

In the Grip of Doubt

“Detention Without Conviction and an
Unjustified Cost”



Contents

Introduction	4
International Principles and Standards	6
National Legal Framework	6
Pre-Trial Detention Procedures	7
Challenges and Practices on the Ground	13
The Economic Cost of Inmates in Correction and Rehabilitation Centers	16
Direct Costs	18
Indirect Costs	20
Alternatives to Detention	21
Conclusion and Recommendations	27
Recommendations	28

Introduction

National legislation and international human rights standards affirm that liberty is the rule, and that any restriction of it must remain an exception justified by strict necessity, applied under rigorous safeguards that protect individual rights and uphold the presumption of innocence. In this context, pre-trial detention is a preventive measure used to ensure the accused appears before the judiciary or to prevent tampering with evidence or influencing witnesses during the investigation, and it should be employed as narrowly as possible and for the shortest feasible period. Nevertheless, reality in Jordan shows a marked expansion in resorting to this measure, reaching thousands of people who are held for varying periods without final judicial judgments against them—raising serious questions about adherence to the principles of exception, necessity, and proportionality.

This expansion does not only produce legal and social effects; it also accumulates steep economic and moral (non-material) costs that are often absent from public debate. Financially, every day a person spends in detention centers entails direct public expenditure, in addition to lost productivity and interrupted income. Socially, the impact appears in family strain and breakdown—especially when the detainee is a primary breadwinner—along with mounting debt and an inability to meet basic needs. More seriously, detention leaves a social stigma that may follow an individual even after release or a finding of innocence, limiting employment opportunities and weakening reintegration into society. In this sense, detention shifts from a temporary measure to a mechanism that reproduces and exacerbates economic and social vulnerability over the long term.

This paper sheds light on pre-trial detention and detention without trial and prevailing practices. It seeks to analyze the hidden costs of pre-trial detention—as well as detention without trial—which do not appear in court records so much as in state budgets and in the lives of individuals who have paid a price that mere suspicion does not warrant. The paper also reviews viable legal alternatives and offers recommendations to strengthen justice and ensure a balance between protecting society and safeguarding freedoms.



Pre-trial detention is a preventive legal measure whereby a person accused of committing a crime is held before a final judgment is issued against them. Its purpose is to ensure the accused's appearance in court and to prevent tampering with evidence or influencing witnesses, particularly when the case remains under investigation. However, liberty is the baseline for all persons; therefore, pre-trial detention must not be used unless strictly necessary—especially where the accused has a known place of residence and the collection of evidence has been completed.

Pre-trial detention is an exceptional measure that should only be used in the narrowest of circumstances, and it must be subject to strict safeguards that guarantee all the detainee's legal rights, including the presumption of innocence, dignified treatment, and fair procedures (due process), in accordance with national laws and relevant international standards.

International Principles and Standards

The right to personal liberty is one of the most firmly established principles in international human rights law. Article 1 of the Universal Declaration of Human Rights provides that “All human beings are born free and equal in dignity and rights.” In this context, the Human Rights Committee, in its General Comment No. 35 (2014), clarified that the right to liberty is not limited to freedom of movement; it also encompasses freedom from bodily confinement, whether in the form of criminal arrest, administrative detention, or house arrest. The Committee further affirmed that any restriction on liberty must be in accordance with the law, and that its grounds must be precisely defined to avoid arbitrary interpretation or unjustified expansion in its use.

Article 9 of the Declaration clearly states: “No one shall be subjected to arbitrary arrest, detention or exile.” This is consistent with the International Covenant on Civil and Political Rights, which in Article 9 guarantees every person the right to liberty and security of person, prohibits arbitrary arrest or detention, and provides that no one shall be deprived of liberty except on grounds established by law and in accordance with the procedures prescribed therein. The Covenant also requires that anyone who is arrested be informed, promptly, of the reasons for the arrest and be notified without delay of any charges against them, and it grants anyone who has been the victim of unlawful arrest or detention the right to compensation.

National Legal Framework

The Jordanian Code of Criminal Procedure No. (9) of 1961 and its amendments regulates pre-trial detention as an exceptional preventive measure and sets strict conditions and safeguards to ensure that individuals’ liberty is not unlawfully infringed. Article (114) of the law forms the principal legislative framework for this measure, stipulating that detention may not be resorted to unless it is proven to be the only means to preserve evidence or the material traces of the crime; to prevent coercion of witnesses or victims; to prevent the suspect from contacting his accomplices, accessories, or instigators; to protect the suspect himself; to put an end to the effects of the crime; to prevent its recurrence; to prevent his flight; or to safeguard public order from any disruption arising from it.

This provision indicates that liberty is the rule, and that detention is justified only when there are existing and necessary legal grounds, which cease the moment their justifications disappear—such as upon completion of evidence collection, when it is established that the accused has a known place of residence and there is no fear of flight, or when he poses no danger to witnesses or society. In such cases, the authorities must release him immediately or resort to less liberty-restrictive legal alternatives. This legal constraint confirms that detention is the exception, and that the public prosecutor or the competent court must clearly state the reasons for detention orders and review them periodically to prevent this temporary measure from turning into an undeclared punishment that undermines the presumption of innocence.

Pre-Trial Detention Procedures

The Jordanian Code of Criminal Procedure No. (9) of 1961 and its amendments regulates pre-trial detention in Articles 100 and 114, setting out its conditions and safeguards to prevent any unlawful infringement of individual liberty. The procedures are as follows:

First: Arrest of the accused. Arrest is carried out by the judicial police within the limits set by the Code of Criminal Procedure. Arrest is permitted if there is sufficient evidence accusing a person of a felony, or in cases of flagrante delicto involving a misdemeanor punishable by more than six months' imprisonment. Arrest is also permitted if the offense is a misdemeanor punishable by imprisonment and the suspect is under police supervision or does not have a fixed and known place of residence in the Kingdom, in addition to specific, exhaustively listed cases such as theft, fraud, aggravated assault, resisting public authorities by force or violence, pandering/soliciting for indecency, and offenses against public morals¹. The judicial police officer must—on pain of nullity—prepare a special report at the time of arrest, sign it personally, and communicate its contents to the suspect or the suspect's lawyer, hear the suspect's statement immediately upon arrest, and then refer the suspect within twenty-four hours to the competent public prosecutor.

¹ Article 99 of the Jordanian Code of Criminal Procedure No. (9) of 1961 and its amendments.

Second: Interrogation. Interrogation is conducted by the public prosecutor, who must record the date and time of the suspect's first appearance in the investigation minutes and commence procedures within twenty-four hours in accordance with the law. The accused has the right to counsel during interrogation; the public prosecutor generally permits this right if the accused refuses to appear without a lawyer, and in all cases the accused must be advised of the right to appoint counsel.

Third: Detention order. After interrogating the suspect, the public prosecutor may issue a detention warrant for up to seven days if the alleged act is punishable by imprisonment exceeding two years; and for up to fifteen days if the alleged act is punishable by a felony penalty and there is evidence linking the suspect to the offense. The prosecutor may extend either of these periods as the interests of the investigation require, provided that the extension does not exceed one month in misdemeanors, three months in felonies punishable by a temporary penalty, and six months in other felonies. After that, the suspect must be released unless the detention period is further extended in the case of a felony. In all cases, if the act attributed to the suspect is punishable by a temporary felony penalty, the total period of detention and extensions during both the investigation and trial stages may not exceed one-quarter of the maximum penalty prescribed for the offense².

It should be noted that Article 114 bis of the Code of Criminal Procedure No. 9 of 1961 and its amendments provides that, in cases of "non-recidivism," the public prosecutor or the court may substitute alternatives to detention in misdemeanors, including: electronic monitoring, travel ban, home confinement or restriction to a specific geographic area, deposit of a sum of money or a bail bond, or barring the accused from certain places—in order to balance the protection of society with safeguarding the rights of the accused.

Despite this, it is common practice that when an order of release is issued—or when detention is substituted with alternatives—the police station has already placed what is termed a "return order" on its control system. This means that if the accused is released, he is immediately returned to the territorially competent police station, which then recommends to the administrative governor that the accused be administratively detained or bound by a guarantee/bond pursuant to the Crime Prevention Law. This practice results in the continued detention of the accused outside the judicial process, with this period not counted toward judicial detention—

² Article 114 of the Jordanian Code of Criminal Procedure No. (9) of 1961 and its amendments.

constituting a clear violation of the right to liberty and undermining fundamental guarantees of justice.

Fourth: Legal Rights of the Pre-Trial Detainee

A person detained pending trial enjoys a set of rights guaranteed under national laws and international human rights standards, aimed at protecting their dignity and ensuring justice throughout the period of preventive detention. The most prominent of these rights are:

- 1. Right to humane treatment and freedom from torture:** The detainee must be treated in a manner that respects human dignity. It is prohibited to torture them or subject them to any form of cruel, inhuman, or degrading treatment, or to coerce them into confessing to an offense they did not commit. "Extraction of a confession" refers to obtaining a confession or testimony from the accused by unlawful or unethical means—such as torture, threats, or coercion³.
- 2. Right to remain silent:** The right to silence is among the most important rights a detainee must enjoy; they have the right not to make any statements that could lead to their conviction. Many judicial police officers and suspects are unaware of this right, and invoking it may not be taken as evidence of committing a crime or as a negative act. The accused enjoys this right at all stages of the proceedings. Jordanian law safeguards this right in Article 147 of the Code of Criminal Procedure No. 9 of 1961 and its amendments: the accused is presumed innocent until proven guilty, and the burden of proof lies with the public prosecution through conclusive evidence⁴.

³ The Universal Declaration of Human Rights stipulates that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment, and that everyone charged with a crime shall be considered innocent until proven guilty according to law in a public trial in which all necessary guarantees for their defense have been provided. The Convention Against Torture also guarantees that anyone accused is protected from any form of cruel, inhuman, or degrading treatment or punishment.

Article 208 of the Penal Code defines torture as "any act that intentionally causes physical or mental pain or suffering to a person with the purpose of obtaining information or a confession from that person or from another, or of punishing them for an act they or someone else have committed or are suspected of having committed, or of intimidating or coercing that person or another. It also includes causing such pain or suffering for any reason based on discrimination of any kind, or inciting, approving, or remaining silent about it by a public official or any person acting in an official capacity."

Article 208 punishes obtaining confessions or information through torture with imprisonment ranging from one to three years. If the torture results in a serious illness or injury, the penalty is temporary hard labor.

⁴ Article 216 of the law stipulates that if the accused refuses to answer, they shall be considered as not admitting the charge against them, and this shall be recorded in the official document

3. Right to legal counsel: The detainee has the right to contact a lawyer at any time, including during interrogation and investigation. The preliminary investigation stage is among the most important stages for counsel to be present, given procedures such as searches and taking statements, during which the accused may face pressure or rights violations. The presence of a lawyer is a legal safeguard to ensure proper procedure and to enable the accused to understand their rights at all stages of the proceedings⁵. In this regard, the Bar Association has emphasized the importance of having a lawyer present during the initial investigation of detainees at police stations, considering it a core safeguard of the accused's rights and a fundamental pillar of any justice system that respects the rule of law⁶. Nonetheless, this right is often violated when judicial police refuse requests for counsel during initial questioning, depriving the accused of their right to defense.

4. Right to be brought before the public prosecutor: Anyone who is detained has the right to be brought before a public prosecutor or a judge as soon as possible to ensure the lawfulness of the detention. Article (100) of the Code of Criminal Procedure No. 9 of 1961 and its amendments provides that judicial police must refer the suspect to the competent public prosecutor to hear their statement within no more than twenty-four hours of arrest. If a suspect is detained by virtue of a warrant of arrest and remains in custody for more than twenty-four hours without being interrogated or brought before the public prosecutor, the detention is considered arbitrary, and the responsible official is liable for the offense of unlawful deprivation of liberty⁷. This applies in all cases except as provided for in the State Security Law and its amendments, under which Article (7) states that the public prosecutor and any of his assistants from among the judicial police exercise their functions pursuant to the powers granted to them under the applicable Code of Criminal Procedure. Judicial police may, when necessary, hold suspects for up to seven days before referring them to the public prosecutor—bearing in mind that the criterion of “necessity” here is very broad. It is noteworthy that most persons

⁵ Article 63 of the Jordanian Code of Criminal Procedure No. 9 of 1961 and its amendments provides for the accused's right to be assisted by a lawyer. The public prosecutor is required to inform the accused of their right to appoint a lawyer in cases where the punishment is not less than ten years; otherwise, any statement made by the accused is considered invalid. Under no circumstances may the presence of a lawyer with the accused be refused during any stage of the investigation.

⁶ Tamkeen for Legal Aid and Human Rights, Outcomes of the Roundtable on: Promoting the Use of Alternatives to Pre-Trial Detention, Amman, 29 July 2025.

⁷ Code of Criminal Procedure No. 9 of 1961 and its amendments, Article (113): “If the defendant was arrested by virtue of a subpoena and stayed in the lock-up house for more than twenty four hours without investigating him or brought to the public prosecutor in accordance with what has been mentioned in the previous article, his arrest shall be considered as arbitrary act and the in charge official shall be prosecuted for committing the crime of liberty deprivation stipulated in the penal code.”

accused in state security cases are held for several days before being brought before the public prosecutor, and during this period they are prevented from making any contact or accessing a lawyer, in addition to being denied bathing or changing clothes.

- 5. Right to challenge the detention order:** The detainee has the right to challenge the detention order before the competent court. Article (124) of the Code of Criminal Procedure provides that a decision by the public prosecutor or a magistrate judge to detain or extend detention may be appealed to the Court of First Instance, and a decision of the Court of First Instance may be appealed to the Court of Appeal. An appeal must be filed within **three days**—for the prosecution, from the date the papers reach the Office of the Public Prosecutor for review; for the accused, from the date of notification.
- 6. Right to health care:** The detainee has the right to necessary health care and must be examined by a specialist physician as soon as possible when suffering any illness or health emergency. Article (16) of the Correction and Rehabilitation Centers Law No. (9) of 2004 and its amendments provides: “The Ministry of Health shall provide health care and treatment to the inmate, and the Director of the Center shall ensure the provision of such care. To this end, a medical center shall be established with the main medical specialties to provide health, dental, and therapeutic care to inmates in each center free of charge.⁸”
- 7. Right to contact family members:** The right of the detainee to contact family members and inform them of the detention is a fundamental safeguard guaranteed by national laws. Article (21) of the Correction and Rehabilitation Centers Law No. (9) of 2004 and its amendments states: “The inmate has the right to contact his family and lawyer and to receive their visits in accordance with the conditions and procedures defined by the instructions issued by the Directorate.” This ensures that the detainee remains in contact with family, alleviating the psychological and social impact of detention and enabling the family to follow up on the detainee’s legal and health situation.

⁸ Article (17) stipulates that “the Ministry of Health, through the Directorate of Health, shall oversee the health supervision of centers within its jurisdiction and monitor health requirements related to the cleanliness of the center, as well as the food and clothing of the inmates. Article (18) of the same law obliges the center’s physician to conduct a medical examination of the inmate and submit a report on their health condition in the cases specified by law, in order to ensure their protection and safeguard their health during the period of detention or imprisonment.

8. Right to adequate food and water: The detainee has the right to sufficient food and water. Article (17) of the Correction and Rehabilitation Centers Law No. (9) of 2004 and its amendments provides that “The Ministry of Health, through the Health Directorate, shall oversee the health conditions of centers within its jurisdiction and monitor the health requirements related to the cleanliness of the center and the inmates’ food and clothing.” This clearly indicates the state’s responsibility to provide food to detainees, including those in temporary detention centers.

9. Right to adequate ventilation and lighting: The detainee has the right to adequate ventilation and lighting in the place of detention. Although Article (17) of the Correction and Rehabilitation Centers Law No. (9) of 2004 and its amendments does not explicitly mention ventilation and lighting, it encompasses the **health conditions** of the center, of which adequate ventilation and lighting are essential components.’

10. Right to compensation for unlawful detention: A detainee is entitled to fair compensation if it is established that the detention was unlawful, pursuant to the principle of tort liability, which means that any person who causes harm to another through fault must compensate for that harm. Article 48 of the Civil Code No. 43 of 1976 provides: “Anyone whose inherent personal right is unlawfully infringed may demand cessation of the infringement and compensation for any damage sustained⁹.” Accordingly, the party responsible must compensate the injured person for all damages suffered—material and moral—in addition to loss of profit resulting from the harm. The aim of compensation is to make reparation that is equivalent, complete, and fair, restoring the injured party, as far as possible, to the position they were in before the harm occurred, in line with the principles of justice and equality.

⁹ The Civil Code also stipulated the right to compensation for abuse of rights, and Article 66 of Civil Code No. 43 of 1976 clarified that the duty of guarantee falls upon whoever exercises their right unlawfully, and specified the cases in which the exercise of a right is considered unlawful as follows:

1. If there is intent to transgress.
2. If the interest sought by the act is unlawful.
3. If the benefit derived is disproportionate to the harm caused to others.
4. If it exceeds what is customary and habitual practice.

The law further stipulates the obligation to compensate for harm caused to others. As for the conditions of such liability:

1. The damage occurs through direct action or causation.
2. If it is through direct action, liability arises unconditionally. If it is causation, liability requires transgression or intentional act, or that the act necessarily leads to harm.

In this regard, the esteemed Court of Cassation upheld a judgment of the Amman Court of Appeal, rendered in the parties' presence, ordering the Minister of Interior, in his official capacity, and the Governor of Mafraq, in his official capacity, to compensate an Indonesian domestic worker for a period of administrative detention that lasted three and a half years, in the amount of JOD 20,880, following approximately ten years of litigation¹⁰.

Challenges and Practices on the Ground

Despite the clarity of legal provisions and Jordan's commitment to international human rights standards, real-world practices in applying pre-trial detention and detention without trial continue to reflect a number of fundamental challenges that affect the fairness of the measure and undermine guarantees of liberty and dignity. It is therefore necessary to address, in detail, the contexts in which detention occurs:

- 1. Failure to comply with the conditions for detention in criminal courts:** Practice shows an excessive reliance by the judiciary on detention as an automatic measure, which limits the use of available alternatives to detention—even though the statute is clear that pre-trial detention may be used **only** when it is the sole means to preserve evidence or the material traces of the crime; to prevent coercion of witnesses or victims; to prevent the suspect from contacting accomplices, accessories, or instigators; to protect the suspect himself; to put an end to the effects of the crime; to prevent its recurrence; to prevent flight; or to safeguard public order from any disruption arising from it.
- 2. Exceeding detention powers in the Anti-Narcotics Department and the State Security Court:** The State Security Law and its amendments provide in Article (7) that the public prosecutor and any of his assistants from among the judicial police exercise their functions based on the powers granted to them under the applicable Code of Criminal Procedure. Judicial police are permitted, when necessary, to hold suspects for up to seven days before referring them to the public prosecutor—bearing in mind that the “necessity” criterion is extremely broad. Notably, most persons accused in state security cases are held for several days before being brought before

10 Court of Cassation (5408/2022)

the public prosecutor, and at times a governor's administrative detention order is used to extend their detention before referral; during this period they are prevented from making any contact or accessing a lawyer¹¹. Against the backdrop of rising drug-related crimes in Jordan last year, the 2024 Criminal Statistical Report issued by the Public Security Directorate indicates 25,260 drug offenses during the past year, compared with 22,956 in 2023. These were divided into possession/use (7,762 cases) and trafficking (17,498 cases). Anyone charged with drug trafficking remains detained until a final judgment is issued, which means that 17,498 people were detained pre-trial¹².

3. When a migrant worker is apprehended in violation of the Labour Law: A foreign worker's violation of the Labour Law has a dual character because the issuance of a work permit falls within the competence of the Minister of Labour, while the residency permit lies within the competence of the Minister of Interior or his designee. Article 12(t) of the Labour Law—effective 15/06/2023—provides that if the worker has not obtained a work permit (more precisely, if the employer fails to obtain or renew it) or if the worker leaves employment, the Minister of Labour may issue a decision deporting the worker¹³. The worker is administratively detained until deportation procedures are completed and is barred from returning for at least five years. Thus, the Labour Law itself does not provide for administrative detention as such; it grants the Minister of Labour the power only to deport.

4. When a migrant worker is apprehended for violating the Residency and Foreigners' Affairs Law No. 24 of 1973 and its amendments: Article 34 of the Residency and Foreigners' Affairs Law provides that any foreigner who entered the Kingdom lawfully but did not obtain temporary residence, or overstayed the period granted, or failed to apply to renew an annual residence permit within one month of its expiry, shall be fined ninety dinars for each month of overstay. The administrative governor is also empowered to detain temporarily those ordered deported until deportation procedures are completed. The law does not set a

11 Article 114 of the Code of Criminal Procedure

12 [تقرير الجنائي - 1 / 24-3-2025](#)

13 Article 12(t) of the Labor Law, which came into effect on 15/6/2023, provides:

"t) 1. The Minister may issue a decision to deport a non-Jordanian worker from the Kingdom in any of the following cases:

a. The worker violates the provisions of this article, including a worker who has been confirmed by the Ministry to have abandoned work with the employer.
b. The worker is employed without obtaining a license or permit in accordance with the applicable legislation.

2. The deportation decision shall be implemented by the competent authorities at the expense of the violator who employed the worker. A non-Jordanian worker who is deported may not be recruited or employed again for at least five years from the date of implementation of the deportation decision.

3. If the violator does not pay the travel expenses specified in paragraph (2) above, these expenses shall be recovered from them in accordance with the provisions of the Public Funds Recovery Law.

specific period for administrative detention to complete deportation, so the period may extend for months or years until the worker can return to their country. The problem here lies in the broad discretion granted to the administrative governor to order administrative detention under the law—without the person appearing before him and without stating reasons. Many workers leave their jobs because of abuse, non-payment of wages, or other violations, or because the employer files malicious reports to avoid paying wages and residency-overstay fines. They are then arrested and administratively detained for an indefinite period without being heard or seen.

- 5. When a migrant worker is accused of a misdemeanor, judicially detained, and then administratively detained until a final court decision:** After the amendment of Article (114) of the Code of Criminal Procedure No. 9 of 1961 (effective 26/02/2018), which states that detention is an exceptional measure and that detention in misdemeanors may not exceed one month, administrative governors have begun to intervene and exercise their power of administrative detention after the one-month judicial detention period elapses. Controversially, the period of administrative detention is not counted toward the later judicial detention period. For migrant workers in particular, there are additional hurdles to challenging administrative detention decisions, which affects the judiciary's ability to review such decisions: filing an administrative case is costly; many cannot retain counsel, as the Administrative Judiciary Law requires representation by an attorney who has practiced as a senior lawyer for no less than five years¹⁴; and the time limit to challenge an administrative decision is 60 days from the date of notification—while most migrant workers are not notified of the decision and are unaware of this deadline¹⁵.

14 Previous source Article 9
15 Previous source Article 8

Administrative Detainees in Correction & Rehabilitation Centers (2018–2024)

Year	Administrative detention cases
2018	37,683
2019	37,853
2020	21,322
2021	2,258
2022	34,411
2023	37,395
2024	20,437

In 2024, there was a noticeable decrease in cases of administrative detention compared to 2023. If we calculate the cost of administrative detainees in 2023—assuming a one-month detention period—the annual cost would be $750 \times 37,395 \approx 28,046,250$ Jordanian dinars (JOD). By comparison, the economic cost in 2024 was approximately 15,327,750 JOD, meaning a difference of about 12,718,500 JOD.

The Economic Cost of Inmates in Correction and Rehabilitation Centers

The expansion in the use of detention—whether pre-trial (judicial) or administrative without trial—constitutes an increasing financial and economic burden on the state. This burden goes beyond direct operating costs to include indirect effects on GDP, the labor market, and the quality of public spending. In light of Jordan's chronic economic challenges, these practices threaten budget efficiency and undermine prospects for sustainable development. Accordingly, Minister of Interior Mazen Al-Faraya stated that the occupancy rate in Jordan's correction and rehabilitation centers has reached 190%, and noted efforts to develop prisons and find ways to accommodate new inmates through constructing and expanding facilities. He indicated that prison capacity stands at 13,500 inmates, while about 22,000 are currently held—constituting 168% of capacity¹⁶. This implies expectations of rising inmate numbers and higher costs instead of adopting non-custodial solutions.

¹⁶ <https://jornews.com/post/94831>

The economic costs of detainees in Jordan go beyond the direct expenditures borne by the public treasury, encompassing deeper dimensions related to lost national productivity, social burdens on families, and the costs of operating and maintaining the judicial and correctional systems. This analysis shows that the monthly cost per inmate, ranging between JOD 750–800, constitutes a significant economic burden, especially when compared to the average per capita income in the Kingdom. Added to this are the substantial capital costs of building new prisons, such as the planned prison in the Azraq area at a cost of up to JOD 70 million.

By contrast, the data show tremendous economic feasibility for non-custodial alternatives. For example, the cost of an electronic bracelet is JOD 300 only, which is a fraction of the cost of traditional incarceration. Moreover, expanding rehabilitation and reintegration programs reduces recidivism, saving the state significant future expenditures. Based on this, the report recommends increasing transparency in financial data, redirecting investment from prison construction to the wide-scale implementation of alternative sanctions, and reviewing laws that contribute to overcrowding in order to achieve sustainable economic and social gains.

Analyzing the economic cost of the detention system in any country requires going beyond superficial calculations of subsistence expenses to include a comprehensive understanding of the direct and indirect burdens placed on the economy and society. This report aims to provide an in-depth reading of the costs of detainees in Jordan by dividing them into two main categories: direct costs, representing the capital and operating expenditures borne by the government, and indirect costs, which stem from lost productivity and the social impacts resulting from detention.

Direct Costs

The direct cost of detention in correction and rehabilitation centers includes the expenses of housing detainees in detention facilities. As for the economic cost of housing a single inmate, it amounts to about JOD 750 per month¹⁷—approximately JOD 9,000 per year—according to data from the Public Security Directorate/ Correction and Rehabilitation Centers. In other contexts, the Assistant Director of Public Security stated in 2021 that the monthly cost per prisoner is about JOD 800¹⁸. An analysis of the daily cost per inmate puts it at roughly JOD 25. This cost covers all services provided to the inmate, including accommodation, food, health care, and other services.

Based on the average annual number of detainees (20,561 inmates), the monthly cost comes to around JOD 15.420 million, equivalent to JOD 185.049 million annually. If we look at the total number of judicial inmates in 2025, estimated at 25,200 inmates, the monthly cost could reach JOD 20 million, i.e., about JOD 240 million annually.

Comparing these figures with the total general budget for 2025, amounting to JOD 12,490,761,000¹⁹, we find that the cost of administrative detention alone (JOD 185.049 million) represents about 1.48% of total expenditures, while the proportion rises to about 1.92% in the case of the total number of judicial inmates (JOD 240 million). These ratios equal or exceed the allocations of some service ministries²⁰.

An analysis of how these costs affect the distribution of appropriations shows that spending on judicial and administrative detention crowds out funding for vital sectors. For example, the Ministry of Health's 2025 allocation is approximately JOD 799,238,000, meaning that the cost of administrative detention alone equals 23.1% of the health budget. The Ministry of Education's allocation is JOD 1,283,093,000, so the detention cost equals 14.4% of the education budget. If even half of the amount allocated to administrative detention (JOD 92.5 million) were directed to these two sectors, it would be possible to build and operate dozens of schools and hospitals, improve the salaries of medical and educational staff, or expand social protection programs.

17 Press statements issued by the Directorate of Correction and Rehabilitation Centers

18 [تكلفة السجن الشوري 800 دينار جفرا نيوز](#)

19 [Ministry of Finance / Department of Public Budget, 2025](#)

20 Dr. Youssef Mansour, Economic Expert, Roundtable on: Enhancing the Use of Alternatives to Pre-Trial Detention, Amman, 29 July 2025. Tamkeen for Legal Aid and Human Rights.

Direct costs also include human resources, such as the salaries of administrative staff, Public Security personnel, judges, and lawyers. These costs add to the overall economic burden²¹.

Evolution of the per-inmate direct cost and total annual expenditure (according to various government sources).

Year	Monthly cost per inmate (JOD)	Estimated inmates	Estimated total annual cost (million JOD)
2008	600 ²²	Not specified	Not specified
2014	750 ²³	10,000	90
2018	700 ²⁴	15,700	50*
2021	800 ²⁵	Not specified	Not specified
2023	750 ²⁶	21,000	176

These shifting figures over time highlight a growing financial burden. With respect to total annual spending, data from the Public Security Directorate indicate that the annual cost for 21,000 inmates reaches 176 million Jordanian dinars, equivalent to 248 million US dollars²⁷. These large numbers reveal the scale of the budget allocated to prison administration. Notably, there are discrepancies in figures announced by different bodies: In 2018, MP Khalil Attieh stated that the cost per prisoner was JOD 700 per month, yet he also said that total expenditures for 15,700 inmates amounted to JOD 50 million annually²⁸. This does not align with the stated monthly cost, as precise calculations indicate that the annual total should have been about JOD 131 million (15,700 inmates × 700 JOD/month × 12 months). Such inconsistencies underscore the urgent need for greater transparency in disclosing prison-sector budgets.

21 Previous Source

22 Torture and Impunity in Jordan's Prisons: Reforms Fail to Tackle Widespread Abuse: الأردنية: التعذيب والإفلات من العقاب في السجون

23 الأهالي - كلفة الزيل الواحد في السجون الأردنية 750 دينار شهرياً

24 النائب خليل عطية تكلفة السجن في الاردن 700 دينار اردني شهريا من خزينة الدولة 6-3-2018

25 تكلفة السجن الشهرية 800 دينار | جفرا نيوز

26 Press releases issued by the Directorate of Correction and Rehabilitation Centers

27 سجون-جديدة-بالأردن-لمواجهة-الاكتظاظ

28 النائب خليل عطية تكلفة السجن في الاردن 700 دينار اردني شهريا من خزينة الدولة 6-3-2018

In addition to direct operating expenses, there are substantial capital costs earmarked for building new facilities. A prominent example is the Minister of Interior's announcement of plans to construct a new prison in the Azraq area. This move sparked wide debate on social media, particularly given the high cost, with estimates varying: some sources cited JOD 70 million²⁹, while others mentioned USD 100 million³⁰. The project—designed to accommodate 3,000–4,000 inmates—aims to address the overcrowding afflicting Jordanian prisons.

These capital expenditures, typically justified by the need to keep pace with rising inmate numbers, represent a significant financial burden that could be avoided by adopting more efficient and effective strategies. Directing sums of this magnitude to detention infrastructure raises questions about the state's economic and social priorities, especially given the availability of more cost-effective alternatives.

Indirect Costs

Indirect costs include lost productivity, as people who are detained are often of working age; their detention thus removes their productive contribution from the economy. Assuming an average monthly per-capita income of about JOD 290, the productivity loss for 25,200 inmates amounts to roughly JOD 87 million annually. This loss negatively affects GDP, especially if detainees were employed in vital sectors such as industry or agriculture.

Detention also cuts people off from their sources of income, leaving them unable to meet basic needs and thereby increasing poverty rates.

Among the indirect costs are compensation payouts when a detainee files a civil claim and it is established that the detention lacked legal basis. In such cases, a compensation award may be issued. For example, one migrant worker was awarded JOD 20,880 after being administratively detained without trial for three and a half years at Jweideh Correction and Rehabilitation Center for Women.

Accordingly, the cost of detention constitutes a substantial burden on the general budget, with ripple effects across multiple economic and social dimensions. Economically, this form of detention leads to lost productivity—particularly given that most detainees are young people capable of working and contributing to development. Socially, overcrowding in detention centers not only raises operating expenses, it

²⁹ إنشاء سجن جديد بتكلفة 70 مليون بشر غضب رواد مواقع التواصل.. استمع | موقع عمان نت
³⁰ سجون جديدة بالأردن لمواجهة الاكتظاظ.. فهل تشكل أولوية للأردنيين؟ | أخبار الجزيرة نت

also undermines the quality of services provided and weakens rehabilitation efforts, which in turn increases the likelihood of recidivism. This dynamic creates a vicious cycle of losses that affects society as a whole, both economically and socially³¹.

Pre-trial and administrative detention, especially when prolonged or unjustified, imposes additional burdens on the state budget. Each case entails administrative and judicial expenses, including court costs and the salaries of judges and court staff. Moreover, the presence of cases involving human rights violations—such as overcrowding or unlawful detention—draws the attention of domestic and international rights organizations, which may compel the government to undertake costly reforms.

Alternatives to Detention

Modern judicial systems seek to reduce reliance on pre-trial detention, which is an exceptional measure surrounded by strict safeguards. To this end, Jordanian legislation—particularly Article 114 bis of the Code of Criminal Procedure No. 9 of 1961 and its amendments—has adopted a set of legal alternatives to detention that balance the public interest with guarantees of individual freedom. Pre-trial alternatives comprise a variety of measures that allow defendants to remain out of custody while awaiting trial. These alternatives aim to ensure defendants' appearance before the court and protect public safety, while minimizing the negative impacts of detention on individuals, their families, and society at large.

Article 114 bis authorizes the Public Prosecutor, the Magistrate (Misdemeanor) Court, and the Court of First Instance (Criminal) to substitute alternatives for detention—except in cases of recidivism. It sets out an exhaustive list of alternatives: electronic monitoring, travel bans, home confinement or restriction to a specific geographic area, depositing a sum of money or providing a judicial bail/bond, and prohibiting the suspect from frequenting certain places. This authority is a discretionary power granted to the prosecutor and the court, and because the alternatives are listed exhaustively (not illustratively), it is not legally permissible to expand them. It would have been preferable for these alternatives to be stated by way of example rather than exhaustively, to enable their more appropriate use.

³¹ Dr. Youssef Mansour, Economic Expert, Roundtable on: Enhancing the Use of Alternatives to Pre-Trial Detention, Amman, 29 July 2025. Tamkeen for Legal Aid and Human Rights.

It is notable that there is a common conflation in doctrine and legislation between pre-trial alternatives and post-conviction alternatives to custodial sentences. This is not merely a terminological issue, but a substantive procedural and legal challenge that can affect the effective application of both. The core difference is that pre-trial alternatives are investigative/procedural measures whose primary purpose is to ensure the defendant's appearance and prevent tampering with evidence or absconding from justice. By contrast, alternatives to custodial sentences are punitive sanctions imposed after a final conviction, aimed at rehabilitating the convicted person and facilitating reintegration into society. The following table sets out the key differences between the two concepts:

Item	Pre-trial Alternatives (Procedural)	Sentencing Alternatives (Penal)
Legal stage	Applied during investigation and trial, before a final conviction is issued	Applied after a final judgment of conviction
Primary purpose	Ensure proper conduct of the investigation, prevent the defendant's flight, and protect public safety/social order	Rehabilitate the convicted person and support reintegration into society
Legal basis	Code of Criminal Procedure	Penal Code

First: Purposes of Using and Activating Alternatives to Detention in the Current Context

- Reducing overcrowding in correction and rehabilitation centers; alternatives to detention help address overcrowding, which increases administrative burdens and negatively affects the quality of services provided.
- Lowering the economic cost to the state, as noted earlier.
- Protecting the presumption of innocence: alternatives uphold the principle that people are innocent until proven guilty and spare defendants the stigma and family breakdown associated with prolonged detention before conviction.
- Facilitating the defendant's social integration during trial.

- Preventing psychological, social, and economic harm caused by detention: applying alternatives helps defendants avoid losing their jobs and sources of income, thereby preserving social and economic stability.

Second: Forms of Legal Alternatives in Jordanian Law

1. Electronic monitoring: wearing an electronic tracking device to monitor the defendant's movements.
2. Travel ban.
3. Residence at home or within a specific geographic area: for a specified period.
4. Deposit of a sum of money or provision of a judicial bail/bond: the defendant must pay a sum as a guarantee to appear before the court; the amount is returned upon full compliance with legal procedures.
5. Prohibition on the complainant/accused frequenting certain places: for a specified period.

Although the above alternatives are listed exhaustively in the law, the following may be proposed:

- Conditional release: the defendant is released subject to conditions, such as:
 - Supervision: reporting regularly to a probation officer.
 - No-contact orders: prohibiting contact with specified persons (e.g., the victim or witnesses).
 - Treatment: requiring attendance in programs such as addiction treatment or mental health services.
 - Residence in a shelter: requiring the defendant to stay in a community shelter.
- Release under third-party responsibility: the defendant is released under the responsibility of an individual or organization that agrees to guarantee court appearance.
- Diversion programs: in some cases, defendants facing issues such as substance use or mental health problems may be referred to treatment or rehabilitation programs instead of being detained pre-trial.

The appropriate alternative to pre-trial detention may be selected based on several factors, including the nature of the alleged offense, the defendant's criminal history, the degree of risk posed to society, the likelihood of flight, and the defendant's personal circumstances (e.g., family ties and employment).

Third: Effectiveness of Alternatives in Practice

Despite the legal provisions, the rate of resorting to alternatives to detention remains very limited. In 2024, the total number of judicial decisions issued by criminal courts and public prosecution offices imposing alternatives to detention was 2,176 decisions. The Amman Public Prosecutor's Office recorded the highest number (1,369), followed by the West Amman Magistrate's Court (166) and then the Zarqa Magistrate's Court (78). The alternatives imposed included 2,115 travel bans, 43 electronic monitoring orders, 9 judicial bail/bond orders, 7 home-confinement orders, and 2 orders to deposit a sum of money³².

These shortcomings are attributed to several reasons:

- Weak judicial confidence in these alternatives.
- Lack of infrastructure to implement electronic monitoring on a wide scale.
- A tendency among executive authorities to use detention as a deterrent tool, especially in cases that attract public or tribal attention.
- Weak coordination between the judiciary and community centers or guaranteeing institutions.
- The exhaustive listing of alternatives in Article 114 bis of the Code of Criminal Procedure.

As for the Comprehensive National Human Rights Plan (2016–2025), under the first pillar—civil and political rights—and with respect to achieving the goal of protecting the right to life and bodily integrity, it is noted that the second objective was implemented, namely: “to provide optimal procedural and substantive protection for anyone subjected to detention in all its forms, to narrow the scope of detention, limit its cases, and establish alternatives to it.” However, the first sub-activity—reviewing the Crime Prevention Law, ensuring its proper application, and proposing the necessary amendments—was not implemented. By contrast, the

³² Annual Report on the Status of Regular Courts, Administrative Judiciary, and Public Prosecution for the Year 2024

activity of amending the Code of Criminal Procedure, after reviewing it and drafting the necessary amendments, was implemented, but only to a very limited extent.

Fourth: Alternatives in International Standards

The Human Rights Committee, as well as the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), recommend the use of alternatives in all cases where the accused does not pose a direct danger to society or to the course of justice. International standards affirm that liberty is the rule, and that any deprivation of it must be justified by strict necessities and be subject to effective judicial oversight.

It is not possible to speak of effective criminal justice without activating alternatives to detention. Beyond their legal and rights-based impact, alternatives are more economical and humane. What is required is not only amending legal texts, but also changing the culture of detention, strengthening confidence in non-custodial justice, and establishing the institutional infrastructure to apply these alternatives effectively and transparently.

Successful international experiences in applying alternatives to detention and punishment show common factors from which Jordan can benefit:

- **The French model:** France is a leading country in the use of electronic monitoring as an alternative to judicial detention and house arrest. Its system relies on precise legal and substantive conditions—such as the accused having a fixed place of residence—which ensures effective implementation and reduces the risk of failure³³.
- **The Scandinavian (Norwegian) model:** The Nordic region has the lowest incarceration rates in Europe. This is due to a comprehensive rehabilitative approach that combines fines, suspended/conditional sentences, community service, and treatment programs, especially in cases of alcohol addiction. This diversity of alternatives gives the judiciary greater flexibility to tailor the sanction to the circumstances of the offense and the offender³⁴.
- **The United Arab Emirates model:** The UAE has used electronic monitoring as an alternative to pre-trial detention, with an emphasis on safeguarding the

³³ [article_349338_d0ab13f36fea6c1a0321ec61a2a30468.pdf](#)
³⁴ [Community Sanctions as Substitutes to Imprisonment in the Nordic Countries](#)

rights of the accused—such as requiring prior consent to monitoring and the right to request a medical examination to ensure the safety of the devices³⁵.

The following table presents a comparison between the Jordanian legal system and selected international models:

Legal system	Jordan	France	Norway
Legal framework	Penal Code and Code of Criminal Procedure (alignment challenges)	Code of Criminal Procedure and Penal Code (integrated)	Integrated criminal law framework
Available types	Electronic monitoring, judicial supervision, bail, travel ban, home confinement	Electronic monitoring (pre-trial), house arrest, rehabilitation programs	Fines, suspended/conditional sentences, community service, electronic monitoring, treatment programs
Primary focus	Reducing detention and easing overcrowding (procedural & economic goals)	Achieving justice and rehabilitation (humanitarian & legal goals)	Rehabilitation and social reintegration (comprehensive rehabilitative goals)

Conclusion and Recommendations

This paper shows that pre-trial detention—in both its judicial and administrative forms—continues to be applied in Jordan beyond the exceptional scope set out in law and international standards. Despite clear legal provisions requiring graduated measures and the availability of non-custodial alternatives, practice still tends toward routine use of detention by both the judiciary and administrative authorities. This threatens the presumption of innocence, increases economic and social burdens, and weakens public confidence in justice.

Key findings:

1. Detention creates a significant economic impact, both in operating costs and in lost productivity.
2. There are discrepancies between official and unofficial figures on inmate costs, underscoring the need for greater transparency in prison-sector financial data.
3. The economic costs of detention go beyond direct expenditures to include loss of national productivity and the deterioration of families' financial situations.
4. The daily cost per inmate is estimated at JOD 25, covering accommodation, food, health care, and other services. Based on an average annual detainee count of 20,561, the direct monthly cost is about JOD 15.420 million, or JOD 185.049 million annually.
5. Among the indirect costs are compensation payments when a detainee brings a civil claim and the detention is found to have lacked legal basis.
6. Alternatives to detention, such as electronic monitoring, are far more cost-effective; the electronic bracelet costs about JOD 300 only.
7. The government faces substantial capital expenditures to build new prisons—e.g., the planned facility in Azraq at a cost of JOD 70 million—to address overcrowding.
8. Alternatives to detention remain insufficiently activated/effectively implemented.

Recommendations

1. Ensure that detention remains an exceptional measure.
2. Provide legal safeguards for pre-trial detainees.
3. Set clear, binding standards for prosecutors and judges when ordering detention or applying alternatives, to reduce reliance on unfettered discretion.
4. Apply international human rights standards in dealing with pre-trial detainees.
5. Issue judicial directives requiring reasoned decisions when alternatives to detention are refused.
6. Guarantee detainees' rights and access to counsel from the moment of arrest.
7. Activate and expand the use of alternatives to detention to curb reliance on custodial measures.
8. Redirect resources toward preventive policies and genuine rehabilitation instead of excessive incarceration.
9. Provide specialized training for judges and prosecutors on the importance of alternatives and how to implement them effectively.
10. Strengthen the role of social assessment reports evaluating a defendant's circumstances before a detention decision, to ensure decisions proportionate to personal conditions.

Finally, justice is not achieved only by issuing verdicts; it begins at the moment a person is detained and in respecting their rights and dignity while “under suspicion.” When pre-trial detention exceeds its exceptional bounds, it not only infringes liberty but also becomes an economic burden on the state and a social stigma for individuals. Continuing excessive detention practices—without legal necessity or a concrete risk—costs Jordan millions of dinars annually and erodes public trust in justice institutions. It is time to reassess these practices, activate the legally available alternatives, and strengthen safeguards that ensure justice without unjustified deprivation of liberty.



تمكين
TAMKEEN
National Human Rights Association
For legal and human rights