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للمساعدة القانونية وحقوق الانسان
For legal aid and human rights

Detention as a Final Option

Effective Legal Alternatives for Reducing Economic Costs and Strengthening Justice in Jordan

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2026

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This paper is issued by Tamkeen for Legal Aid and Human Rights as part of a project implemented in partnership with the Danish Institute Against Torture – Dignity (Jordan Office). It aims to support the efforts of the judiciary and relevant stakeholders in promoting and institutionalizing restorative justice principles. These principles seek to ensure that detention does not disrupt an individual's social role, while promoting the use of non-custodial alternatives as a rehabilitative and rights-based approach within established legal frameworks.

The right to personal liberty is among the most fundamental rights guaranteed by international conventions and national constitutions. From this right stems the well-established legal principle that an accused person is presumed innocent until proven guilty. However, in practice, there are circumstances in which the legislator finds it necessary to temporarily restrict this freedom prior to the issuance of a final judgment—this is known as "pre-trial detention" or "remand detention."

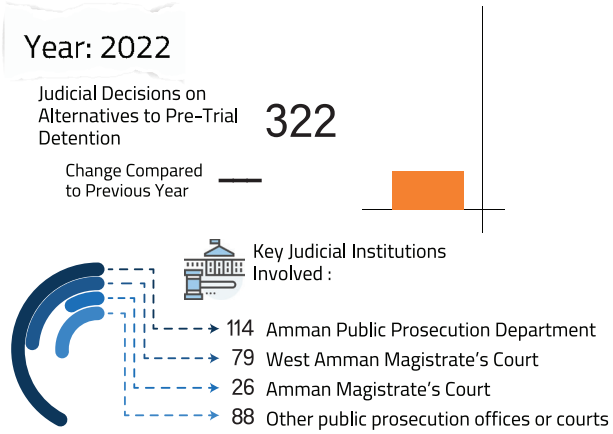
The challenge of this measure lies in its dual nature. On one hand, it is a necessary precautionary tool to prevent the accused from absconding, influencing witnesses, or tampering with evidence, thereby safeguarding the integrity of the investigation. On the other hand, it constitutes a serious exception to the presumption of innocence, as it involves depriving an individual of their liberty without a final conviction, and may, in some cases, transform from a means of ensuring justice into a premature and disguised form of punishment.

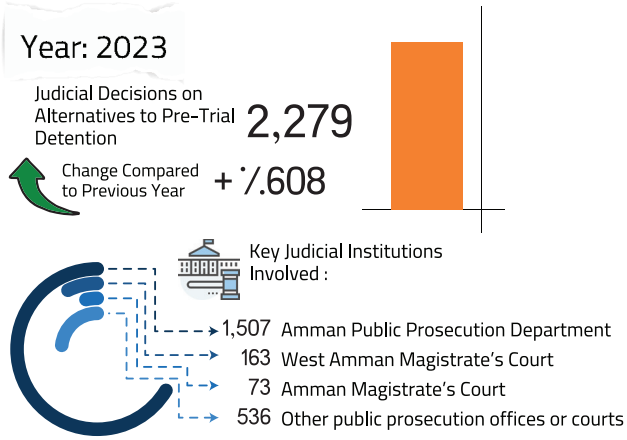
The importance of this paper stems from the need to strike a delicate balance between the requirements of public interest in combating crime and the protection of individual rights against the abuse of detention powers. The expansion of pre-trial detention does not only affect the individual concerned, but also extends to their family and social standing. This necessitates the establishment of strict legal safeguards, clearly defined time limits, and the effective use of legal alternatives that ensure the presence of the accused without resorting to detention.

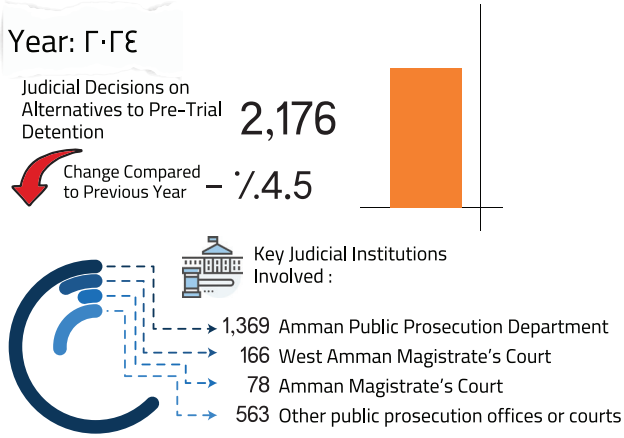
This paper comes at a critical juncture for the Jordanian judicial system, in response to the Royal vision and ongoing efforts to reform and modernize the justice sector through the establishment of a specialized committee aimed at strengthening the rule of law. In this context, the paper seeks to shift the discussion from a focus on "legal texts" to the reality of "justice in practice." Despite the significant progress in adopting alternatives to pre-trial detention during the period (2022–2024)—which recorded an increase of approximately 576%, according to a study conducted by Dignity—pre-trial detention rates remain high. This discrepancy clearly indicates a persistent gap between legislative developments and practical implementation, calling for a comprehensive review aligned with the intended path of judicial reform.[1]

1 Preliminary Study: Non-Custodial Alternatives to Pre-Trial Detention in Jordan 2025 – Dignity

The development of the application of non-custodial alternatives in recent years[2]







The legal understanding of pre-trial detention cannot be fully captured through the mere listing of articles, provisions, and figures. Behind every legal text lies a human life whose course may be shaped—or erased—by a decision to detain. While the law justifies temporary deprivation of liberty under the principle of "necessity," practice often reveals cases where this measure shifts from a tool to ensure justice into a mechanism that undermines it.

This raises a central question regarding the fairness of implementation: are non-custodial alternatives granted to non-nationals on an equal basis, or does detention remain the default response in their cases?

2 Preliminary Study: Non-Custodial Alternatives to Pre-Trial Detention in Jordan 2025 – Dignity

The case of "Vanessa" emerges not merely as an individual story, but as a reflection of systemic shortcomings in the pre-trial detention framework and its intersection with administrative detention. It captures the moment where time effectively stops for the accused, and where the

thin line between "detention for the purpose of investigation" and "pre-emptive punishment" becomes blurred.

Vanessa[3], a domestic worker (pseudonym) of Ethiopian nationality, was not asking for the impossible. She was simply seeking compensation for years of labor and hardship. She worked for two years and eight months, yet the final eight months turned into a form of forced labor when her employer ceased paying her wages and deliberately avoided renewing her work and residency permits.

Instead of securing Vanessa's[3] rights, her employer placed her in handcuffs. Faced with accumulated fines related to residency violations and unpaid wages—estimated at approximately 2,600 Jordanian Dinars—the employer chose the easiest path: filing a malicious complaint. She accused Vanessa of theft in an attempt to evade her financial obligations and conceal her own legal violations.

On 28/6/2025, Vanessa was detained for 30 days in judicial detention pending investigation. Upon the expiry of this period, she was not released. Instead, on 28/7/2025, she was transferred to administrative detention under the Crime Prevention Law. She remained detained for several months—reduced to a forgotten case within an administrative process—while her employer remained free from accountability.

Finally, on 29/9/2025, a verdict of acquittal was issued, affirming her innocence. However, the consequences of her detention persisted. Rather than regaining her rights, her case concluded with a deportation order issued on 8/10/2025. Vanessa returned to her home country burdened with loss—without her wages, deprived of her liberty, and subjected to clear violations of her fundamental rights.[4]

3 A documented case followed by Tamkeen for Legal Aid and Human Rights until a final court decision was issued.
Detention may be for the purpose of protecting the suspect himself, or putting an end to the effect of the crime, or preventing its recurrence, or preventing the suspect from fleeing, or safeguarding public order from any disruption resulting from the crime.

4 Case No. 6567/2025, North Amman Criminal Magistrate Court

Analysis and Procedural Violations

Vanessa's case reflects the "hidden face" of the detention system, where a legal exception gradually becomes a normalized practice through which fundamental constitutional principles—most notably the presumption of innocence—are undermined. While the law clearly establishes that an accused person is presumed innocent until proven guilty, Vanessa's prolonged detention for several months prior to her acquittal transformed detention from a precautionary measure intended to safeguard the course of justice into a form of **pre-emptive punishment** imposed without conviction. This, in effect, strips the principle of liberty of its substantive meaning.

The issue of the so-called "return order" emerges as a mechanism used to circumvent judicial release decisions. Instead of restoring Vanessa's freedom upon the completion of her judicial detention, this procedure was used to refer her to the administrative governor, effectively extending her deprivation of liberty under a different legal framework.

This overreach is further reinforced by the absence of genuine legal reasoning in detention warrants, which are often issued in standardized formats that fail to demonstrate the actual risk posed by the individual's release. This lack of substantive justification creates a legal vacuum that enables employers to exploit **malicious complaints** as tools of coercion and legal pressure. As a result, the legal and security system is, in practice, manipulated to evade financial obligations and deny vulnerable individuals their rights.

Administrative detention in Jordan is an executive measure imposed by administrative authorities (Mutasarrif or Governor) with the stated aim of maintaining public security by addressing individuals considered to pose a potential threat, including repeat offenders or those with prior records. As such, it is framed as a preventive measure applied prior to the **commission of a crime**.

In practice, administrative detention is frequently applied to migrant workers under the Crime Prevention Law No. 7 of 1954, which grants administrative governors broad discretionary powers to order detention. It is also linked to the Residency and Foreigners' Affairs Law No. 24 of 1973, which is widely applied to migrant populations, in addition to the Labour Law No. 8 of 1996.

The Crime Prevention Law is inconsistent with the principles of the Constitution and the Universal Declaration of Human Rights, as well as with the international conventions and treaties ratified by Jordan. Enacted in 1954, the law effectively renders individuals in Jordan potential victims of administrative detention for any reason—or without reason—and for indefinite periods. It grants broad discretionary powers of detention based on vague standards such as "if the administrative governor deems it appropriate" or "circumstances that give rise to suspicion."

This has been affirmed by the Supreme Administrative Court in its decision No. 150/2023 [5], which states:

"It is understood from the provisions of the aforementioned articles that the legislator has granted the Minister of Interior, upon the recommendation of the Director of Public Security, discretionary authority to deport foreigners from the Kingdom without being required to state the specific reasons for such action. The Minister is also authorized to delegate these powers to any competent official, and the Director of Public Security may similarly delegate such authority to any officer of the rank of Lieutenant Colonel or higher, unless otherwise stipulated by law.

Furthermore, the respondent (the Governor of the Capital) issued the contested decision within the scope of the powers delegated to him by the Minister of Interior and in the exercise of his discretionary authority, based on the recommendation of the South Amman Police Directorate, to deport the appellant from the country and prohibit his future re-entry in order to preserve public security and safety. Accordingly, the contested decision constitutes a valid administrative decision, consistent with both the facts and the law, and issued by a competent authority."

It follows from this decision that the administrative governor, under the Residency and Foreigners' Affairs Law, possesses broad discretionary authority to detain and deport non-nationals without providing justification. These powers may also be delegated to other competent officials.

Moreover, the law does not establish a maximum time limit for administrative detention, merely stating that it should be "temporary" without defining its duration. This allows individuals to remain in administrative detention without judicial review for extended periods—potentially months or even years—without a clear or legitimate legal basis for their deprivation of liberty.

5 Decision No. 150/2023, Supreme Administrative Court – Five-Member Panel

The Philosophy of Detention and the Imbalance of Standards

Personal liberty is among the most fundamental rights guaranteed by constitutions and international human rights instruments. However, this right may come into tension with the requirements of criminal justice. Pre-trial detention is therefore framed as an exceptional precautionary measure intended to ensure the proper administration of justice—not as a form of punishment.

In practice, however, there has been a noticeable expansion in the use of pre-trial detention in ways that undermine the presumption of innocence and transform what should remain an exception into a routine practice.

The case of Vanessa illustrates this imbalance. A malicious theft complaint was used by the employer as a tool to evade the payment of her wages and entitlements. Such complaints effectively transform a labor dispute into a criminal case, leading automatically to the deprivation of the worker's liberty prior to any determination of guilt. This practice erodes trust in the justice system and turns detention into a mechanism of intimidation against vulnerable individuals.

Legal Framework and Safeguards (Theory vs. Practice)

The constitutional and international protection of personal liberty is reflected in Article 1 of the Universal Declaration of Human Rights, which affirms that all human beings are born free and equal in dignity and rights. Building on this foundation, the Human Rights Committee, in its General Comment No. 35 (2014), expanded the concept of the right to liberty to include **freedom from physical confinement**[6] in all its forms, whether judicial or administrative.

In line with Article 9 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), any deprivation of liberty that is arbitrary or lacks a clear legal basis is prohibited. Accordingly, detention without strict necessity constitutes a direct violation of the individual's right to liberty and security of person.

6 General Comment No. 35 – Office of the High Commissioner

First: Constitutional and International Safeguards

- **International standards:** Article 9 of the ICCPR explicitly prohibits arbitrary detention and affirms that liberty is the rule and detention the exception.

- **National legislation:** The Jordanian Code of Criminal Procedure No. (9) of 1961 and its amendments regulates pre-trial detention as an exceptional precautionary measure subject to strict safeguards aimed at protecting individual liberty. Article (114) serves as the primary legal reference, limiting the use of detention to cases of extreme necessity—such as preserving evidence, protecting witnesses and victims from coercion, preventing the suspect from absconding, and safeguarding public order.[7] The logic of this provision reinforces that **liberty remains the default position**, requiring judicial authorities to order release or apply non-custodial alternatives as soon as the legal grounds for detention cease to exist. It also underscores the obligation to provide reasoned justification for detention decisions, in order to prevent their transformation into a form of pre-trial punishment that undermines the presumption of innocence. Despite the clarity of Article (114), which establishes detention as a temporary and strictly regulated measure, its underlying principle affirms that detention is only lawful when it constitutes the **sole and necessary means** of achieving justice. Its justification ceases once alternative guarantees are available—such as a known place of residence or the completion of evidence collection. The

7 Article (114): Detention is an exceptional measure, and detention shall only be ordered if it is the only means of preserving evidence or the material features of the crime, or to prevent the exercise of coercion on witnesses or on victims, or to prevent the suspect from making any contact with his partners in the crime, those involved in it, or those who instigated it, or if the purpose of detention is to protect the suspect himself, or to put an end to the effect of the crime, or to prevent its recurrence, or to prevent the suspect from fleeing, or to safeguard public order from any disruption resulting from the crime.
After interrogating the suspect, the Public Prosecutor may issue against him a detention warrant in accordance with paragraph (1) of this Article for a period not exceeding seven days if the act attributed to him is punishable by imprisonment for a period exceeding two years, and for a period not exceeding fifteen days if the act attributed to him is punishable by a criminal penalty and there is evidence linking him to the act attributed to him. He may extend either of these periods whenever the interest of the investigation requires, provided that the extension does not exceed one month in misdemeanors, three months in felonies punishable by a temporary penalty, and six months in other felonies, and that the suspect shall be released thereafter unless the detention period is extended in the case of a felony in accordance with the provisions of paragraph (4) of this Article.
The provisions of detention and extension referred to in paragraph (2) of this Article shall apply to the suspect charged with one of the misdemeanors punishable by imprisonment for a period not exceeding two years in either of the following two cases:
a. If the act attributed to him is a misdemeanor of theft, intentional injury, or unintentional injury resulting from traffic accidents, if the offender is in violation of the provisions of the applicable traffic law in terms of driving without a license or driving under the influence of alcoholic beverages, drugs, or psychotropic substances.
b. If he does not have a fixed and known place of residence in the Kingdom, provided that he shall be released if he presents a guarantor approved by the Public Prosecutor who guarantees his attendance whenever requested.
If the interest of the investigation in a criminal case, before the expiry of the periods specified in paragraph (2) of this Article, requires the continuation of the detention of the suspect, the Public Prosecutor must submit the case file to the court competent to hear the case. The court, after reviewing the Public Prosecutor's submission and hearing the statements of the suspect or his representative regarding the justifications for continuing the detention or not, and reviewing the investigation papers, may decide, before the expiry of that period, to extend the detention period for a period not exceeding three months each time in the case of felonies, provided that the total period of detention and extension shall not exceed one year in felonies punishable by a temporary penalty or eighteen months in other felonies, or it may decide to release the detainee with or without bail.
In all cases, if the act attributed to the suspect is punishable by a temporary felony penalty, the duration of detention and extension during the investigation and trial stages shall not exceed one quarter of the maximum penalty prescribed for the crime.
The Public Prosecutor may, during the investigation procedures in misdemeanor and felony cases punishable by a temporary penalty, decide to withdraw the detention warrant, provided that the suspect has a fixed place of residence in the Kingdom where all procedures related to the investigation and enforcement of the judgment can be served.

shift from detention as an exceptional measure to a routine practice directly contradicts the legal requirement of continuous justification and leads to the transformation of this precautionary measure into an early penal sanction, thereby undermining the fundamental principle that an accused person is presumed innocent until proven guilty.

Second: The Problem of "Standardized Justification"

Within the governing legal framework, Article (114) of the Jordanian Code of Criminal Procedure clearly requires that detention orders be reasoned and limits their use to specific cases where detention is deemed a necessary precautionary measure.

However, in practice, detention warrants issued against migrant workers—including domestic workers—are often drafted in routine, standardized language that relies on vague and generic phrases such as "for the purposes of completing the investigation," without specifying the actual risk or the public interest that would justify the deprivation of liberty.

In the case of the domestic worker "Vanessa," the absence of a sponsor or a known place of residence—conditions often resulting from the employer's own misconduct—was effectively treated as an implicit justification for her continued detention.

This approach transforms structural vulnerability—such as poverty and lack of social support—into grounds for detention, rather than factors warranting protection.

Procedural Complexity and the Issue of Dual Detention

The complexity of Vanessa's case was further compounded by the procedural reality of detention. Although the Jordanian legislator introduced Article (114 bis) of the Code of Criminal Procedure as a reform measure aimed at limiting the use of pre-trial detention and restricting it to narrow circumstances, its application in practice has produced a different outcome.

Under these amendments, detention in misdemeanor cases became subject to specific time limits. However, any period exceeding one month in such cases is, in practice, converted into **administrative detention** based on the Crime Prevention

Law, rather than a judicial decision grounded in the original charge.

This raises a significant legal concern regarding **"double punishment."** In cases where a conviction is later issued, the period of administrative detention (i.e., the time exceeding the first month) is not counted toward the final sentence imposed by the court.

As a result, the individual is effectively punished twice for the same act:

Administratively, through prolonged detention exceeding judicial limits; and

Judicially, through the enforcement of the court-imposed sentence without deducting the period of administrative detention.

This arbitrary separation between the two forms of detention deprives the detainee of the fundamental right to have the full period of deprivation of liberty taken into account. It also turns legal provisions intended to protect personal liberty—such as Article (114 bis)—into an indirect cause of prolonged detention outside effective judicial oversight.

Economic and Social Costs (Figures and Facts)

The detention of individuals, as in the case of Vanessa, is not merely an instance of individual injustice affecting the most vulnerable; it also constitutes a significant drain on state resources and the national economy. The cost of accommodating a single detainee is estimated at approximately **25 Jordanian Dinars per day**, equivalent to **750 JOD per month** [8], expenses borne by the public treasury to cover the consequences of cases that could have been avoided through proper scrutiny and oversight.

In Vanessa's case, her detention in rehabilitation and correction centers for a period of four months resulted in an estimated cost of approximately **3,000 Jordanian Dinars**. This waste of resources reflects a broader structural burden, as overall spending on detention and incarceration consumes substantial public funds—amounting to approximately **23.1% of the budget of key sectors such as the Ministry of Health or Education for 2025**.[9]

8 Press statements issued by the Administration of Correction and Rehabilitation Centers; see also Al-Ahali: "The cost of one inmate in Jordanian prisons is 750 JOD per month."

9 Ministry of Finance / General Budget Department (2025). 2025 Budget Law (Arabic) Dr. Yousef Mansour, Economist. Discussion session titled: "Enhancing the Use of Alternatives to Pre-Trial Detention," Amman, 29 July 2025. Tamkeen for Legal Aid and Human Rights.

This indicates a concerning allocation of taxpayer resources toward detention, rather than toward development priorities and essential public services.

The Broader Economic and Social Burden of Detention Policies

Detention policies impose a significant financial burden on the public budget, with impacts that extend beyond the fiscal dimension to affect both the economic and social fabric of society. From an economic perspective, the detention of young individuals disrupts productive capacity and deprives development processes of active human capital. Socially, rising overcrowding rates in correctional and rehabilitation centers increase operational expenditures at the expense of the quality of care and rehabilitation programs, which in turn raises the risk of recidivism and creates a continuous cycle of social and economic strain.

According to a study conducted last year[10], the estimated monthly cost per detainee varies based on official statistics, as illustrated below:

Estimated Cost of Detention per Inmate (Jordanian Dinar)

Year	Monthly Cost per Inmate (JOD)	Estimated Number of Inmates	Estimated Total Annual Cost (Million JOD)
2008	600[11]	Not specified	Not specified
2014	750[12]	10,000	90
2018	700[13]	15,700	50 (figure inconsistent with the stated monthly cost)
2021	800[14]	Not specified	Not specified
2023	750[15]	21,000	176
2024	Not available	Not available	Not available
2025	750[16]	Not available	Not available

10 In the Grip of Doubt: Pre-Trial Detention, Tamkeen for Legal Aid and Human Rights, supported by DIGNITY.
11 Torture and Impunity in Jordanian Prisons: Reforms Fail to Address Widespread Violations.
12 Al-Ahali: "The cost of one inmate in Jordanian prisons is 750 JOD per month."
13 MP Khalil Attieh
14 "The cost of a prisoner in Jordan is 700 Jordanian Dinars per month from the state treasury."6 March 2018. Jafra News: "Monthly cost of a prisoner is 800 JOD."
15 Press statements issued by the Administration of Correction and Rehabilitation Centers.
16 The Ministry of Justice determines the daily cost per inmate in correctional and rehabilitation centers.

The table reflects a significant surge in the number of inmates within just one decade. Between 2014 and 2023, the number of inmates more than doubled by over 110%, rising from 10,000 to 21,000 inmates. This growth far exceeds natural population growth rates, indicating an expansion in both judicial and administrative detention decisions, and placing substantial pressure on the capacity of correctional centers (estimated at 13,282 inmates).

Despite fluctuations in figures, the relative stability of direct costs indicates that the monthly cost per inmate has remained within the range of 600–800 Jordanian Dinars. The stabilization at approximately 750 JOD (or 25 JOD per day, according to the Ministry of Justice update in 2025) reflects rising living costs and logistical expenses (including food, healthcare, and security). At the same time, there is a notable increase in total expenditure—from 90 million JOD in 2014 to 176 million JOD in 2023. This figure represents a substantial drain on the public budget, as these funds are allocated to accommodation and supervision rather than being directed toward development projects or productive rehabilitation programs.

From an economic perspective, Dr. Yousef Mansour, an economist, emphasized during a discussion session organized by Tamkeen that the economic cost of detention extends beyond direct housing expenditures. It represents a loss of productivity and a disruption of human capital, particularly given that the majority of detainees fall within the young and economically active population. Dr. Mansour argues that the continued reliance on traditional detention as a default rather than an exception imposes structural pressures on the public budget, as resources are consumed by "consumptive expenditures" (such as food and inmate care) instead of being invested in development or productive reform programs[17]. This economic perspective aligns with the figures reported by DIGNITY regarding the increase in the use of alternatives, reinforcing that shifting toward non-custodial measures is not merely a human rights consideration, but a pressing financial necessity to rebalance public expenditure and reduce the burden of what can be described as the "cost of suspicion" on the state.

17 Dr. Yousef Mansour, discussion session titled: "Enhancing the Use of Alternatives to Pre-Trial Detention," Amman, 29 July 2025, Tamkeen for Legal Aid and Human Rights.

The persistence of the estimated monthly cost per inmate at approximately 750 Jordanian Dinars over several years (from 2014 through 2025 estimates) raises fundamental questions regarding the accuracy of these figures and the methodology used to calculate them. It is striking that such costs have remained virtually unchanged despite successive increases in inflation rates, rising prices of basic goods, energy costs, and the operational expenses associated with correctional facilities.

Maintaining the same figure for more than a decade may indicate either that these estimates are approximate and do not reflect the evolving operational reality, or that there has been a hidden decline in the quality of services provided to inmates in order to offset rising global and local costs. In either case, this numerical "stability" does not align with economic logic and calls for a reassessment of official calculation mechanisms to ensure greater transparency and realism—particularly when considered alongside the continuous increase in inmate numbers, which places additional strain on available resources.

Procedural Challenges: Between the Judiciary and the Executive

The case of "Vanessa" represents a clear example of what this paper describes as the "hidden face" of detention:

1. Judicial detention: The worker spent one month in detention pending investigation for a misdemeanor—an action that is intended to be applied within the narrowest limits.

2. The issue of the "return order" and administrative detention: Following the issuance of a release decision or the expiry of the detention period, the worker is returned to a security center and subsequently placed under administrative detention. The administrative governor holds broad powers to detain without the need to provide justification, which in this case resulted in an additional three months of detention under the Crime Prevention Law.

3. Double violation: This practice constitutes an encroachment by the executive authority on the judiciary, rendering judicial release decisions effectively meaningless.

Alternatives to Detention: Underutilized Solutions

The alternatives to detention provided under Article (114 bis) of the Jordanian Code of Criminal Procedure No. 9 of 1961 and its amendments constitute a key tool for protecting individuals and their families from the severe consequences of detention. These measures ensure the defendant's appearance before the court without depriving them of their liberty or productivity.

These alternatives include both technological and less restrictive measures, such as electronic monitoring and restrictions on accessing certain locations. However, limiting these alternatives to a **closed list** undermines the reformative intent of the provision. Expanding and making these alternatives more flexible would contribute to reducing the high costs of detention and prevent cases like "Vanessa" from falling into prolonged detention due to malicious complaints or the inability to provide financial guarantees.

Although Article (114 bis) introduced legal alternatives aimed at reducing reliance on deprivation of liberty, their application remains limited in practice. These alternatives include:

- **Electronic monitoring:** Wearing an electronic tracking device to monitor the defendant's movements.
- **Travel ban.**
- **Residence restriction:** Requiring the individual to remain at home or within a specified geographical area for a defined period.
- **Financial deposit or bail:** Requiring the defendant to provide a financial guarantee to ensure court appearance, which is refunded upon compliance with legal procedures.
- **Prohibition from visiting specific places:** Imposed for a defined period.

Use of Non-Custodial Alternatives (DIGNITY Study)[18]

Year	Travel Ban	Electronic Monitoring	House Arrest	Judicial Bail	Prohibition from Visiting Specific Places
2022	251	62	5	1	3
2023	2064	146	5	52	12
2024	2115	43	7	9	2

This table reflects judicial trends in Jordan regarding the use of alternatives to detention, revealing a significant imbalance in reliance on certain measures over others.

First: The most widely used alternative (travel ban). Travel bans rank first by a wide margin compared to other alternatives, increasing from 251 cases in 2022 to 2,115 cases in 2024—an increase exceeding 740%. This is likely due to the fact that travel bans are the easiest to implement and involve minimal logistical costs for judicial and security authorities, while still ensuring that the accused remains within the country without requiring continuous technical or physical monitoring.

Second: Electronic monitoring. Electronic monitoring (ankle bracelets) ranks second, though with noticeable fluctuation. It peaked in 2023 with 146 cases, before dropping to 43 cases in 2024. This decline may indicate technical or logistical challenges related to the availability of devices, or a restriction of its use to specific categories of offenses. Nevertheless, it remains a promising alternative, as it combines strict supervision with limited freedom of movement.

Third: Other alternatives (bail, movement restrictions, house arrest). The remaining alternatives—judicial bail, prohibition from visiting specific places, and house arrest—are used at very low rates that do not correspond to the level of prison overcrowding. Despite the importance of bail, its use as a formal "alternative to detention" (as reflected in the table) remains limited, with a maximum of 52 cases recorded in 2023. Similarly, restrictions on visiting specific places show marginal use, indicating weak activation as a preventive tool prior to the occurrence of crime.

18 Preliminary Study: Non-Custodial Alternatives to Pre-Trial Detention in Jordan (2025)

Conclusion and Recommendations

The case of "Vanessa," who was acquitted after months of detention, demonstrates that the current system allows the law to be used as a form of "pre-emptive punishment." To address this imbalance, the following recommendations are proposed:

1. Issuing binding instructions requiring Public Prosecutors to provide reasoned detention decisions and to clearly justify the rejection of alternatives (such as electronic monitoring).
2. Prohibiting administrative detention in cases where a judicial release decision has been issued, and subjecting decisions of administrative governors to expedited judicial review.
3. Establishing a specific protocol for handling theft complaints against migrant workers that prevents automatic detention prior to verifying the existence of an underlying labor dispute.
4. Activating the provisions of Civil Law No. 43 of 1976[19] to enable claims for compensation in cases of unlawful or arbitrary detention following acquittal[20].
5. Redirecting resources toward preventive policies and genuine rehabilitation programs instead of excessive reliance on detention.
6. Providing specialized training programs for judges and Public Prosecutors to enhance understanding of alternatives to detention and ensure their effective implementation.
7. Strengthening the role of social assessment reports in evaluating the circumstances of the accused prior to issuing detention decisions, to ensure that such decisions are proportionate to individual conditions.

19 "Any person who suffers an unlawful infringement upon any of the rights inherent to his personality may request the cessation of such infringement, in addition to compensation for any damage incurred."
The Civil Law also provides for the right to compensation in cases of abuse of rights. Article 66 of Civil Law No. 43 of 1976 establishes the obligation of liability for any person who exercises their right in an unlawful manner, and outlines the situations in which such use is considered unlawful as follows:
1 If there is intent to cause harm.
2 If the intended interest from the act is unlawful.
3 If the benefit derived is disproportionate to the harm caused to others.
4 If it exceeds what is customary or accepted practice.
The law further provides for the obligation to compensate for harm caused to others. Regarding the conditions of such liability:
The harm may result either directly or through causation.
If the harm is direct, liability arises without condition. If it occurs through causation, it requires transgression, intent, or that the act leads to harm.

20 Compensation payments constitute part of the indirect costs of detention. In cases where a detainee files a compensation claim and it is established that their detention lacked legal justification, a judicial decision may be issued awarding compensation.
For example, one migrant domestic worker was awarded 20,880 Jordanian Dinars after being administratively detained without trial for a period of three and a half years at the Juweideh Women's Correction and Rehabilitation Center.

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