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# Evaluation of the partnership for democracy in respect of the Parliament of Jordan

**Committee Opinion**[1]
Committee on Legal Affairs and Human Rights
Rapporteur: Mr Andrea RIGONI, Italy, Alliance of Liberals and Democrats for Europe

## A. Conclusions of the committee

1. The Committee on Legal Affairs and Human Rights congratulates the rapporteur of the Committee on Political Affairs and Democracy, Ms Josette Durrieu (France, SOC), on her comprehensive report and supports the proposed resolution.

2. While joining the Committee on Political Affairs and Democracy in welcoming the active participation of the Jordanian parliamentary delegation in the work of the Parliamentary Assembly, the committee regrets the country's lack of progress in a number of areas. The committee is especially concerned about the regression with respect to the abolition of the death penalty. The Assembly has always played a leading role in the fight against the death penalty both in Europe and worldwide and must remain steadfast in its efforts towards abolition of capital punishment.

3. The committee therefore proposes certain amendments to strengthen the draft resolution, in particular with regard to the abolition of the death penalty.

## B. Proposed amendments

*Amendment A (to the draft resolution)*

In paragraph 6.7, replace the words "has been in place since" with the words "was purportedly introduced in".

*Amendment B (to the draft resolution)*

After paragraph 6.7, insert the following paragraph:

> *"calls on the Jordanian authorities to show genuine political will on the issue of the death penalty by not carrying out death sentences already pronounced and by rapidly introducing a de jure moratorium on executions, with a view to abolishing the death penalty in the near future. In the meantime, and as an expression of their political will, the Jordanian authorities should make determined efforts to convince public opinion of the importance of the abolition of the death penalty. In any case, for the future, the Assembly strongly hopes that the executions will be suspended, and calls on the Jordanian authorities to take every possible and necessary initiative to abolish the death penalty;"*

1. Reference to committee: Bureau decision. Reference 4182 of 30 June 2017. Reporting committee: Committee on Political Affairs and Democracy. See D oc. 14399. Opinion approved by the committee on 9 October 2017.

*Amendment C (to the draft resolution)*

After paragraph 6, insert the following paragraph:

> *"The Assembly recalls its Resolution 2122 (2016) on administrative detention, which stresses the importance of the right to liberty and security and recalls that purely preventive detention of persons suspected of intention to commit a criminal offence is not permissible under Article 5 of the European Convention on Human Rights (ETS No. 5) as interpreted by the European Court of Human Rights. It therefore reiterates its call on the Jordanian Parliament to take steps towards abolition of administrative detention in circumstances such as these that do not comply with the right to liberty and security as protected under the Convention, as well as under the International Covenant on Civil and Political Rights, to which Jordan is a Party."*

*Amendment D (to the draft resolution)*

In paragraph 9 replace the words "notes with regret" with the words "strongly regrets".

*Amendment E (to the draft resolution)*

In paragraph 10 after the words "watchful eye on" add the words "and play an active role in".

*Amendment F (to the draft resolution)*

At the end of paragraph 12, add the following sentence:

> *"In this context, the Assembly will pay particular attention to observation of an effective moratorium on the death penalty and to concrete progress towards its abolition."*

## C. Explanatory memorandum by Mr Andrea Rigoni, rapporteur for opinion

I can only congratulate Ms Durrieu on her report, which evaluates the extent to which Jordan has honoured its commitments and taken into account the Parliamentary Assembly's recommendations since being granted partner for democracy status in January 2016.

Considering the lack of progress in a number of areas, however, I would like to propose certain amendments to the draft resolution, with a view to reinforcing it. The failure to observe the moratorium on executions is a particularly worrying trend. When it comes to abolition of the death penalty, the Assembly cannot make any concessions with regard to its position of principle.

### 1. Amendments A, B and F

These amendments express the principled, non-negotiable position of the Parliamentary Assembly on the death penalty, namely that the death penalty is a form of punishment which constitutes an unacceptable violation of human rights, whatever the crime. As the Assembly's rapporteur on Belarus,[2] where the death penalty is also an issue of grave concern, I feel duty bound to reinforce the draft resolution by strongly restating the Assembly's call for the establishment of a *de jure* moratorium on executions, with a view to abolishing the death penalty.

Not only were 11 men hanged in December 2014 in Jordan, two more prisoners were executed at the beginning of 2015 and 15 people were executed on 4 March 2017 – after the Jordanian Parliament was granted partnership for democracy status.[3] Considering that a moratorium on executions had purportedly been in place since 2006 and that progress towards the abolition of the death penalty was an important consideration when granting partnership status, this is clearly a huge step backwards.

If this were to continue in the future and if no significant progress were made towards a *de jure* moratorium on executions followed by the abolition of the death penalty, the Assembly would have to envisage reconsidering its partnership with the Jordanian Parliament.

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2. See Assembly Resolution 2172 (2017) on the situation in Belarus, and Doc. 14333.
3. The latest executions were strongly condemned by the President of the Assembly – see his statement of 4 March 2017.

**2. Amendment C**

This call was already made by the Assembly in its Resolution 2086 (2016) upon granting partner for democracy status to the Jordanian Parliament ("9.8. implement justice reform with a view to ensuring the independence and impartiality of the judiciary and, in particular, revise the 1954 Crime Prevention Act as a first step towards the abolition of the practice of administrative detention"). Since it transpires from section 5.3 of the explanatory memorandum prepared by Ms Durrieu (5.3. Administrative detention) that no progress has been made in this field, it is important that this recommendation is reiterated in the resolution.

**3. Amendment D**

This amendment is self-explanatory.

**4. Amendment E**

It is not sufficient for the delegation members of the Jordanian Parliament to keep a watchful eye on the implementation process of reforms with respect to the rule of law and human rights; they have an active role to play in this process.