of the prisons unit, National Center for Human Rights, Amman, April 9, 2008 and Human Rights Watch interview with Mazin al-Qadi.

<sup>242</sup> Human Rights Watch interview with Frank Ciccio, Vice President, Kerik Group, New York, September, 2007 and with Khalid al-Majali, prison reform unit, Royal Police Academy, Amman, October 24, 2007.

<sup>243</sup> Human Rights Watch interview with Nisreen Zureikat, supervisor of the prisons unit, National Center for Human Rights, Amman, April 9, 2008.

<sup>244</sup> Code of Police Honor, Public Security Directorate, 2007, art.1.

<sup>245</sup> Sa'd al-Limun and Khalid al-Majali, "Working Guide for Directors of Correction and Rehabilitation Centers," Public Security Directorate, 2008, p.iii.

understand ... the negative consequences resulting [from torture] on the national level.”<sup>246</sup>

The PSD’s efforts to raise awareness about torture and abuse, by training, educational booklets, and high-level instructions admonishing officials to refrain from use of unnecessary force, are laudable. However, they appear to be relying almost exclusively on educational measures, and not on accountability, to combat torture. Alone, these measures are too weak to be effective, especially given the historic nonchalance with which law enforcement officials have treated Jordan’s prison laws, including the prohibition against torture, and the lack of accountability for acts of torture.

## Accountability

The PSD’s Legal Affairs department since early 2008 has assigned police prosecutors to work inside the prisons (see “Impunity”). This is a significant step and shows the willingness of the government to provide the resources necessary to detect and prosecute torture. However, the absence of any prosecutions to date for torture despite this reform indicates that the police cannot credibly investigate itself.

## International Assistance

The European Union has analyzed the needs of Jordan’s penitentiary system and in March 2008 began a €1 million program of assistance to last 18 months aimed at improving prison management, especially the flow of information about prisoners’ behavior and the training of prison staff.<sup>247</sup> The Austrian Ministry of Justice as the lead counterpart to Jordan’s prison service began work on July 9, 2008.<sup>248</sup>

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<sup>246</sup> Sa’d al-Limun and Khalid al-Majali, “Working Guide for Directors of Correction and Rehabilitation Centers,” Public Security Directorate, 2008, p.11.

<sup>247</sup> Human Rights Watch interview with Joaquin de Tasso-Vilallonga, First Secretary, and with Alessandro Campo, judicial adviser, Delegation of the European Commission in Jordan, Amman, April 9, 2008; Delegation of the European Commission in Jordan, *Twinning Project Fiche. Improving the Penitentiary System in Jordan*, JO07/AA/JHo8.

<sup>248</sup> Human Rights Watch interview with Josef Schmoll, project leader of the Austrian Ministry of Justice, Amman, August 5, 2008.

The United States currently does not fund assistance to the Jordanian penitentiary system, including the work carried out by the Kerik International group.<sup>249</sup>

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<sup>249</sup> See: United States Agency for International Development, *2007 Cash Transfer and Local Currency Program*, <http://jordan.usaid.gov/sectors.cfm?inSector=23> (accessed February 12, 2008), now defunct. Human Rights Watch interview with US Embassy and USAID staff, Amman, December 16, 2007.

## **Recommendations**

### **To the Government of Jordan:**

- Accede to and ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
- Set up an independent domestic prison inspection mechanism, meeting the requirements set out in the Optional Protocol, and strengthen the powers of the National Center for Human Rights to carry out such inspections.

### **To the Ministry of Justice:**

- Assume jurisdiction over crimes in prison and prosecute officials and prisoners in civilian courts.
- Set up within the Ministry of Justice a unit of trained prosecutors who regularly visit prisons, at least once a week, inspect all wards, and receive prisoner complaints. These prosecutors must have the powers to enter at any time and request to speak to any prisoner.
- Set up an independent mechanism allowing prisoners to submit complaints without the knowledge of prison guards directly responsible for them.

### **To the Public Security Directorate:**

- Ensure civilian prosecutors and courts assume jurisdiction over crimes of torture and ill-treatment committed by PSD officers against civilians.
- Take measures to remove officials suspected or accused of crimes involving prisoners from contact with prisoners or from positions in which they can improperly influence the investigation.
- Routinely keep video recordings in prison for a specified period and keep copies of the recordings with an official body not linked to the prison service for safekeeping.
- Take measures to protect prisoners who testify as witnesses against officers or fellow prisoners.

- Grant Jordanian and international human rights organizations open access to prisons, including return visits, to safeguard against guards retaliating against prisoners for speaking to human rights organizations.
- Enable prisoners to call unsupervised the hotline at the National Center for Human Rights at any time.
- Conduct investigations into prison abuse transparently. In a periodic, public report, provide details about investigations into abuse in prisons, including the number, the charges, the evidence, and the result.
- Build better sanitary facilities in the prisons, install a sufficient number of telephones so that prisoners can make calls at any time to their lawyers, family members, or the National Center for Human Rights.
- Improve the food given inmates and provide safe, running drinking water at all times.
- Do not use the super-maximum security facility under construction, Muwaqqar II, to keep Islamist, or any other prisoners, in solitary confinement for periods longer than the seven days currently allowed under Jordanian law, following individual assessments, and only if they are deemed to be violent and a danger to themselves or others.

**To the Ministry of Health:**

- Increase the number of doctors working in prison and provide at least 24 hour coverage of nurses.
- Routinely check a prisoner's health when entering and exiting prison. Inspect the wards of the prison to ensure patients do not have to submit a request to see the doctor via a guard.
- Provide information on HIV/AIDS and sexually transmitted diseases (STD), distribute condoms free of charge, and conduct tests for HIV and STDs only with the informed consent of the prisoner.
- Allow prisoners to seek a second medical opinion.
- Increase the number of psychologists or psychiatrists working in prisons and ensure they inspect the wards to allow prisoners easier access to them.

### **To the European Union and the United States:**

- Include prison reform and eradication of torture in Jordan in the development assistance provided to Jordan.
- Condition such funding on the transfer of jurisdiction over torture to civilian prosecutors and courts and the establishment of effective investigations independent of the prison administration into abuses committed by prison officials.
- Ensure no funding goes toward the operation or administration of the super-maximum prison Muwaqqar II, should it be operated as a long-term solitary confinement facility.
- Ensure that US and EU government officials and politicians visiting Jordan are briefed on the state of Jordanian compliance with human rights and its efforts and transparency in addressing human rights violations in prisons and instructed to raise these concerns systematically.
- Speak out publicly when Jordan lags in taking steps to come into compliance with international human rights norms, and impose the targeted withholding of parts of the development aid to Jordan in response to specific failures to take rapid steps to address gaps in compliance.



## Acknowledgments

This report presents the findings of prison visits to seven of Jordan's 10 prisons in August and October 2007 and April 2008 and of meetings with Jordanian security officials between August 2007 and July 2008. Christoph Wilcke of the Middle East and North Africa Division of Human Rights Watch is the principal researcher and author of this report. Joanne Mariner, director of the Terrorism / Counter-terrorism Program at Human Rights Watch and Gasser Abdel-Razek, until May 2008 acting director of regional relations for the Middle East and North Africa, conducted research for this report in August 2007.

We express our appreciation to the officials in the Ministry of Interior and the Public Security Department for agreeing to our prison visits and always showing a readiness to meet and discuss current efforts to improve the prison system, in particular, Sharif al-'Umari, director of the prison service, Mahir Shishani, head of the Grievances and Human Rights office, and Khalid al-Majali, deputy head of the prison reform program at the Royal Police Academy.

We are grateful to those detainees and convicted prisoners who shared their concerns with us, often in spite of personal risk of retribution. We have substituted pseudonyms for their real names. We also hope that our work and this report justifies the trust placed in us by the families of prisoners affected in the incidents of torture in Aqaba prison in May 2007, in Swaqa prison in August 2007, and in Muwaqqar prison in April 2008.

Sarah Leah Whitson, executive director of the Middle East and North Africa Division, and Iain Levine, director of the Program Office, edited the report. Clive Baldwin, senior legal advisor, provided legal review. Amr Khairy, Arabic language website and translation coordinator, provided assistance with translation into Arabic. Brent Giannotta and Nadia Barhoum, associates for the Middle East and North Africa Division, prepared this report for publication. Additional production assistance was provided by Grace Choi, director of publications, and Fitzroy Hepkins, mail manager.

## **Appendix: Three Incidents of Prison Torture**

### **Case 1: Aqaba**

New York, September 17, 2007

Col. Abd al-Karim al-Radaida  
Head  
Legal Department  
Public Security Directorate  
Amman  
Hashemite Kingdom of Jordan

Dear Colonel al-Radaida:

Human Rights Watch has been closely following the investigation into and prosecution of those implicated in the beating of Firas (Sbaih) Zaidan in Aqaba prison, where he was found dead on the morning of May 10, 2007.

We are pleased to note that the Jordanian National Institute for Forensic Medicine has issued an amended autopsy report for Zaidan. We also note that the prosecution has consequently reportedly upgraded the charges to “excessive beating resulting in death” against some of the defendants from the Public Security Directorate’s ‘Aqaba Correction and Rehabilitation Center.

We nevertheless remain concerned that the efforts by the prosecution have not fully exhausted all means to establish the truth of the events that led to Zaidan’s death at Aqaba prison and of finding all those responsible. Human Rights Watch’s concern is based primarily on information gathered during a visit to Aqaba prison on August 27, but also on our observation of the investigation and the prosecution’s efforts to date.

In Aqaba prison we spoke to six prisoners who related in detail the beatings sustained by Zaidan. Some of them said they that investigators never asked them for a statement. Some also said that the prosecutor had only taken one or two trips to

the prison to gather evidence. All of them reported ongoing intimidation by current prison staff not to testify, or, once called, not to testify to identify the staff responsible for the beatings.

Human Rights Watch further believes that more should have been done to save Zaidan's life. Other officers should have intervened, since some of the beatings took place in plain view. An officer in the video monitoring room should have seen the beatings take place on his screen and intervened. The hospital staff treating Zaidan on May 9 would have found a severely beaten person, but decided to forego an examination and send him back to prison. Lastly, the circumstances of how the chemical substance Clomipramil found in Zaidan's blood entered his body have not been fully investigated.

We also submit a list of questions to the prosecution (see enclosure) to assist it in seeking answers to questions relating to the cause of death and those responsible.

Human Rights Watch has obtained accounts from Aqaba prison officials and prisoners that shed light on some of these questions, which we share with you below.

We have kept the names of the individuals who spoke to us confidential at their request. The names of potential witnesses are listed should you consider their testimony potentially useful.

Please do not hesitate to contact me with further questions. I look forward to hearing from you about the course of the prosecution and trial.

Sincerely,

Christoph Wilcke  
Human Rights Watch

Enclosure:

1) List of questions to the prosecutor

Cc:

- 1) H.E. Dr. Bassem Awadallah, Director, King's Office, Royal Court
- 2) Maj.-Gen. Muhammad Majid al-'Aitan, Director, Public Security Directorate
- 3) H.E. Shaher Bak, Commissioner-General, National Center for Human Rights
- 4) The family of Firas Zaidan

**Memorandum Concerning the Investigation Into the Treatment of Firas Zaidan at 'Aqaba Correction and Rehabilitation Center, May 6-10, 2007**

A prisoner at Aqaba prison found Firas Ism'ail Mahmud Zaidan dead in his solitary confinement cell on the early morning of May 10, 2007 after prison guards had severely beaten Zaidan over the previous three days. Zaidan was treated for "erratic behavior" at Princess Haya Military hospital in 'Aqaba on May 9, the day before he died.

*Cause of death and Zaidan's health*

An initial autopsy performed in Aqaba, dated May 10, found contusions and abrasions on Zaidan's head, back, buttocks and flanks. A first autopsy report at the Amman National Institute for Forensic Medicine, dated May 12, and erroneously listing May 11 as the date of death, found "multiple and numerous contusions ...covering nearly 15-20%" of the body, in addition to "severe oedema" of the lungs. A third, undated autopsy report by the National Institute, which included laboratory testing, determined "severe respiratory failure" resulting from the "toxic effects of Clomipramine" in a "concentration [of 14.3 micrograms per milliliter of blood] that exceeds by one hundred times the acceptable therapeutic concentration" as the cause of death.

Human Rights Watch submitted these autopsy reports for review to a forensic pathologist who has worked extensively on the detection of torture, and we have consulted with several renowned clinical psychiatrists in the United States about dosages and counterindications of Clomipramine, as well as symptoms of an overdose. These experts found the third autopsy report to be well-conducted, but expressed doubt about the extremely high doses of Clomipramine found in the body.

The National Institute for Forensic Medicine has completed a fourth autopsy report, dated August 21, based on re-testing blood and gall samples, which found the

Clomipramine levels in the blood to be 0.45 microgram per milliliter of blood, and determined the cause of death to be the “compounding of combined factors ... of injuries, increased by bleeding, and the effect of inhibition of the sympathetic nerves, in addition to the toxic effects of Clomipramine medication, and of an ailment of the heart muscle.”

The report’s finding rules out the amount of Clomipramine in Zaidan’s body as the sole cause of death. Nevertheless, Human Rights Watch wants to bring your attention to the following issues:

According to Article 24 of the Law of Correction and Rehabilitation Centers (Law No. 9 of 2004), “the doctor of the [Correction and Rehabilitation] Centre must conduct a medical exam of the inmate and present a report of his state of health in any of the following cases: a) at the admission to the Center of [the inmate] and before his release from it and upon his transfer from one Center to another; b) Before placing the inmate in solitary confinement and after releasing him from it.”

According to an official in the Aqaba prison administration, speaking to Human Rights Watch on August 27, Zaidan “never received medical examination or treatment while in prison.” A doctor should have examined Zaidan upon admission on May 6. The prison administration official said a doctor usually sees a new prisoner “on the day of admission or the next day,” since a doctor only comes to Aqaba prison from 9am to 1pm on Mondays, Wednesdays and Thursdays. Zaidan could have thus seen the doctor on Monday morning, May 7, approximately 14 hours after being admitted.

Dr. Muhammad XX (full name unknown), the doctor at Aqaba prison on duty on August 27, told us that he cannot prescribe psychiatric drugs for patients, saying that a specialist at an ‘Aqaba Ministry of Health clinic must do so. There is no information to indicate that Zaidan had taken Clomipramine prior to entering Aqaba prison or that he received it in prison from the doctor. However, ‘Amir Jamil, from Rusaifa, and Fahd al-Ka’ba, from Madaba, who are reportedly both in Swaqa prison now, were two of Zaidan’s bed neighbors in Wing 1, where he spent around 10 hours from 9 a.m. to 7 p.m. on Monday, May 7. Fellow prisoners in Wing 1 said that Jamil and Ka’ba

received psychiatric drugs from the guards every day, and that the pills in questions were called “Roche 2.”

Furthermore, the prison administration informed Human Rights Watch that it keeps drugs for prisoners in the safe storage facility (Amanat), where prisoners leave all their belongings upon admission, and that drugs requiring refrigeration are kept in the refrigerator of the market, where a prisoner is also employed. The safe storage facility and the market appear to be easily accessible to guards. Medical records should reveal which medicines containing Clomipramine, were present at ‘Aqaba prison, who received them, and who had access to them between May 6 and 10.

On May 9, reportedly around 2.30pm (others said it may have been later in the day), prison officials took Zaidan to Princess Haya Military Hospital, where a doctor injected Zaidan with a dose of Haloperidol, based on the guards’ description that he was “having mental problems.” Apparently, the doctors noticed bruising on Zaidan’s exposed arms, but did not perform an examination or ask further questions, releasing him back to prison.

Article 29 of the prison law states that: “A) If an inmate dies, ... B) The doctor of the Centre must present a report of the situation of the deceased inmate in the Centre and in particular the following: 1) the type of illness that he was complaining about and the date he began to be affected by it; 2) Last date of a [medical] examination that the doctor carried out before the death; 3) Date of death and the time it occurred.” Only the first autopsy report, prepared in ‘Aqaba, mentions Zaidan’s visit to Princess Haya Military hospital. There is no medical report on Zaidan at the time of death and none of the reports mentions the time of death.

#### *Repeated, severe beatings*

The autopsy reports refer to signs of extensive beatings, and the fourth autopsy report lists injuries as a result of beatings as one contributing factor causing death. According to prison administration officials and eyewitness prisoners Human Rights Watch spoke with, Zaidan entered Aqaba prison around 7pm on Sunday, May 6, and was processed normally (registered, hair cut). At that time, an eyewitness who spoke to Zaidan reported that he acted normally. After 8pm, guards placed Zaidan in the

holding cell (shabaka), which has metal bars and is located outside the general prison wings. Any officer passing from the prison wing to the administration building would pass the shabaka. Human Rights Watch has found that it is common for a newly admitted prisoner to be placed in the shabaka for a period lasting between a few hours and a day.

The prison administration and some of the eyewitnesses gave conflicting accounts about whether guards beat Zaidan in the shabaka for the first time on Sunday night or on Monday night. Hani al-Taqarna is said to have been in the shabaka with Zaidan on the first night.

On Monday, May 7, before 9 am, guards put Zaidan in Wing 1, where he occupied the first bed in the right row of beds, and / or the one bed in front of it that is parallel to the wall. There, fellow inmates said, he acted strangely, drinking water from a plastic cup with cigarette butts, cursing others and banging his head against the wall, but that he had quieted down by the evening. The prison administration said he cursed prisoners and the authorities and that guards removed him due to complaints from fellow prisoners.

Prisoners said that in the late afternoon, possibly around 7 p.m., guards Lafi al-'Amiri, Musa al-Huwaitat, and Qadr al-Tawra entered the room. Zaidan was sitting in the lower bed belonging to Mahmud Jawwad, who was absent due to a court date. The guards told Zaidan to get dressed, and, when he refused, al-'Amiri and al-Huwaitat swung from the upper bunk bed and hit Zaidan, in the face and chest with their boots, before taking him outside. The prosecution's charge sheet lists slightly different names for these guards.

After that, prisoners heard Zaidan's screams, apparently from being beaten, from the direction of the shabaka. That night, eyewitnesses reported that al-Tawra, al-'Amiri, and al-Huwaitat beat Zaidan with four white electrical cables and sticks in the shabaka. A possible further witness to these events is Cesar Ibrahim Haniya. At the time, there were four persons in the shabaka with him, but the guards only beat Zaidan, who was reportedly cursing guards and prisoners alike. The eyewitnesses said that the guards did not hit Zaidan's head. They beat him around 15-20 times,

each time for about five minutes. He remained in the shabaka until about 1 a.m., after which guards took him into a solitary confinement cell. Zaidan was walking by himself at that time, the eyewitnesses said.

On the morning of Wednesday, May 9, a prisoner saw Zaidan lying naked in his solitary confinement cell. He was bleeding and drooling from his mouth. Zaidan was semi-unconscious. Prisoners Badr Yahya Baraka, Ali Salih al-Karaduna (?), Wajdi Salama Abu Qadhun, Ma'mun Harb and Muhammad Nayif al-Mu'mani reportedly dressed Zaidan and carried him to the shabaka. There, Hassan Tallaq, a guard, beat Zaidan very hard with a cable for about 15 minutes.

Other prisoners nearby said they heard screams coming from the shabaka around 9 a.m. that they identified as being Zaidan's. They said the sounds of the beating lasted for around 30 minutes. Eyewitnesses said guard Musa al-Huwaitat beat Zaidan with a one-meter-long cable, belonging to the air conditioning, that was knotted together. At that point, Zaidan had been chained to the shabaka, with his hands outside, in a crouching position, because the handcuffs were chained low to a metal bar. Zaidan was wearing only his pants. One eyewitness said that Huwaitat's beating lasted about 10 minutes.

Prisoners said that at 10 am, Zaidan was taken back to solitary confinement. When guards from the night shift arrived around 4pm, eyewitnesses saw guards beat Zaidan again, this time in the kitchen corridor, which is close to the solitary confinement cells. Guard Lafi al-'Amiri was reportedly one of those who beat Zaidan, since he was working two consecutive shifts that day. This time, eyewitnesses observed beatings to the head, and blood and "white stuff" coming from an area close to Zaidan's temple. One further potential witness to these events is 'Asim Shishtawi, from Aqaba (possibly in Ma'n prison now).

Before or just after that beating, guards reportedly took Zaidan to hospital. According to one eyewitness, guards beat Zaidan after his return from hospital in the kitchen corridor on the evening of May 9. A prisoner found Zaidan dead in his cell while serving breakfast the next morning, May 10.



*Ongoing problems with the investigation and prosecution*

According to the 'Aqaba prison administration, the public prosecutor for 'Aqaba visited the prison soon after Zaidan's death. According to the prisoners, the 'Aqaba prosecutor came twice, once after Zaidan's death, and another time in mid-July. According to some prisoners, several current and former prisoners at 'Aqaba have given statements to the prosecutor. However, other eyewitnesses to the beating of Zaidan said they had not been asked to provide statements. All prisoners with knowledge of the events said that the prosecutor only asked to see named individuals and did not ask for other potential witnesses. Furthermore, several prisoners who met the prosecutor said that he was primarily interested not in the beatings of Zaidan, but in how he may have ingested drugs.

All witnesses complained of intimidation by guards, especially by guard Hassan Tallaq, but also by Nizar XX and Salah XX (full names unknown). They said guards had made threats against them and their families, while on other occasions giving them preferential treatment, suggesting that they not testify or, if they had already given their statements, that they not identify the guards or recount the beatings in court.

Prisoners said that four of the five guards who participated in the beatings have been charged with a crime and consequently left the prison service, but that one other guard [name withheld], had also participated. They said intimidation of witnesses continued as of August 27.

It is highly likely that other guards saw, or at least knew of, the repeated beatings, since the shabaka is a much frequented area. Human Rights Watch also inspected the monitoring room of Aqaba prison on August 27. The monitoring official, who said he had worked there for one year, said that video monitoring takes place 24 hours a day. The monitoring is computer-based, with five large computer monitors displaying about eight different camera shots per monitor, in addition to one larger camera in the monitor's center. The cameras film the corridors and other common spaces, such as the dining hall. Clearly visible on August 27 was some of the area inside the shabaka and the space surrounding it, as well as the area of the corridor outside the solitary confinement cells, though not the inside of the cells. The monitoring official

described his job as observing, and, in the event of an irregular occurrence, of making a recording of it. He said that no routine recordings are made.

Human Rights Watch also notes that previous charges of “neglect of duties,” “acting against orders,” and “abuse of power,” as stipulated in the charge sheet dated June 3, have reportedly been amended to “excessive beating resulting in death,” according to a person familiar with the investigation.

We urge you to increase your efforts to gather all relevant evidence, including eyewitness accounts, medical records and treatment, to find all those responsible for the death of Firas Zaidan, including those who, in the course of their duties as prison officials or medical personnel, should or could have intervened to prevent Zaidan’s death.

We are also extremely troubled by accounts of witness intimidation, reported statements from high officials in the Public Security Department trying to obfuscate the fact that guards had beaten Zaidan or that the beatings were related to his death, and the inconsistent findings in the autopsy reports relating to the presence of Clomipramine in Zaidan’s body.

We expect you to take immediate steps to stop such interference in the course of justice.

\* \* \*

*Questions to the Prosecutor:*

- 1) Was Firas examined by a physician upon his admission into prison as required by the article 24 of the Correction and Rehabilitation Centers law?
- 2) If so, have you requested and obtained the medical reports/records?
- 3) Did Firas seek medical attention in prison?
- 4) Did Firas obtain medical care in the prison?
- 5) Did you cause to have the blood on Firas’ “disdasha,” that he wore during his first night in prison, analyzed to determine the source of blood found on it

- and/or whether the blood was contaminated with a toxic substance in order to better determine the time that Firas allegedly ingested that substance?
- 6) Did the prison physician at the prison examine Firas prior to his transport to Princess Haya hospital? If so, have you requested and obtained the prison's medical reports for May 9, 2007?
  - 7) Have you obtained the medical reports for Firas stemming from his treatment at Princess Haya hospital on May 9, 2007?
  - 8) What was the exact date and time of death?
  - 9) Does the Ministry of Health monitor Clomipramine's entry into Jordan? Is its distribution, sale, or provision subject to any other regulations?
  - 10) How does the government monitor the distribution of Clomipramine to Jordanian medical facilities?
  - 11) Is Clomipramine kept in the Aqaba prison's medical facility? Have you conducted a search of the prison to determine the source of this substance?
  - 12) Has Clomipramine in whatever form been found/used in Jordanian prisons before? Did you interview the prison's physician (a) concerning Firas' health condition at the prison and (b) concerning the possible origins and manner of ingestion by Firas of Clomipramine in detention?
  - 13) Is Clomipramine used at Princess Haya hospital? Did you order an inventory of the drug to be performed at Princess Haya hospital?
  - 14) Did you ask the female emergency room physician whether she knowingly or unwittingly gave Firas a dose of Clomipramine?
  - 15) Did you conduct a search of the homes, lockers, living quarters, etc. of any of the accused defendants or other suspects in search of Clomipramine?
  - 16) Did you verify that officials and prison superiors followed proper procedures as required by law in placing Firas in solitary confinement as required by article 24 of the Correction and Rehabilitation Centers law?
  - 17) Have you developed a theory of how the Clomipramine entered Firas' body? Have you responded to the Chief of Public Security General 'Aitan's letter to you asking the same question? What is your theory?
  - 18) In order to exclude voluntary ingestion of Clomipramine, have you consulted with a toxicologist regarding the length of time a person could live with Clomipramine in his system in excess of 100 times the therapeutic level

or what systems a healthy, muscular built male might exhibit having such high levels?

- 19) Have you obtained the verdict and court transcripts of the court in Aqaba that sentenced Firas? Have you interviewed participants in the trial regarding Firas' health and mental condition at the time?
- 20) Have you carefully analyzed the photos taken by the forensic medicine institute to ensure that a) they are complete, and no photos are being kept from the prosecution; b) that the photos correspond with the finding of 15%-20% bruising on Firas' body?
- 21) Have you conducted extensive interviews with detainees and prisoners at aqaba prison, in addition to those released from the prison during the tenure there of the guards accused, to assess whether other instances of beatings or other physical violations have occurred and what the results, if any, of such instances were?
- 22) Have you conducted background research into whether others in Jordanian prisons have suffered serious adverse health effects due to drug intoxication, in general, and Clomipramine, specifically, in the past five years?
- 23) Have you interviewed Princess Haya hospital emergency room personnel, or those working in another medical facility used to treat Aqaba prison inmates, to determine the frequency of their medical services to Aqaba prison inmates, and the types of treatments they provided?
- 24) Since substantial and compelling material evidence and witness testimony exists showing that Firas was heavily beaten, and since serious doubts lingers over the manner of ingesting the allegedly lethal dose of Clomipramine, what is the reason for not bringing murder charges against the defendants or unknown others who may have caused Firas to ingest the toxic substance?

## Case 2: Swaqa

Memorandum, September 5, 2007

To: Khalid al-Majali, Ministry of Interior, Corrections Department

cc: Muhammad al-Sarhan, Ministry of Interior, Human Rights Department; H.E.

Shaher Bek, Commissioner, National Center for Human Rights

From: Christoph Wilcke Date: September 5, 2007

Re: Events at Swaqa Correction and Rehabilitation Center on August 26, 2007

Dear Mr. al-Majali,

I wish to thank you for your efforts in facilitating Human Rights Watch's recent visit to a select number of Jordanian Correction and Rehabilitation Center's, in particular the return visit to Swaqa on August 26.

As you probably know, we saw a large number of injured inmates on that day who had apparently injured themselves. We also documented mass beatings and forced shaving of heads and beards that took place in Swaqa after our first visit there on August 21. The injuries were apparently a protest against earlier beatings and forced shavings.

We have prepared a memorandum to assist you in your internal investigation, and in that of the prosecution, should there be any. We have furthermore documented shape, color and location of bruises of over 10 prisoners subjected to alleged beatings between August 21 and 26.

Please do keep me updated on the scope and course of the internal investigation as well as any prosecutions.

Yours sincerely,

Christoph Wilcke

Researcher

Middle East and North Africa Division

Human Rights Watch

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### **Events at Swaqa Correction and Rehabilitation Center on August 26, 2007**

On August 21, three Human Rights Watch (HRW) staff members and an interpreter visited Swaqa from 9am to 5:30 pm. We spoke for two hours with director Hani al-Majali on his last day as director at the facility. We then interviewed prisoners in several wings and wards of the facility, including room 220 in Wing I, the solitary confinement cells, the Murder and Attempted Murder Ward, the Drugs Ward, and Wards 13 and 14, which hold Islamist prisoners whose cases fall within the jurisdiction of the State Security Court.

During that visit, HRW documented numerous abuses, including repeated instances of intentional and severe beatings by security personnel, which were inflicted on prisoners as punishment for perceived infractions.

At around 6 p.m. on August 25 HRW learned of allegations that prisoners at the facility had been subjected to abuse as a result of our August 21 visit to Swaqa. We informed Khalid al-Majali, an official in the Corrections department, of the allegations and of our desire to return to Swaqa the next day. Khalid al-Majali said that he informed the assistant to the director of Public Security, and indicated that we should address a request in writing to the minister of interior.

At 9 a.m. on August 26 HRW sent the attached fax to the minister of interior seeking permission for a return visit to Swaqa. At 10 a.m., two HRW staff members and an interpreter arrived at Swaqa, where the new director, Majid al-Rawashda, invited the delegation to visit the facility at around 10.30 am.

The delegation first spoke to al-Rawashda for about 45 minutes. He acknowledged that he had had the heads and beards of prisoners shaved, for reasons of

“cleanliness” – in particular, because of the prevalence of lice. He explained that “we took harsh measures to sort out the problems caused by the troublemakers,” whose number he put at 50, in order to “protect the 90 percent of respectful, law abiding prisoners,” who cannot complain of prisoner-on-prisoner violence “because their relatives outside would be in danger.” Asked about what caused him to take “harsh measures,” al-Rawashda mentioned cleanliness and “prisoner-on-prisoner violence.” During the last 10 minutes of the conversation, ‘Amid Fayiz XX, the new head of Jordan’s prison services, was present. He did not speak.

After the visit, HRW asked director al-Rawashda again about any specific serious incident since beginning his tenure at Swaqa that led him to take “harsh measures.” Al-Rawashda said that there had been none.

Shortly after 11 a.m., the director, a Preventive Security officer, and several guards accompanied the HRW delegation into the prison. The situation was quiet. In the main, downstairs corridor, the doors to a few wards were open and prisoners were walking around freely, while the doors to other sections and wards were locked.

Director al-Rawashda introduced the delegation to an older prisoner who showed us scars he said he had inflicted upon himself. The members of the HRW delegation had previously seen such scars on the chests, arms and legs of prisoners in all Jordanian prisons they had visited (Muwaqqar, Swaqa, Salt, Qafqafa), and in particularly high numbers in Qafqafa and Swaqa.

HRW staff then spoke briefly with several prisoners in the Murder and Attempted Murder Ward, as well as at greater length with prisoners in the Islamist wards 13 and 14. While in ward 13, researcher Christoph Wilcke heard screaming and loud noises coming from an area immediately to the left and below ward 13 (when facing the prison administration building). This was at around 12.30 p.m. The screaming lasted only a very short time (less than a minute), but was repeated several times, sometimes sounding as if it came from a direction to the right of ward 13. Joanne Mariner, who was in ward 14 at the time, did not hear any noises coming from outside.

Between around 12 and 1 p.m. Wilcke and Mariner were conducting interviews with prisoners regarding allegations of beatings that had occurred since HRW's last visit on August 21.

At around 1 p.m. Christoph Wilcke left ward 13 and descended the stairs, which lie behind the doctor's office. The guards informed Wilcke that there had been some problems and asked him to wait for a while in the exercise yard. At the time, Wilcke had intended to visit other wings and wards of the facility. A few minutes later, he left the exercise yard and saw a large number of bloody footprints in the corridor leading to the doctor's office. While standing in the corridor for several minutes, Wilcke observed at least 10 injured prisoners, most of them stripped to their underwear, and some bleeding heavily from wounds to the head and the extremities, walking into the doctor's office. They did not speak to Wilcke or the guards, and seemed slightly dazed. A guard then led Wilcke into the doctor's office, "to see for yourself." The small room was crowded with injured inmates, possibly over 40 of them; blood was everywhere on the floor and the walls. The room was so crowded with the injured that there was almost no room left to stand. A doctor was working frantically to apply bandages. At least three times, prisoners carried other injured prisoners into the doctor's office. Some had lost consciousness, and one prisoner's stomach was heaving rapidly. While exiting, one of the prisoners spoke to Wilcke, saying, in front of the guards, "the guards beat us." This was an isolated utterance.

The wounds of the injured prisoners looked like they were the result of cutting by sharp objects. Although we did observe some head wounds, most of the wounds were long cuts on the chest, arms and thighs, deep enough to be bleeding profusely. We did not observe the infliction of the injuries. Nor did we observe any of the guards making physical contact with any of the prisoners, except for one instance in which a guard assisted an injured prisoner in reaching the doctor's office.

Wilcke waited for some time in the officers' Monitoring Room (Muraqaba) behind the holding cell (Shabak) and, after consulting with the officers, decided to go with some of them to inform Joanne Mariner and her interpreter of the events and lead them out of prison.



In ward 14, Wilcke spoke again with some Islamist prisoners there, while Mariner and the interpreter were led back to the Monitoring Room. As the two walked there, several dozen bleeding prisoners walked by them down the corridor, wearing only their underwear. Mariner and the interpreter spoke briefly to a few prisoners, who said that the prison population was protesting against the beatings they had recently suffered. Mariner and the interpreter then went to the Monitoring Room, where they waited for about 15 minutes. During the time they were waiting, a number of bleeding prisoners walked through the room. They also saw a guard walk in and out of the main corridor carrying a make-shift metal stick (about 75 cm long).

At around 2 p.m., Wilcke joined Mariner and the interpreter in the Monitoring Room. As the members of the HRW delegation exited the main area of the correctional facility, they saw three prisoners who were passed out in a reception area immediately behind the entrance door. The three were not receiving medical attention at that time, although medical assistance and a stretcher were arriving as the delegation left.

On each of the four times Wilcke walked through short spans of corridors connecting wings, he observed injured prisoners who were mostly coming from, or going in the direction of, the ground floor to the right of the Monitoring Room (facing the administration building). The guards were few and mainly left the gates open. The injured prisoners and others did not use threatening words or gestures to each other, the guards, or HRW. There was no more screaming, and, apart from some rushing of injured prisoners to the doctor's office, the situation, while not under control, seemed calm, despite the large number of injured prisoners.

On the way into the administration building, some prisoners shouted from their wards to HRW "Did you see? Did you see what they do here?" HRW also observed about 40 special forces personnel lined up in about four rows of 10 persons, with black face masks, which some wore, and others took off upon seeing HRW. They were carrying police truncheons and other items on their belts that the HRW delegation could not identify.

From 2-2:30 p.m. the members of the HRW delegation again spoke to Director al-Rawashda, informing him of serious concerns regarding retaliation against prisoners who spoke to HRW on the previous visit, and of fears of retaliation for the current visit. We urged Director al-Rawashda not to use force unless necessary, and only to use such force as is appropriate. Al-Rawashda showed us a sharp iron stick wrapped with cloth at one end, ca. 75 cm long, intimating that these kinds of weapons were being used by prisoners to injure themselves. HRW told al-Rawashda that the bloody injuries they had seen appeared to be self-inflicted. Al-Rawashda said that some prisoners forced others to injure themselves.

On leaving the prison, Human Rights Watch observed a loosely gathered group of around 50 special forces personnel, some with masks, at least one playing with white plastic handcuffs as if beating someone, another doing the same with what appeared to be three electrical cables twisted and knotted together, another one with what resembled a wooden baseball bat, and one person with a large, bulging, yellow cloth sack with sticks sticking out of it. It appeared that the sack contained improvised weapons. As the delegation was driving up to the main gate, another vehicle transporting 20 or more special forces personnel arrived.

Outside the administration building, the civil defense corps was loading three ambulances with injured prisoners. As the delegation was exiting the facility, another ambulance arrived. Within an hour of leaving the facility, Human Rights Watch informed the National Center for Human Rights and the Human Rights Department of the Ministry of Interior of the facts as observed and described in this memorandum.

Further observations:

The HRW delegation received numerous credible and convincing accounts on the evening of August 25, which we confirmed during our visit on August 26, regarding a mass beating that occurred at Swaqa on Wednesday, August 22. Starting at approximately 3:30 p.m. that day, the new director al-Rawashda made the rounds of the facility. He reportedly said that on the order of the Public Security Directorate, he was authorized to use force. Security forces proceeded to enter each wing and ward,

one after another, beating each detainee before leading him to have his head and beard shaven. The beatings occurred in the cells and in the large courtyard between the administration building and the prison wings. Prisoners consistently and separately described hearing screams and the sounds of beatings, in addition to describing their own beatings. One prisoner observed a security guard with a bloodied uniform.

Prisoners said that the beatings individually took around 3-10 minutes. The entire set of beatings lasted at least six hours, with some prisoners saying that they lasted until midnight, or nine hours. Members of the HRW delegation observed a number of prisoners with deep bruises on their backs, upper arms, and legs, which were said to be the result of these beatings. The shape of the bruises, especially on the backs of prisoners, was most commonly two to three cm thick and between 20 and 70 cm long, with coloring from light yellow to dark violet. There were also some round bruises, more commonly on legs and arms, and some long surface wounds to the skin. In addition, at least two prisoners had bruises on the backs of their head.

One prisoner, Ala' al-Tair, died that night, apparently from being beaten, according to three inmates who claimed to have seen al-Tair. The National Center for Human Rights confirmed that al-Tair's corpse showed signs of heavy beatings. Neither the government spokesperson, H.E. Nasser Judeh, nor the spokesperson of the Public Security Directorate, Major Basheer Da'ja or Swaqa Prison Director al-Rawashda mentioned the mass beatings or an alleged death in custody from beatings publicly or to the HRW delegation.

### **Case 3: Muwaqqar**

#### **Jordan: Prison Burning Deaths Need Independent Investigation** *Police Investigation Ignores Evidence, Intimidates Witnesses*

(New York, May 8, 2008) – King Abdullah should order an independent investigation into the events surrounding the deaths on April 14 of three prisoners at al-Muwaqqar prison east of Amman, Human Rights Watch said today. Despite ample evidence of misconduct, and potentially criminal acts by prison officials, police authorities told Human Rights Watch that their investigation into the incident will vindicate the prison officials, setting out that they acted correctly.

“The police investigation is an attempt to whitewash the events leading up to the burning to death of three inmates in Jordan,” said Sarah Leah Whitson, Middle East director at Human Rights Watch. “It has lost all credibility.”

Since the deaths of the three prisoners, the police have placed in solitary confinement many of those detainees in al-Muwaqqar who were eyewitnesses to the events. Security officials have prevented lawyers, family members and human rights investigators from visiting them. Witnesses report that police have intimidated them and have ignored accounts that at least two of the men burned to death had been seriously tortured just prior to the fire, shedding doubt on whether the men had in fact died accidentally. The governmental National Center for Human Rights (NCHR) issued a report on April 16, based on its investigation at al-Muwaqqar on April 15, confirming beatings and ill-treatment at the prison before the fire.

It is not disputed that at around noon on April 14, approximately 28 prisoners in Cell 3 of Section A of the newly-built al-Muwaqqar prison set their foam mattresses alight as a protest to events at the prison. Prisoners occupying neighboring cells joined in the protest, shouting and inflicting harm on themselves with sharp objects. In response, the prison perimeter guards (Darak) entered the prison building to secure the burning cell. What happened next is contested, but ultimately, when the Civil Defense later extinguished the fire in the cell, they found the burned bodies of Firas al-‘Utti, Hazim Ziyada, and Ibrahim al-‘Ulayan.

The police claim that the prisoners had barricaded the doors of the burning cell with beds to prevent the guards from opening them. However, one eyewitness denies this; he described in detail how prisoners were shouting for the Darak and prison guards to open the door of the burning cell, but that they idly stood by for around 10 minutes before opening the doors. Two other eyewitnesses also said that before opening the door, the Darak fired a gas container into the cell. Guards reportedly shot one prisoner in the chest with one or more rubber bullets. When the Darak opened the doors, the eyewitnesses claim that all 28 prisoners left the cell. The NCHR pointed out that the doors of the cell open to the outside, allowing the guards to open the doors regardless of any barricade inside the cells.

### Eyewitness accounts

According to two eyewitnesses, the fire was almost extinguished by the time the doors were open to allow the prisoners to exit the cell. One eyewitness said that the Darak viciously beat those who exited, “splitting open their skulls.” The NCHR recorded blood stains in the rooms, corridors, and the exercise yard.

Then, eyewitnesses said, the Darak pushed 18 people back into Cell 3. These 18 include the three whose bodies were found, as well as Majid Khatir, Abed al-Khaffash, Muhammad al-Tabbash, and Faisal al-‘Udwan, whose whereabouts are now unknown. After the cell door had been relocked with the 18 men inside, a second, much bigger fire started and it was that fire which the Civil Defense extinguished when they arrived about 15-20 minutes later, two eyewitnesses said. The NCHR report notes that a fire hose belonging to the prison was in place 4 meters from the burning cell.

One day before the incident, Human Rights Watch met with the director of the Public Security Directorate (PSD), Brig.-Gen. Mazin al-Qadi, who promised that the PSD (which includes the police and the prison service) would be fully transparent in its dealing with Human Rights Watch. Human Rights Watch also spoke with police officials on April 15, April 20, and May 5. A Human Rights Watch researcher visited the outside of the prison on April 15 and witnessed a large presence of security guards. The officials insisted that there was no wrongdoing by any security forces,

including both Darak and prison guards, in connection with the April 14 fire, and that the police investigation would conclude soon.

### Families left in the dark

The families of the three dead prisoners and eyewitnesses told Human Rights Watch that all three who died had complained during visits days before the fire about ill-treatment, in particular by a Captain 'Amir Qutaish, who they claim insulted and beat them. An eyewitness alleges that on April 13 this officer suspended Firas al-'Utti and Hazim Ziyada, two of the men later burned in the fire, for four to five hours from a wall with their hands shackled behind their back (the shabah torture position) while beating them. This was in response to the fact that some 100 prisoners had started a hunger strike that day protesting ill-treatment. Families and eyewitnesses told Human Rights Watch that Qutaish had bad relations with al-'Utti and Ziyada dating back to a period that the men had spent in a different prison. Al-'Utti also reportedly tried to warn a visitor to the prison that Qutaish had allegedly made threats against them just five days before the fire. One eyewitness said that Qutaish threatened al-'Utti, Ziyada and another two prisoners with ill-treatment again only hours before the fire on April 14. Three eyewitnesses spoke of the frequent morning searches, beatings, and insults by prison guards and the shabah-style torture of prisoners who resisted the searches.

After the fire, the prison administration placed all surviving prisoners from Cell 3, Section A and the roughly 100 other prisoners who had witnessed the events either into solitary confinement or separate from the remaining prison population after they had briefly been treated for smoke inhalation, burns, or injuries from beatings. At dawn on April 15, they transferred between 15 and 60 prisoners to other prisons. Their families and lawyers have been unable to visit the isolated prisoners, "by order of the Ministry of Interior," one family member told Human Rights Watch. Human Rights Watch knows of at least five families unable to visit their loved ones in prison since the incident. The prison also prohibited the visiting NCHR representatives from seeing these prisoners.

Eyewitnesses also said that the police put pressure on the transferred prisoners to exonerate the security forces of the deaths and warned them not to mention that complaints about torture had given rise to the protest.

On April 20, four days after issuing its critical findings on al-Muwaqqar, the executive director of the NCHR, Shaher Bak, resigned.

“King Abdullah has an obligation under human rights law to set up an independent commission with judicial powers to investigate the torture, protests and response to the fire in al-Muwaqqar prison, as the police authorities have clearly shown themselves incapable of holding their own members to account,” said Whitson.

Human Rights Watch is concerned that, even with evidence of criminal culpability on the part of the members of the Public Security Directorate, there are significant obstacles in the way of prosecution. In Jordan, a police court has jurisdiction over all cases in which members of the PSD stand accused of crimes. The PSD director appoints police officers as judges of the police court as well as the police prosecutors, and he retains the right to reduce sentences. Such a tribunal fails to meet any standard of independent judicial scrutiny.

The police court has a poor record of holding police to account for abuses. In March 2008, the police court sentenced two officers who beat an inmate to death in Aqaba prison to two-and-a-half years in prison, but only after private efforts by the family of the deceased, the US embassy, and Human Rights Watch to bring the perpetrators to justice. Before these efforts, the police court merely charged the men with “abuse of authority” and “violating orders and directives.” In December 2007, the police court sentenced the director of Swaqa prison to two months in prison for “exercising unlawful authority resulting in harm,” then commuted the sentence to a fine of JOD120, or about US\$170. The prison director had beaten, and forcibly shaved the heads and beards, of almost all 2,100 inmates at Swaqa prison, Jordan’s largest, on his first day as director there (<http://hrw.org/english/docs/2007/08/30/jordan16770.htm>).