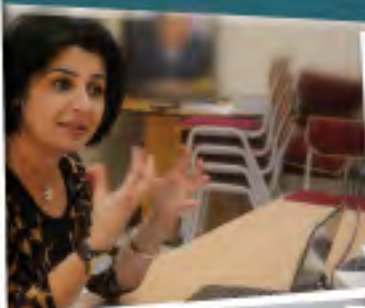


KARAMA PROGRAMME

To improve the treatment and
conditions of persons deprived of
their liberty in Jordan



History

Jordan's Karama programme aims at eliminating the use of torture and other forms of ill-treatment. This objective is pursued through various strategies, including preventing such practices— for example through the reduction of the use of pre-trial detention and through the monitoring of places of detention; criminalization of torture; impartial and prompt investigation of the crimes; prosecution and punishment of perpetrators; and provision of redress (including rehabilitation) to victims – in accordance with Jordan's national and international obligations.

The programme aims at:

- Establishing and reinforcing cooperation between government authorities and civil society organizations in order to eliminate torture.
- Amending the Jordanian national legislation to ensure effective prevention of torture, prosecution of perpetrators of torture, and provision of redress to the victims.
- Enhancing knowledge and professional capacities in relevant fields, including within law enforcement institutions, with the aim of both preventing such illegal acts in Jordan, as well as reacting effectively when such crimes have been committed.
- Enhancing knowledge and professional capacities for the relevant state institutions, civil society organisations and professional associations, including the Bar Association - with the aim of ensuring effective measures, and ascertaining that acts of torture and ill-treatment are documented, prosecuted, and redressed according to international legal standards and Jordanian laws.

The Jordanian partners of the Karama programme are the Ministry of Justice, the National Center for Human Rights (NCHR) and MIZAN for Law.

The first phase of the programme began in 2008 and continued until December 2010; second phase began in 2011 and ended in September 2013. The third phase of the programme runs from 2014 until March 2016.

Karama programme is funded by the Danish Ministry of Foreign Affairs under the Danish-Arab Initiative (see www.detarabiskeinitiativ.dk) and implemented within the framework of the bilateral agreement between Jordan and Denmark.

DIGNITY – Danish Institute against Torture and the Danish Prosecution Authority provide technical input to the Karama programme.



Target Groups

Victims of torture and other forms of ill-treatment.

Persons exposed to the risk of torture and ill-treatment. These are persons deprived of their liberty at places of detention by the Police or at the Correction and Rehabilitation Centers in Jordan.

Definition

Article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) stipulates:

The term "torture" means 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".

Key Strategy

The Karama Programme is inspired by the **co-responsibility approach** where state institutions, civil society organizations and professional groups cooperate to achieve a common goal, namely to fulfill the international obligations of Jordan to prevent and eliminate torture, as stipulated in the Convention against Torture that Jordan ratified in 2006 and published in the Official Gazette.

Key Obligations under the Convention against Torture

Article 2:

"Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction".

Article 4 :

"Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture".

Article 12:

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13:

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined by its 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.

Article 14:


Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the man's of as full rehabilitation as possible.

Article 15:

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings.

Article 16:

Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.



Karama programme addresses a fundamental human rights issue: i.e. the prohibition of torture and cruel, inhuman and degrading treatment and punishment.

Key Results

- Over the last five years, the Karama programme has contributed to generating debate in Jordan about the prohibition of torture and ill-treatment and about strategies for how to combat and prevent torture – for example through a discussion about ratification of the Optional Protocol to the UN Convention against Torture. By way of example, an international conference at the Dead Sea was organized in June 2013 to discuss how to combat torture and reduce the use of pre-trial detention in the region (see key recommendations in box below). The next international conference will take place in May 2015 at the Dead Sea.
- The Karama programme has also enhanced awareness of the need for legislation and policy reforms in order for Jordan's criminal justice system to function in line with international human rights law obligations. By way of example, Article 8 of the Jordanian Constitution now prohibits torture and the use of evidence obtained by torture. Moreover, a specialized anti-torture law has been proposed by MIZAN for Law.
- During the Karama programme, public prosecutors have begun to investigate allegations of torture and register the cases before sending them to the Police court or other special courts.
- Capacities of key professional groups, including lawyers and doctors, have been strengthened during the programme so that allegations of torture are now better documented and reported.

Article 8 of the Jordanian Constitution

1. No person may be seized, detained, imprisoned or the freedom thereof restricted except in accordance with the provisions of the law.

2. Every person seized, detained, imprisoned or the freedom thereof restricted should be treated in a manner that preserves human dignity; may not be tortured, in any manner, bodily or morally harmed; and may not be detained in other than the places permitted by laws; and every statement uttered by any person under any torture, harm or threat shall not be regarded.

- The National Center for Human Rights has established a National Monitoring Team with the purpose of undertaking preventive monitoring of places of detention, including Correction and Rehabilitation Centers (CRCs) and police stations. The team is composed of members from the NCHR independent members from civil society organizations and relevant professional groups. The team, which works under the umbrella of the National Center for Human Rights, undertakes an average of two visits per month.
- Guidelines to investigate allegations of torture and reduce the use of pre-trial detention have been prepared for public prosecutors.
- MIZAN for Law has established a network of lawyers who litigate cases of torture and ill-treatment to seek justice and compensation for the victims.
- MIZAN for Law has published educational manuals for lawyers and various relevant publications, including the Crime Prevention Law; the State Security Court and Fair Trial Guarantees.
- Under the Karama programme, the MIZAN for Law case management system within the Public Prosecution Authority and the courts has been amended to reduce the use of pre-trial detention.
- National Center for Human Rights has established a National Coalition to combat torture (composed of organizations from all the governorates) with a view to raise awareness of the rights under the UN Convention against Torture.
- Hundreds of professionals (lawyers, prosecutors, judges, law enforcement officials and health professionals) have been trained under Karama programme.
- the Karama programme has contributed to a better understanding of Jordan's obligations under the UN Convention against Torture. During the last UPR review, Jordan accepted recommendations specific regarding torture and ill-treatment to:
 - amend the penal code and relevant legislation to end impunity for torture and ensure victims' right to justice and to compensation; and
 - to continue and strengthen efforts to prevent torture and ill-treatment in detention facilities and ensure that all allegations of torture are promptly, thoroughly and independently investigated. Jordan will be examined by the UN Committee against Torture in late 2015.



programme activities take place in Amman and in the other governorates

DIGNITY's MENA Programme

DIGNITY has a broader programme in the Middle East and North Africa (MENA) – Freedom from Torture in MENA – that aims at supporting the target countries: Egypt, Jordan, Libya and Tunisia. The programme supports the countries in their efforts to be better positioned in the fight against torture and ill-treatment following the creation of mechanisms designed for preventing torture and rehabilitating and redressing victims. The MENA programme has the following four key objectives:

- Independent systems of regular monitoring of places of detention are implemented,

- Criminal justice institutions (prosecution and prison services) are taking preliminary steps to prevent and investigate acts of torture and ill-treatment,
- Victims of torture have their cases documented and are referred to rehabilitation and redress, and
- Rehabilitation services are improving the situation of victims of torture.

The programme is implemented under the guidance of the Danish development strategy and human rights strategy in the South "The Right to a Better Life", as well as the Danish civil society strategy (see www.um.dk).

Key Recommendations of the Dead Sea Conference:

- All States shall accede to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and its Optional Protocol (OPCAT) and bring their Constitution and national legislation in accordance with the Convention.
- The universal prohibition of torture and other cruel, inhuman or degrading treatment or punishment shall be respected at all times and be incorporated into national law.
- All states shall ensure that all acts of torture are offences under their criminal law. The definition of torture should be as prescribed in article 1 of the UNCAT. Acts of cruel, inhuman or degrading treatment or punishment should also be punishable. And all of penalties must be the same in penal law and the private laws, and there shall be no statute of amnesty for acts of torture.
- Victims of torture shall have a right to complain and have their case promptly, effectively and impartially examined by an independent, competent judicial body. Complainants and witnesses shall be offered protection by the State against ill-treatment and intimidation as a consequence of the complaint or any evidence given.
- The (civil) public prosecution shall undertake a prompt, effective and impartial investigation whenever there is reasonable ground to believe that an act of torture has been committed under its jurisdiction, and shall prosecute all persons under its jurisdiction who are alleged to have committed torture. All torture cases shall be tried by a competent, independent and impartial ordinary court established by law.
- Confessions, which have been extracted under torture or other cruel, inhuman or degrading treatment or punishment, should not be used as evidence in court against the torture victim. This should be enshrined in national legislation.
- All acts of torture shall be punishable by appropriate penalties that reflect the gravity of the crime.
- Victims of torture shall have a right in national legislation to an effective remedy and adequate, effective and comprehensive reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. To this end, States shall establish a Fund to provide financial compensation to victims and programmes to ensure as full as rehabilitation as possible. In doing so, states shall cooperate with civil society.
- All law enforcement personnel shall receive training about the universal prohibition of torture, and states shall promote a culture of human rights in the law enforcement sector and in the general population through awareness raising initiatives.



FURTHER INFORMATION

National Center for Human Rights:

www.nchr.org.jo
Hotline: 065920396

MIZAN for Law:

www.mizangroup.jo
Counseling Line: 06-5698877

Ministry of Justice:

www.moj.gov.jo

Judicial Council:

www.jc.jo

Danish Prosecution Authorities:

www.anklagemyndigheden.dk

DIGNITY – Danish Institute against Torture:

www.dignityinstitute.dk

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