

Statement by Dr. Mousa Burayzat

**Permanent Representative of
The Hashemite Kingdom of Jordan**

“Report of the SR on Torture Mr. Manfred Nowak”

Monday

March 26, 2007

Mr. President,

At the outset I would like to welcome the Special Rapporteur on Torture Mr. Manfred Nowak, in our midst.

last year
only
has been
the outcome of Mr. Nowak's trip to Jordan
~~His report under consideration has been in circulation, in one form or another, for some time. A summary of it has been~~
was had
been
presented to the Second Session of this Council last year. Then substantial parts of it were submitted to the 61st session of the GA afterwards. ~~The Council is now provided with the third~~
a detailed
version of this report. This is one issue we want to draw attention to it; namely that the same ~~report can be presented in~~
outcome is being discussed
different fora without necessarily ~~add~~ added value. May be, this one practice, which has made the reform of the Special procedures ~~imperative~~
subject of justified criticism by some.

Likewise, I would like to remind that the whole exercise of Special Procedures should be viewed as constructive interactive dialogue with ~~the~~ *the* respective countries.

It is in this spirit that Jordan received Mr. Nowak last summer. And I am also ~~commenting~~ *pointing out* on his report. But before doing that, I want to ~~inform the Council~~ *inform the Council* that the Jordanian Government has submitted an extensive reply to this report. Therefore, and due to time limitation, I am going to restrict myself to ~~the following~~ *some* ~~brief comments~~ *several brief remarks.*

First: Some of the recommendations of the report were generally ~~practical~~ *valid* and the Jordanian Government had already started implementing some of them. Indeed, those recommendations coincided with what the authorities had already started planning long time ago, ~~but could not have had them implemented because of, mainly, financial considerations.~~ I am referring here to the closure of the Jafer Rehabilitation and Correctional Center, *In this* ~~few weeks ago~~ *there are* and the preparations to close one or two more facilities in the ~~near~~ *near* future.

Moreover, the Government has alerted competent authorities to look into the possibility of amending article 208 of the penal code to meet the requirements of the definition of torture set out in article 1 of the Convention against Torture. ~~Also the authorities are looking seriously into the possibility of granting every person the right to ask for a lawyer when arrested.~~

Second, Mr. Novak's statement introducing ~~the~~ ^{conclusions of his trip to Jordan and the}

~~Second:~~ ^{and} The report, ~~on the other hand,~~ still contains several unjustified conclusions and inaccurate narrative. However, I am not going to dwell on them one by one. Instead, I will just point out a few to give this Council a glimpse of the real picture.

~~It is mentioned that~~ ^{He mentioned that} ~~the practice of torture is widespread in Jordan, and in some places routine, namely the~~ ^{in the} General Intelligence Department and the Public Security Directorate's Criminal Investigation Department. This assertion goes too far and is not vindicated by the facts. We do not deny that some individual cases of torture did happen and may happen in the future, but the number of such cases do not support this strong conclusion. Even if all the cases that were presented to the SR were true, something, which is not the case as ~~will be demonstrated later~~ ^{in the full report}, they do not justify that assertion.

The fact of the matter is that torture is neither widespread (nor routine in any law enforcement agency in Jordan

as it is stated in the report

Third: impunity and un-awareness

Mr. Novak said that the practice of torture ^{Persi.} in Jordan ^{because of} a lack of awareness ^{of the} problem ^{and} because of ^{institutional} impunity. ^{As a result of his discussions with government officials, the SR claims that he found a lack of awareness of the seriousness of torture. It is unclear to us how he arrived at such a conclusion. Jordanian officials whom he met denied that torture as a policy existed or tolerated in their respective facilities. Thus, they never implied that individual and isolated cases may have occurred and have been dealt with according to law.}

because of institutional impunity!!

Mr. Novak said ^{2 weeks ago.}

still it is claimed in the SR report

~~Further, on the same issue, Mr. Nowak states that the safeguards and provisions in Jordanian Law to combat torture are rendered "totally meaningless" in practice because the security services are effectively shielded from independent criminal prosecution and accountability. Then ^{and} goes on to say that there is no distinction between the legislative and the executive bodies in Jordan. That is really going too far. The general prosecutor is a jurist not a security officer. And he and his office enjoy total autonomy.~~

~~Claiming that laws and regulations were not applied in the cases of torture and ill-treatment is out of keeping. In fact, a number of the security and police officers were tried or ^{and are} have been tried for applying torture. Additionally, The General Security Department is currently conducting investigations in a number of cases mentioned in Mr. Nowak's report. If enough evidence was found that indict the defendants, the perpetrators of these crimes will undoubtedly be punished. In this context, data from the Department of General Security show that 17 security officers were convicted for employing torture in the two-year period, 2005-2006. ^{They were tried and received} sentences ^{irrespective of which law they were}~~

~~Moreover,~~ the government has implemented a national plan to raise awareness of human rights issues, which targets both citizens and members of security services alike.

Since the Convention Against Torture (CAT) has been adopted by the Jordanian ^{Parliament} government, it has become an integral part of the Jordanian law. Further, the Government has disseminated its text to various security agencies and requested them to familiarize themselves with its provisions. Furthermore, this Convention has been incorporated in the training manuals of all security personnel. At the same time, a national campaign has been launched to sensitize all parties to the importance of respecting human rights at all levels. And for this purpose the subject of human rights and international humanitarian law has been incorporated in the national curricula as well as training

of schools & universities

courses for all concerned government personnel. This is has been done to underline the political commitment of Jordanian leadership and consecutive governments to issues of human rights. Coupled with that several human rights associations and national institution advocate and actively monitor human rights practices in the country, All that in addition to educating the public about the subject. The national Human Rights Center, an independent institution established by special law is entrusted with the task of monitoring the human rights situation in the country as a whole. It has been working very closely with all government institutions and agencies that are involved into questions of Human Rights. The Center's recommendations have been reviewed by various agencies and departments in Jordan to ensure that the human rights principles and standards are respected and that violations or shortcomings are dealt with promptly and adequately. The center has assumed a leading role in assessing Human Rights practices in Jordan.

has been taking place

Mr. Nowak has said that he was denied the possibility of assessing these allegations of torture by means of private interviews with detainees in the GID. During his trip, Mr. Nowak visited the GID and was received by the Deputy Director and senior officers who answered all his questions. These answers were comprehensive, concise and transparent. He was provided with a list containing the names of all detainees held in the GID detention facility, their respective charges and dates of detention.

denied the possibility of assessing these allegations of torture by means of private interviews with detainees in the GID.

Embarked on ~~returning~~ ^{was able to} Mr. Nowak ~~returned~~ to inspect the detention facility. He was granted access and accordingly he conducted an inspection visit of the facility and interviewed all the detainees in the presence of the facility's employees. He was given all possible assistance to fulfill his mission.

Nonetheless, he indicated his desire to take pictures of areas of the GID that have nothing to do with the detention facility and also insisted on having private interviews with the detainees without any protection.

requested to have

As some of the detainees were ~~very~~ known
the official in charge could for violent behavior

He was informed that some of the detainees were dangerous and
being alone with them without some form of protection would
endanger his personal safety. He insisted. But the accompanying
official could not authorize this procedure, as it involves some
risks on Mr. Nowak's life, without getting an authorization by
his superiors. Then Mr. Nowak broke up the visit and left the
compound ~~hastily~~ immediately. Unfortunately

On the following day, the Jordanian Ministry of Foreign Affairs
tried to contact members of the delegation accompanying Mr.
Nowak in order to explain the reasons underlying the events of
the previous day and to inform him that he can complete his
visit to the GID detention facility according to his own
conditions (confidential unsupervised interviews with the
detainees). ~~All of these contacts and attempts~~ came to naught as
Mr. Nowak chose not to respond and surprisingly all the team's
phones were found turned off for the rest of the day.

This is mentioned in the report and

Fifth: The SR mentions as a matter of fact that the Jordanian
constitution does not criminalize torture. The Jordanian
constitution was drafted well before the Convention on Torture
was adopted. ~~Yet~~ The provisions of the Constitution outlaws and
criminalizes torture by positively affirming the rights and
freedoms of all persons and make infringement of such rights
and freedoms a crime punished by law. But even, if all this was
not enough, the fact that Jordan has signed and ratified the
Convention Against Torture, thus making it an integral part of
the Jordanian national law, establishes the legal basis to
criminalize torture in the Jordanian legal system.

Simultaneously, since the C.A.T. has been incorporated into the
legal system of the country, the authorities have automatically
accepted the definition of torture indicated therein. Still and as
mentioned earlier, the government is considering action to
amend article 208 of Jordan's Penal Code to conform it to the
definition of torture in the said convention.

~~Sixth: Penal System Surveillance Mechanism~~

~~Detention, correctional and rehabilitation facilities are continuously monitored by competent authorities, NGOs as well as specialized international institutions such as ICRC.~~

Mr. President,

The Jordanian government is fully aware of the legal and human implication of torture, which runs contrary to the cultural, religious and legal precepts constituting guiding principles for the Jordanian government. It is also aware that occasional violation of these fundamental values is have occurred and may occur in the future. Yet the authorities are determined to deal with them on the basis of law, as it is the political will and firm policy of the Jordanian leadership to fight impunity.

Torture is a denial of the humanity of both the victim and perpetrator and while it may exist, no civilized society can condone it and expect to enjoy stability and progress normally. That is why the international community considers it a crime against humanity and be sure, Mr. President, that Jordan is in the forefront of this international drive of combat it.

Finally, I would like to reaffirm the government's commitment to cooperate with the Special Rapporteur to ensure that any incident of torture is adequately and promptly tackled according to the Jordanian laws and regulations. In spite of the fact that the government of Jordan does not agree with some of Mr. Nowak's conclusions, it will nonetheless seriously review those recommendations and approach them positively.