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JUSTICE CENTER FOR LEGAL AID (JCLA)

INNOCENT  
UNTIL  
PROVEN  
GUILTY



Foreign &  
Commonwealth  
Office



JUSTICE CENTER  
FOR LEGAL AID





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## INTRODUCTION

### TOWARDS STRENGTHENING RULE OF LAW THROUGH ACCESS TO JUSTICE

In Jordan, an individual's access to justice is determined by their ability to afford adequate legal representation. Vulnerable individuals, who lack the financial means to hire a lawyer, are forced to navigate the complexity of the justice system on their own. Recent amendments, to the Criminal Procedures Law grants defendants, whose crimes can be punished by 10 years or more, the right to free legal counsel. While previously, only those whose crimes can be punished by life imprisonment or death penalty were considered.

Yet these law reforms have not yet been sufficiently implemented as the court system still assigns lawyers to people organically, rather than systematically.

A 2011 study conducted by JCLA in coordination with the Department of Statistics estimates that around **47,000**<sup>1</sup> people a year in Jordan who engage with the justice system go unrepresented due to poverty.

Moreover, JCLA has found that **96%** of people who are in conflict with the law have very low income.<sup>2</sup>

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## OF THOSE WHO CANNOT AFFORD JUSTICE

This unjust disparity highlights the growing rift that continues to divide those with means, and those without. These financial conditions severely diminish access to fair trial guarantees during detention and compromises the basic rights of at-risk vulnerable individuals. These circumstances become a breeding ground for fabrication of charges and confessions extracted under duress. According to JCLA’s research;

**83%**

OF DEFENDANTS

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were unrepresented during the investigation and pre-trial stage. <sup>3</sup>

**68%**

OF DEFENDANTS

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were unrepresented in court. <sup>3</sup>

Moreover, pro-longed pre-trial detention will also have far-reaching consequences on the livelihood of the detainees’ and their families. These poor and vulnerable individuals are often the sole earner or breadwinner, and as such detention may often lead to unemployment, consequently pushing families deeper into poverty.

Vulnerable individuals who are unable to access justice and ensure their rights during pre-trial detention will experience disillusionment and a lack of trust in the legal system. Open trust and willingness to seek out the justice system to solve their grievances, is crucial in a rule of law society.

Access to justice is a basic human rights principle and an indispensable means towards conflict resolution. JCLA believes that equitable, functioning and accessible justice is crucial to combating poverty, promoting good governance and the rule of law.

“...POOR PEOPLE DO NOT DARE TO CHALLENGE THE  
POLICE”

- HEAD OF JCLA’S LEGAL SERVICES UNIT.

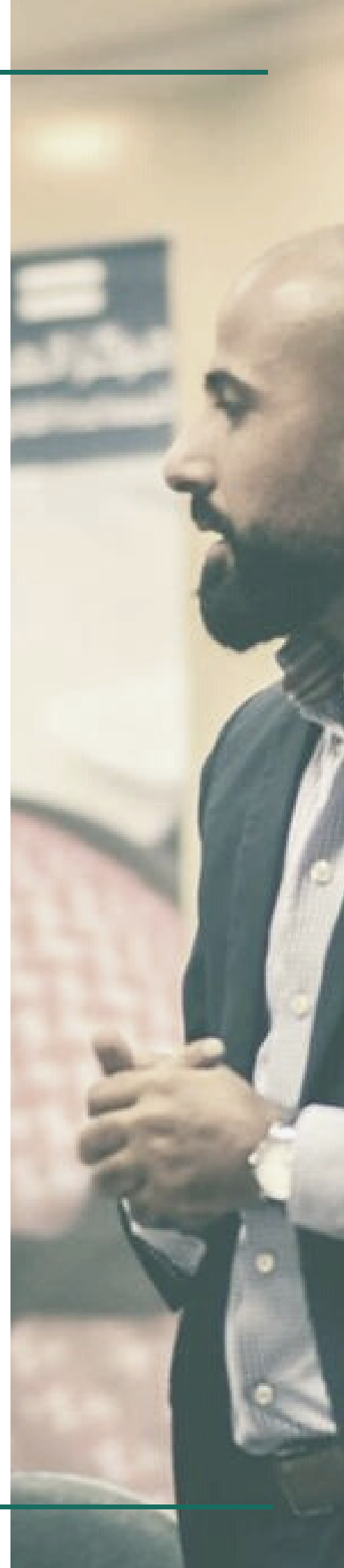
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## THE INTERVENTION; HOW IT WORKS

With the support of the Foreign Commonwealth Office FCO, JCLA launched the detention hotline program under the “Until Proven Guilty” project that engages duty-lawyers to provide access to justice services from early stages of detention. Through this project JCLA was given the unique opportunity to target root causes and build the foundations of both an efficient and just criminal justice system. The successful implementation of this project was dependent on three key elements.

- 1.** supporting lawyers to provide access to justice services from the first moment of detention,
- 2.** supporting vulnerable individuals with the provision of access to justice services through 24/7 detention hotline.
- 3.** working closely on building the capacity of law enforcement agents (PSD),

The first and foremost was the construction of a duty lawyer scheme which had not previously existed in Jordan. In order to ensure access to justice services from the first moment of detention, JCLA implemented the scheme in which JCLA legal consultants were present during investigations in order to ensure best practices during pre-trial detention. Having a lawyer present is fundamental in changing how the criminal justice system works regarding detention. The presence of a legal consultant challenges the notion that mistreatment and torture during an investigation can continue and ensures fair trial rights.





## THE INTERVENTION; HOW IT WORKS

Secondly, to further expand the depth of the services provided and enhance accessibility of justice services, JCLA constructed a 24/7 hotline for people in detention to ensure the vulnerable do not fall through the cracks. Any detained person across the country could call the line and receive assistance and counsel by one of JCLA's duty lawyers. While hotlines are a common service in Jordan, JCLA's hotline targeting detainees, is the first of its kind.

“At first when I used to visit the police station, the police officers would search me and give me aggressive looks. Now they say hello and they do not search me anymore. I feel like we are changing the way lawyers view the police, and how police view lawyers.”

- JCLA's Duty Lawyer

Lastly, in order to further ensure sustainable change, JCLA conducted capacity building efforts for internal and external lawyers, as well as, low-rank officers of the Public Security Directorate to promote a cultural of acceptance towards the duty lawyer concept, as well as, access to pre-trial best practices from the first moment of detention.

# HERE'S WHAT WE'VE LEARNED AND ACHIEVED:

Implementing this pilot allowed JCLA to push the system to change how it looks at justice, one small step at a time. While interventions were limited due to the scope of the pilot project, JCLA aimed at creating foundational building blocks towards preventing pro-longed pre-trial detentions.

## 186

### LEGAL SERVICES

Were delivered to detainees at police stations during the course of the project.

## 88

### IN-COURT REPRESENTATIONS

JCLA conducted 88 in-court representations for vulnerable beneficiaries.

## 43 %

### OF 88 CASES

were released thus reducing detention duration and preventing pre-longed detention. This was due to speeding up the investigation process with the presence of a lawyer.



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## NEXT STEPS: WHAT STILL NEEDS TO BE DONE

In addition, while a significant percentage of the duty lawyer schemes beneficiaries were Syrian or Jordanian males, JCLA's legal services were extended to beneficiaries from a number of other nationalities, including Sudanese, Egyptian and Palestinians living in Jordan.

By the second month of activation, JCLA's detention hotline cases increased from 8 cases to

**30**

Our efforts sparked a shift in culture on a multiplicity of levels. JCLA's training of both lawyers and Public Security Directorate officers were crucial in building a culture of acceptance and trust regarding detainees' rights and treatment. For instance, among the PSD, knowledge of human rights standards for detainees does not trickle down from superior PSD members to lower ranked officers. As such, JCLA believes that the culture of justice must change from the bottom up. The presence of a lawyer forced investigators to take a new route; where best practices were necessary tools to solve a case.

Eventually, we noticed a change in attitude amongst PSD officers and JCLA legal consultants as the initial animosity turned into familiarity and common ground. Moreover, JCLA witnessed a conscious awareness amongst its legal consultants take hold. JCLA lawyers realized they have a role beyond the courtroom in ensuring access to justice. This project emphasized the significance that the presence of a lawyer had on ensuring detainee rights and treatment.

It is JCLA's hope that this cultural shift will eventually culminate in a trusted rule of law society where poor and vulnerable individuals are not forced to look beyond the justice system for their rights. Rather, can access a high-quality justice system, that continues to protect the rights of all individuals, regardless of their financial means.

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## NEXT STEPS: WHAT STILL NEEDS TO BE DONE

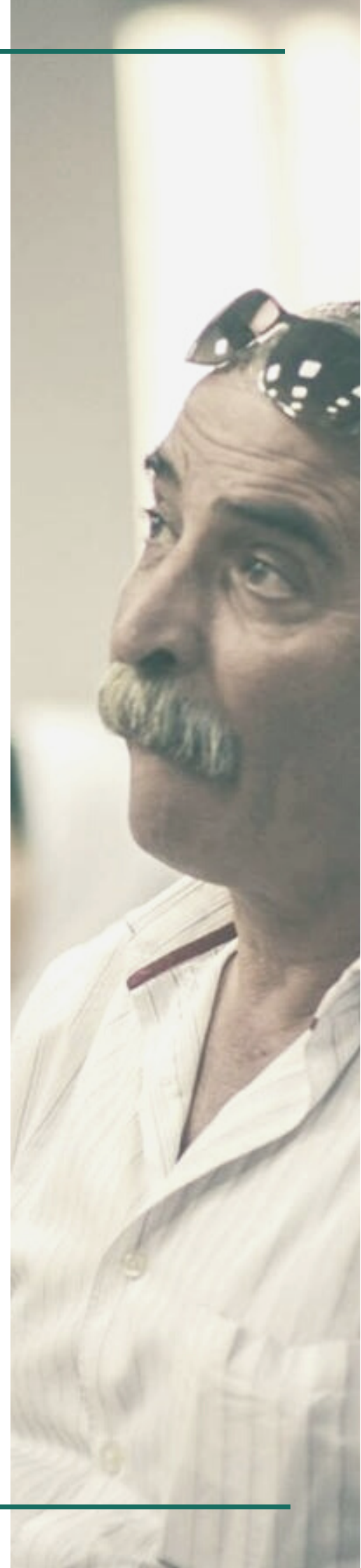
In order to maintain momentum, build on what has been achieved, and create sustainable change JCLA's work needs to expand further. Both JCLA's duty-lawyer scheme and detention hotline are restricted in their geographical scope. JCLA has yet to reach the most vulnerable individuals living in pockets of poverty across the nation.

Moreover, the very processes and systems put into place during the pilot must be enhanced in order to successfully assist vulnerable individuals from the point of entry into the criminal justice system.

According to a 2017 study by the National Centre for Human Rights, the overall capacity of Jordan's prison system is **12,286 people**. In reality, however, the number of individuals detained far exceeds the recommended capacity. At any given moment in 2017, the number of individuals held in the prison system averages at **15,000**.<sup>4</sup>

These numbers are largely significant to JCLA's work. Expanding the reach of pre-trial access to justice is a crucial step in lowering the amount of poor and vulnerable individuals held in pro-longed pre-trial detention.

JCLA believe that equitable, functioning and accessible justice is crucial to combating poverty, promoting good governance and the rule of law. Access to justice is a basic human rights principle and an indispensable means towards conflict resolution. In the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable.





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## References

1. Baseline is a family of 4 earning 500 JDs a month or less.
2. The Survey was done through funding from the World Bank. See Paul Scott Prettitore, Building Legal Aid Services from the Ground Up: Learning from Pilot Initiatives in Jordan, MENA Knowledge and Learning “Quick Notes Series” (January 2014 – Number 115), available at:  
<http://siteresources.worldbank.org/INTMENA/Resources/QN115.pdf>
3. Ibid.
4. The Annual Report on Human Rights Situation Jordan 2017, published by the National Centre for Human Rights (NCHR), 2018 see:  
[http://www.nchr.org.jo/Admin\\_Site/Files/PDF/619d5615-23e5-49b5-bf33-f2367f64b856.pdf](http://www.nchr.org.jo/Admin_Site/Files/PDF/619d5615-23e5-49b5-bf33-f2367f64b856.pdf)



## GET INVOLVED!

You can find the Justice Center for Legal Aid (JCLA) on [www.jcla-org.com/en](http://www.jcla-org.com/en)

JCLA celebrated its 10 year anniversary in July 2018, for more recommendations and lessons learned throughout our journey visit;

[www.jcla-org.com/en/publication/it-all-begins-justice](http://www.jcla-org.com/en/publication/it-all-begins-justice)