

## JORDAN

## Imprisonment to Protect Women Against “Crimes of Honor”

## A Dual Violation of Civil Rights

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Some Jordanian women commit a crime, serve their sentence and then walk free. Others — some of them guilty only in the eyes of their family and the society — end up in prison and never leave. This is the story of one of these women, Kifah, who is destined to probably spend the rest of her life in prison, because government authorities cannot release her out of fear she might be killed by her family.

Kifah (and that is not her real name) was 18 when she was first admitted to the Women’s Correctional and Rehabilitation Center located in Jewideh, south of the capital Amman. She had been shot at 22 times by her enraged uncle. Her only fault was rejecting her family’s arranged marriage to her cousin, and instead eloping with her lover to a neighboring country. Her uncle caught up with both of them just before crossing the Jordanian border. He fired 22 times towards her direction, but only four bullets struck her and she survived the shooting incident. She was treated at a government hospital and then transferred to the Women’s Correctional and Rehabilitation Center. That was in 1989. She is one of around 40 women who were spending indefinite time at this Center, most of them without any charges except alleged or suspected involvement in immoral behaviors, becoming pregnant out of wedlock or having been a victim of rape or incest.

But Kifah, who has wasted 12 years of her life in the women’s detention center, is optimistic and wants to leave her detention place to start a new life. “I want to leave this place and be reunited with my family. I want to ask them for forgiveness. I am sure they will forgive me,” says Kifah with big confidence. However, the prison officials had a different opinion. They are almost certain that her family will never forgive her and instead would kill her as soon as they lay their eyes on her. Knowing that her fate would be bleak if she

was ever released, Kifah still has high hopes that one day she will be released from prison to fulfill many of her stalled dreams. “I am certain one of these days I will be out of here. Then I will continue my education and eventually work to earn a decent living,” she says. The Jordanian local press has reported many cases of families actually bailing out their daughters with the intent of killing them to cleanse the family’s honor. These women cannot leave the prison after serving their sentences even if they want to. The Government has the authority to keep these women in prison if it feels that releasing them would place them in grave danger of being killed.

Between 20 to 25 women are reportedly killed in Jordan every year in crimes of honor, a practice condemned by many officials and human rights activists in the Kingdom and abroad. Male relatives take the lives of their female relatives for either their actual or their suspected involvement in an affair with a man — largely a taboo in Jordan’s conservative society which links family honor to the behavior of women. One 24-year-old woman, who has been in the Center since 1996, after being caught in a brothel says, “I am dead either way. Inside the prison I am dead, and if I leave the prison, I am dead.”

**Conditions at the Prison**

One prison official said, in describing the mental state of some of these women: “We feel that some of them are destroyed...we do not see them smiling—instead, we sense distress and sadness in their hearts...everyday is the same to them.” Realizing the mental status of these inmates and the fact that most of them do not, in reality, belong behind the bars, prison officials designated a special section of the building for them. Here, they are somewhat isolated so that they would not mix with the convicted women. They have their own



kitchen and enjoy more freedom of mobility. “Unfortunately, there is not much we can do here other than encourage them to go on, because we are only an executive authority and we apply the law,” says the prison official. In addition, the official says that the Center never looks at those women as prisoners. Instead, “we look at them as victims of their own circumstances and we try to compensate them for what they have gone through in the past.”

The rest of the inmates who are spending time for crimes including murder, drug possession, forgery, theft, complicity in rape and molestation, adultery, prostitution and embezzlement, are distributed in the remaining three floors of the building.

The Center stretches over an 11-dunum land and can hold over 900 inmates, if necessary. For the first time in the Kingdom’s history, the Center is operated and managed by women, which is viewed as an advantage by prison officials. They say women are closer to each other and can better understand each others’ needs and demands.

The prison’s management adopted in the new premises the concept of classification and separation of inmates according to their offense and conditions, a practice that was lacking to a great extent in old prisons. The goals of the Center include providing vocational training and academic education to help women to become productive and to enable them to help earn a living after serving their prison sentence.

Inmates can also obtain training on dressmaking, embroidery, knitting, ceramics, sewing, flower arrangement, typing, computer work, hair dressing, tailoring, house decoration, literacy and religious courses. In addition, the facility is equipped with a health center, which includes several clinics for specialists who

deliver health, physical, psychological, dental and gynecological services. There is also a unit that provides social care, a nursery for the inmates’ children, a supermarket and a canteen, as well as offices for lawyers and a visitors’ hall. The prison houses also a public library and classrooms to educate women. “We aim at implementing the concept of order and commitment among inmates, as well as filling their time with beneficial programs that will earn them self-confidence and respect, cooperation with others and an honorable profession to depend on once they are released,” the prison official said.

When inmates are first admitted, they undertake a medical checkup before being placed for one week in a special section during which they come into contact with social workers. The latter examine each inmate’s case, her background and the circumstances of her imprisonment, then they attempt to place her in a group of inmates convicted of similar offenses or displaying similar characteristics. The Jordanian Government provides social workers and psychiatrists for follow up on the inmates’ cases and well being.

Prisoners are allowed three visits per week and they have access to health services, food, clothes, newspapers, television, radio and a library. However, prison officials and lawyers say women inmates are neglected by their families, who do not visit them, largely because of the feeling of shame from having a convicted female criminal in their family. “Even though women inmates have visiting privileges, their families are reluctant to visit them in jail or to even appoint for them good lawyers,” Attorney Zahra Sharabati says.

On the other hand, male inmates are visited regularly by their families. They bring for them food, cigarettes and money, and appoint for them the best lawyers. As one prison official puts it: “When a woman is convicted, she pays for it her entire life and she can never be reintegrated into normal social life, while men released from jail reintegrate easily into society because of their family’s support.” Their families do not consider them criminals, and they seem to forget that their sons committed shameful crimes such as murder, embezzlement or theft.

### Endnote

\* Rana Husseini’s report in the Jordan English language newspaper, the Jordan Times, raised wide public awareness of honor crimes and planted the initial seeds of the campaign to eliminate honor crimes in Jordan. When she began her job at the newspaper on the crime beat in 1994, honor crimes were not considered worth reporting in any paper. Yet, Husseini was perseverant and continued to report on these murders. By 1998, she was awarded the Reebok Award for Human Rights for her dedication to human and women’s rights.

# Amnesty International Report

In August 2001, Amnesty International issued a report entitled “LEBANON Torture and Ill-treatment of Women in Pre-Trial Detention: A Culture of Acquiescence,” which focused on the suffering and gender-based violations that many Lebanese women experienced during pre-trial detention, specifically political prisoners, common law offenders and migrant workers. The report is based on extensive research and interviews undertaken – over a number of years - with victims and their families and with individuals from various walks of life and professions. It is also based on the visit of Amnesty International to women prisons and on several case studies. What follows is a summary of this report.

Amnesty International’s report states that torture and ill-treatment of women detainees are widespread in Lebanese police stations. Although the Lebanese Constitution prohibits these acts and despite the efforts of some non-governmental organizations (NGOs) to address and highlight this issue, little notable improvement has been achieved so far. Thus, women detainees, who represent around 4.7% of the total prison population in Lebanon, continue to endure various forms of gender-based violations by some members of the law. Moreover, the failure to investigate these allegations by justice administrators has, in a way, fostered such acts and behavior. But, the fight against such forms of the discrimination has not ended and Amnesty International’s research is part of the ongoing campaign for the promotion and protection of human rights, specifically women’s rights in Lebanon.

## Forms of Torture and Ill-Treatment of Women in Custody

According to the report, there are two kinds of violations that occur against women detainees, notably those that are gender-specific and those which are not. Some forms of gender-specific techniques include: Rape and attempted rape, insertion of objects into the body, beating by solid objects and exposure of female sensitive parts of the body to male guards, use of sexually abusive language, torture of relatives in front of or during the hearing of the detainees, invasion of female privacy by male guards, as well as lack of access to female-designated toilets, medication and facilities for pregnant women. The non-gender specific techniques include a method called *farruj* (chicken), whereby the victim is strapped to a revolving wooden bar resembling a roasting wooden spit and beaten with



sticks; *dullab* (tyre), which involves hanging the victim from a suspended tyre and beating her; *falaqa* which refers to a beating on the soles of the feet. Also, sometimes the detainees are beaten by solid objects, deprived of sleep and food, forced to sit still in one place for hours, and burned with cigarettes on various parts of the body.

It is worth noting nevertheless that, gender specific torture or ill-treatment is frequently under reported by women who do not want to expose the shame they may have suffered to the outside world or even to their families, on whom they are afraid to bestow shame ... it is a culture of silent endurance where women have to suffer from both ill-treatment and torture during detention and from feelings of shame and marginalization once they are out.

Although many victims do not report these inhuman acts for fear of “shame,” Amnesty’s extensive research has succeeded in highlighting the violations that occur against three categories of women detainees: political prisoners, common law offenders and migrant workers. Also, the report presents some case studies of women detainees who have opted to speak in public about their ordeal, or have testified to human rights activists or simply to their lawyers.

## Women Political Detainees: Violations During Interrogation Producers

Women detainees who are accused of major crimes are more liable to receive ill-treatment. Those held on political charges, such as “collaboration” with Israel,

endure dire methods of torture. They are brought before military courts and are given trials that do not meet international standards. According to Amnesty, women civilians should not be brought before military courts. Although the organization made several attempts to raise the issue, Lebanese officials insist procedures in military courts are governed by the Code of Criminal Procedures (CCP), and that detainees receive the same rights as those brought before civil courts. Yet, interviews with female political detainees show violations are even more brutal. Those held on charges of “collaboration” with Israel can be detained incommunicado for weeks. They are taken to the Ministry of Defence Center where they face – among other things - inhumane conditions and live under constant threat of rape. Sometimes detainees are held for longer periods to obtain a “confession” and to guarantee scars heal. This has led to a situation whereby judges do not allow the investigation of alleged violations or the medical examinations to be conducted.

#### **Women Accused of Common Law Offences: Break Down of Family Support**

Women accused of common law offences are also under risk of torture. In September 2000, delegates from Amnesty International visited female common law detainees in Ba’abda and Tripoli Women’s Prisons. After a series of interviews conducted with the detainees themselves and with their lawyers (the interview did not specifically focus on their ill-treatment), the delegates found that around half of the women claimed they had been tortured or ill-treated. Moreover, because they are often abandoned by their families, they end up not being able to pay for a lawyer. This leads to an extension of their pre-trial detention. It is the detainees who are held on serious charges such as murder and drug dealing offences who face a higher risk of harm to make them confess guilt or testify against themselves.

One case study which highlights the inhuman acts forced upon many law-offender detainees is the case of Fatima Yunes. Born in 1966 and mother of three, Yunes was arrested by State Security (Amn al Dawlah) officers on 26 October, 1998 for the killing of her husband. Held in the state security office of Tyre for four days, Yunes says she was denied access to the outside world, adding that she was tortured by about eight people wearing civilian clothes. She claims they beat her using the *farruj* method. Interrogators also lifted her skirt as she bled and stubbed out cigarettes on her legs. Later, the accused found no outlet but to sign a confession. When brought before the examining magistrate she reported the torture, revealing the marks on the various parts of her body. Although the magistrate asked for a new investigation of her case, no medical examination was conducted. It is reported

that Yunes described her ordeal to the Lebanese President’s wife when the latter visited the prison.

Another case that Amnesty’s report sheds lights on is that of Heba Ma’sarani. On June 14, 1997, the woman was arrested on charges of killing her husband. Ma’sarani, who was thirty-nine at the time - was taken to the Makhfar al-Mina (Tripoli port police station) where she was interrogated for two days. There, she says, officers intended to rape her. They ripped her clothes but stopped short when the head of the police realized what was going to happen and ordered her transfer to Bab al-Ramla police station in Tripoli. She stayed there for seven days. During that time, she claims she was raped at night. She was also subjected to the *Farruj* and *dullab* method. The woman describes her prison surroundings as being full of cockroaches, rats and mosquitoes. After nine months of detention, Ma’sarani was brought to trial, which had been going on intermittently for around 18 months. In September 2000, Amnesty visited her in Tripoli’s prison hospital and they found her in dire health conditions. Delegates report she weighed 36 kg and no measures had been taken to investigate her torture allegations. The woman was quoted as saying: “I am ready for you to put my name, as my life is over now. I have nothing left to live for. I only hope that the publication of my experience may prevent others from suffering as I have.”

#### **Women Migrant Workers: The Most Vulnerable and the Most Abused**

Recent years have witnessed the publication of reports of ill-treatment of many female migrant workers, who are mainly from Sri Lanka, Philippines and Ethiopia. These migrants - statistics by the Lebanese Ministry of Labour for the year 2000 reveal there are around 54,272, although others claim there are more - are mainly domestic female workers and are held separately from Lebanese women. They are particularly vulnerable because they do not speak the language, nor is there anyone to help them. Amnesty’s report notes that migrant workers are basically held for two charges: prostitution and drug dealing and illegal residence. Those detained on the former charges have a higher risk of torture than the latter. They also find it difficult to appoint lawyers because they do not have the fees and are unaware of provisions which allow them a lawyer appointed by the Bar Association. They are usually held for months after which they are brought before a judge. Sometimes they may not be released after serving their sentences or after being acquitted by a court. Amnesty states that this may be due to the broad discretionary powers accorded to the General Security in interpreting the law governing the presence of the foreigners in Lebanon, especially when authorities regard them as a “threat to public



security.” On the other hand, those detained for illegal residence are held for longer periods until contact is made with the relevant foreign country to secure proper documents for their return home. Sometimes, these detainees may stay because they simply cannot afford the price of the ticket home. Amnesty states that it has the names of over 20 women detainees, representing about one fifth of the total number of foreign nationals currently held at the General Security Prison for Foreigners in Beirut. These detainees are mainly Sri Lankan and Ethiopian migrant workers.

#### **Main Violations of Prisoners’ Rights**

All the ill-treatments endured by women prisoners in Lebanon are apparently facilitated by the fact that police stations are staffed by male personnel who lack proper training and awareness of gender-sensitive issues, as well as the absence of female interrogators. In addition, women in pre-trial detention are kept in the same prisons with those who have received their sentence, which contradicts international standards.

#### **Poor Physical Conditions Inside the Prisons**

Amnesty International’s report describes the degrading prison conditions, which reflect frequent cruel treatment. Amnesty’s visit to these institutions - located in Ba’abda, Tripoli, Zahle (Beqa’a) and Barbar al-Khazen (Beirut) – show that dormitories are overcrowded, that sick prisoners do not receive sufficient attention and that general health issues related to hygiene, sanitation, and ventilation are lacking to a large extent. For instance, the report mentions that in Ba’abda prison more than 40 detainees are held in four rooms. Detainees are reportedly locked up most of the time and sleep on the floor using sponge mattresses. Also, women of various age groups, including children, are placed together while pregnant women and those who have just given birth do not receive the rights they are entitled to. Their treatment falls short of Lebanon’s obligations to respect the dignity of the human person as provided by the International Covenant on Civil and Political Rights (ICCPR) and the Standard Minimum Rules (Rule 23). Also, minors are kept in the same prisons with adult women.

#### **Lack of Legal Safeguards**

International treaties require states to protect the rights of every detainee while he/she is deprived of liberty. Yet, although the Lebanese Constitution, the CCP and other laws which govern pre-trial detention offer some major protection rules, failure to enforce in practice these existing rules and to install further ones has fostered the harm inflicted on detainees. For instance, one basic safe-guard rule is the right of the detainee to have access to the outside world, i.e access to families, lawyers, doctors, consular staff etc.. However, the

report states that when the detainee is held, she is usually detained for more than the permitted 24 hours and without having access to the outside world. Also, there are no provisions in the law to ensure that the family of the accused is informed of the detention. Although detainees must be brought before an examining magistrate within twenty-four hours, Amnesty’s research reveals that this has not been the case in many instances. It also states that the examining magistrate fails to investigate allegations of torture and many trial judges convict on the basis of “uncorroborated evidence extracted under duress.” Much more seriously, many detainees are accompanied in front of the magistrate with the same persons who had mistreated or tortured them during the arrest and the pre-trial detention phases. They are often threatened that further torture would occur if they were to mention to the examining magistrate the ill-treatment they had endured earlier. Furthermore, the examining magistrate has no obligation to investigate the allegations by ordering an inquiry or even a medical examination of the women who report torture or ill-treatment.

#### **Limited Involvement of the NGO Sector in Defending the Rights of Women Prisoners**

Finally, Amnesty International reports that in spite of the vibrant and outspoken Lebanese civil society and the big number of NGOs concerned with human rights, there are very few of them that work for the rights of women in detention. Reasons behind this may include the preference of NGOs to focus on areas of discrimination that affect larger groups of women or the difficulty involved in having access to the women in detention.

#### **Recommendations**

In conclusion, Amnesty’s report presents recommendations that may help protect women against all forms of torture and harm. These include: the investigation of all allegations of torture by an independent body which should announce the findings publicly; the need to provide medical, social and financial help to the victims; the need to bring perpetrators to justice; the proper training related to gender-sensitive issues for all staff in law enforcement institutions, and, segregation of female detainees from male prisoners; appropriate facilities that cater to the needs of women detainees; the introduction of a legislation that protects women migrant workers to ensure that they are not subjected to any abuse; the improvement of prison conditions; the prompt access of detainees to a lawyer; the revision of all discriminatory laws, and; the amendment of the Code of Criminal Procedures to ensure its compliance with international laws and standards.

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