

(Translated from Arabic)

In the name of God, the Compassionate, the Merciful

Permanent Mission of the Hashemite Kingdom of Jordan

Geneva

Reply to the questions contained in the special procedures mandate holders' communication concerning the Teachers' Syndicate

1. Please provide any additional information and/or comment(s) you may have on the allegations.

The human rights system in Jordan combines legislation and implementation and is based on the State's unwavering commitment to meeting its international obligations. Jordan works continuously to develop the legislative system in accordance with the international human rights conventions it has ratified. National legislation includes a range of measures to ensure the protection of fundamental rights and freedoms within parameters that protect the rights of others, including precautionary measures that are applied in the event that representatives of a legal entity commit offences or crimes involving related matters.

Jordan also reaffirms its respect for and protection of public freedoms, the most important of which are freedom of opinion and expression and the rights to peaceful assembly and to form trade unions, within the framework of the Constitution and the law, and promotes them in the context of a national process and a dedicated approach with clear objectives.

It also affirms that the constitutional principles of the rule of law and the independence of the judiciary are regulated by relevant laws. The Public Prosecution has exercised its powers based on the relevant laws, and has provided procedural safeguards, including guaranteeing the right of the defendants to appoint a defence lawyer, and ensuring that any decisions or actions taken by the Public Prosecution are subject to appeal before the competent judicial authorities. The emphasis on respect for the rule of law and its application to all without discrimination and with transparency guaranteed by the public nature of the trial also stems from the constitutional principle of separation of powers and from the basic principles of well-known laws. Furthermore, in accordance with the law, all of those arrested were released on 23 August 2020.

It is important for everyone to take into account and respect the procedures put in place to combat the coronavirus disease (COVID-19) pandemic, which threatens public health and requires exceptional precautionary measures aimed at avoiding its economic, social and humanitarian risks. Cooperation is essential to ensure the proper implementation of these measures at the local, regional and international levels, including the protection of individual and collective rights.

It is also worth noting that the Government is determined to engage in dialogue on this and other issues, rather than the Syndicate resorting to methods that harm students' right to education in light of the impact of the COVID-19 pandemic on various aspects of life. Litigation remains a means of establishing the truth through final rulings of the competent courts.

2. Please provide comprehensive information on the factual and legal basis for the sealing of offices of the Jordan Teachers' Syndicate and the arrest of its board members.

With regard to the legal and factual basis for closing the Teachers' Syndicate and arresting its board members, the Syndicate is a legal entity established under Act No. 14 of 2011 and the amendments thereto. The same rules apply to the Syndicate as to any other legal entity in the event that its members violate the law or commit crimes on behalf of the entity. In order to ensure that the well-being and interests of students continue to be protected by guaranteeing their right to education, precautionary measures have been taken to ensure that their education is not interrupted in the light of the breaches of the law and offences committed by members of the Teachers' Syndicate. The crimes with which the defendants are charged include offences related to the Syndicate's funds – classified as public funds – which constitute economic offences under the Economic Offences Act. Under article 9 (c) of



the Act, the Public Prosecution may suspend the perpetrator of the economic offence from working, if necessary, for the period it deems appropriate. Article 36 of the Criminal Code expressly states that any union, company, association or corporate entity, except for public administration entities, may be suspended if any of its directors, board members, representatives or employees commits, under its name, an intentional felony or misdemeanour punishable by imprisonment of at least 2 years.

3. Please provide information on the legality of the issuance of the order of the closing of the Syndicate for two years and the establishment of a Government-appointed panel to run its activities ad interim, in view of the 2011 Jordan Teachers' Syndicate Law, as well as with international standards including article 8 of the International Covenant on Economic, Social and Cultural Rights, as well as with article 2 of the International Labour Organization Convention No. 98.

The decision was adopted on the basis of article 9 of the Economic Offences Act. The same Act provides that the decision can be appealed to a judicial committee headed by the Director of Public Prosecutions and whose members comprise a cassation judge chosen by the president of the Judicial Council and a representative from the State Case Management Unit, after the opinion of the Attorney-General has been heard. However, the appeal against the measures taken by the prosecution was filed by their legal counsel with the Public Prosecutor's Office itself and not the authority to which the appeal should have been submitted, namely the judicial committee stipulated in the Act.

Following the notification by the Attorney-General of the decisions in respect of the Syndicate, an interim administrative committee was appointed by the Minister of Education to manage the Syndicate's financial and administrative affairs while the board was suspended and until the judicial decision was handed down.

Through its legislation regulating the work of the Teachers' Syndicate, Jordan guarantees compliance with the obligations contained in article 8 of the International Covenant on Economic, Social and Cultural Rights, as well as article 2 of the International Labour Organization Convention No. 98. The Teachers' Syndicate Law is an enforceable and valid law, and there is no restriction on trade union activity. Rather, members of the Syndicate's board have been referred to the court that has the authority to consider the accusations against them and which guarantees all their rights during judicial proceedings.

4. Please explain what measures have been adopted to ensure that the guarantees of due process under articles 9, 14 and 15 of the International Covenant on Civil and Political Rights are respected and upheld during the course of the different legal procedures against the Jordan Teachers' Syndicate and its members.

Laws and judicial decisions take into account the measures provided for in articles 9, 14 and 15 of the International Covenant on Political and Civil Rights. In the case of the Teachers' Syndicate, the interrogation of the defendants was delayed by two hours until their lawyers were present. Thus, the safeguard of legal assistance was fully respected, and they were not questioned without their lawyers present. Furthermore, in accordance with the Constitution and the law, the decision to arrest them was based on the existence of legal reasons, namely the fact that the offences attributed to them are offences that warrant arrest, and the availability of evidence linking them to the crimes. There are also factual reasons, namely the existence of justifications for the arrest and the fact that the arrest decisions were not challenged, despite the fact that the law provides that such decisions are subject to appeal. As indicated above, all those arrested have been released in accordance with the law, and the relevant judicial proceedings have been completed.

It should be noted that the Constitution establishes a number of rights for citizens, such as freedom of opinion and expression, freedom of assembly, the right to compulsory education, the rights to work and to form and join trade unions. Legal safeguards in respect of arrest and detention are in line with the rights established under the International Covenant and, in particular, the principle that there may be no judgment without a trial.

5. Please provide information about measures taken to protect the physical and psychological integrity of those detained, and measures taken to ensure their access to medical care and access to necessary medication.

There is no truth to the claim that all of the detained individuals have gone on hunger strike. The Hashemite Kingdom of Jordan guarantees the protection of the physical and psychological integrity of detainees through article 8 (2) of the Constitution and all other legislation that provides for the provision of physical and mental health care for detainees during their period of detention, including the Correctional and Rehabilitation Centres Act, articles 22, 23, 24, 25 and 28 of which provide for the provision of health care and treatment for detainees. To this end, a medical centre is established in every correctional centre to provide physical, mental and therapeutic care free of charge for detainees in all of the main medical specialties. Health conditions related to the cleanliness of correctional centres and the detainees' food and clothes are monitored. The centre's doctor conducts medical examinations on detainees and submits a report on their state of health in a number of situations, including on admission to the centre and before leaving or when being transferred to another centre. If the detainee's condition requires treatment in a hospital, the centre's administration arranges this and transfers the detainee based on the report by the centre's doctor. The detainee is returned to the centre after completing the treatment. Sick detainees receive visits in accordance with the relevant instructions.

6. Please provide information about the allegations on the use of force against peaceful protesters on July 29, as well as the legal basis for the arrest of at least 15 teachers participating in peaceful sit-ins.

It is also not true that the public security forces used unnecessary or excessive force against a number of demonstrators. The demonstrators were dealt with in accordance with the law, using necessary and proportionate force. The 15 individuals in question were released on the same day.

7. Please provide information about the legal basis for the gag order restricting the reporting on the events, including by individuals, in view of the right to freedom of expression, guaranteed under article 19 of the International Covenant on Civil and Political Rights.

With regard to the ban on reporting, this is the prerogative of the Attorney-General and is consistent with international standards that allow such restrictions if reporting would disturb public order. The measures taken in this regard are in accordance with the exception established in article 19 (3) of the International Covenant on Civil and Political Rights. The Attorney-General's decision to ban reporting was based on the confidentiality of the investigation for non-parties to the case and to ensure the protection of the defendants from defamation. In addition, publicity could harm the public interest in achieving justice and establishing the truth by giving the perpetrators not covered by the investigation knowledge of the procedures taking place, making them less effective in establishing the truth and possibly affecting the testimony of witnesses who have not yet been heard. The public interest is also served by the impartiality of the Public Prosecutor and that office's lack of influence over public opinion. The persons entitled to attend the investigation are identified in advance, and nobody else is allowed to be present. The requirements of confidentiality mean that newspapers and media outlets cannot broadcast investigations to the public, which is against the law and a punishable offence. These were the elements on which the decision to ban reporting was based in order to preserve the confidentiality of the investigation and protect public order.

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وحصولهم على

فريد الإبداع عن

تعبير، المكفول

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