

SUMMARY REPORT FOR THE UNIVERSAL PERIODIC REVIEW OF JORDAN

This summary report provides updated information and data **on the use of the death penalty in Jordan** since its last review by the Working Group on the Universal Periodic Review (UPR) in 2018 (3rd cycle), for the country's upcoming review in January 2024 (4th cycle).

FACTS AND FIGURES

- Jordan is a **retentionist state** as the last execution was carried out in 2017.
- 31 persons were sentenced to death by the State Security Court and the Grand Criminal Court in 2021 (Source: National Human Rights Center (NHRC extended report 2021)).
- The 1952 Jordanian **Constitution** mentions the death penalty and there is **no provision explicitly protecting the right to life**.
- There is a clear **lack of transparency** as authorities do not publish nor communicate any information on the use of the death penalty.

Recommendations:

- *Continue to maintain a de facto moratorium on executions.*
- *Seriously consider to abolish the death penalty.*
- *Commute the sentences of all those on death row.*
- *Publish disaggregated data annually on the use of the death penalty including the number of death sentences, the nature of the offences for which they have been sentenced, the number of cases that are on trials/police investigation that warrant a death sentence, the number of people on death row.*

LEGAL FRAMEWORK

National

- The 1952 Jordanian Constitution mentions the death penalty in Article 39, which states: "No death sentence shall be executed except after confirmation by the King". No provision explicitly protect the right to life.
- There are at least 48 legislative provisions in Jordanian law relating to the death penalty ; in the penal code (1960), the Code of military justice (2002), the Laws n°17 and n°30 on the state security court (1959), the law n°11 on narcotics and psychotropic drugs (1988) and the provisional law n°50 on the protection of state secrets and documents (2005).
- The Penal Code enshrines death penalty as one of the main sentences, mostly through hanging. Death penalty does not apply to juvenile offenders, to pregnant women (prohibited by article 17) and can be suspended in case of temporary mental disability.
- Most offences punishable by death in Jordan concern offences against state security.
- Death penalty can be pronounced in cases of attempt and commission of crimes including murder and terrorism. Death penalty is also the sentence for treason, espionage or desertion in times of war.
- Some of the offences punishable by death do not fall into the category of the most serious crimes under the international law. Capital punishment is one of the five penalties provided for crimes that are committed outside the country, including drug-related offenses.

Recommendations:

- *Engage in a reform of the legislation to reduce the scope of the death penalty.*
- *Lower the number of death sentences, especially by raising awareness on the de facto moratorium.*
- *Reduce the number of crimes in which death penalty is applicable.*
- *Commute sentences and pardon prisoners whose death sentences do not result from crimes considered among the most serious ones under international law.*
- *Take the relevant legislative steps to fully criminalize acts of torture.*

International

- Jordan is party to the International Covenant on Civil and Political Rights (ICCPR) (ratified in 1975), to the Convention on the Rights of the Child (CRC) (ratified in 1991) and to the UN Convention against Torture (UN CAT) (since 1991).
- At the regional level, Jordan is party to the Arab Convention on the Rights of the People protecting the right to life.
- In 2018, in the framework of its previous UPR, Jordan did not accept any recommendation on the death penalty.
- Since 2020, Jordan has been voting in favour of the UN General Assembly Resolution calling for a universal moratorium on the use of the death penalty, after continuous abstentions.
- While Jordan granted a standing invitation for UN Special Procedures in April 2006, few visits have been conducted since. The Special Rapporteurs on the independence of the judges and lawyers and on extrajudicial killings never conducted a visit on the ground.

Recommendations:

- ***Ratify the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty (OP2)***
- ***Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to effectively document and fruitfully engage with public authorities on any reported cases of the use of death penalty***
- ***Accept recommendations in relation with the abolition of the death penalty and ensure a regular dialogue with all UN mechanisms on the issue***
- ***Cooperate more extensively with the UN Special Procedures (including with the Special Rapporteur on Extrajudicial Killings and Summary Executions, the Working Group on Arbitrary Detentions, the Special Rapporteur on the Independence of judges and lawyers, and the Special Rapporteur on Human Rights Defenders) and organise onsite visits to effectively monitor trial proceedings, detention conditions and facilities towards the abolition of death penalty***

THE USE OF DEATH PENALTY IN JORDAN

- The Jordanian authorities maintain secrecy regarding the conditions of detention for death row inmates.
- Jordan requires a defence lawyer in trials involving death penalty, and if an accused person cannot afford a lawyer, one is appointed. However, the majority of women on death row in Jordan face difficulties in accessing legal representation and have been denied fair trials.
- Between 2015 and 2020, the prison population has almost doubled. **Jordan prisons exceed their maximum occupancy rate.**
- Reports reveal instances of torture and ill-treatment, including brutal beatings and «Palestinian hanging», but also the forced administration of castor oil pills, causing severe diarrhea.
- Inadequate access to medical care, both physical and mental, and limited food and water are of grave concern for prisoners on death row.
- Death row prisoners often endure isolation in cramped, squalid cells with no access to natural light, and visits are restricted primarily to immediate family members.

Recommendations:

- ***Ensure that all individuals facing the death penalty in Jordan, especially women, have equal and unrestrained access to legal representation to guarantee fair and just trials.***
- ***Take concrete steps to ensure the rights of the detainees are effectively guaranteed in practice (in line with the Nelson Mandela Rules) and that any attempt to their rights (mostly right to visit and leisure) are reported.***
- ***Report any case of torture. Ensure that perpetrators are condemned and that no death penalty is sentenced on the basis of false confession obtained under torture.***