

Security Sector Oversight, Protecting Democratic Consolidation from Partisan Abuse: the case of Jordan¹

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I- Introduction

Contrary to many MENA region countries, Jordan's security apparatus is not overcrowded with different agencies. Apart from the Military Intelligence Department, which is part of the Jordanian Army vested with responsibility for military intelligence and espionage, there are three security agencies in Jordan; the Public Security Directorate ("PSD"), the General Directorate of the Gendarmerie ("GDG") and the General Intelligence Department ("GID").² PSD and GDG are typical police and law enforcement agencies established by virtue of laws that clearly delineate their organization, functions and mandate. While these two agencies do indeed have structural defects, they are not perceived as part of the Jordanian democratic crisis. Rather, byproducts of an overall compromised democracy and resultant weakened rule of law.

The GID stands as the exceptional influential intelligence apparatus in Jordan. For reasons that will be addressed in this study, the security sector oversight crisis in Jordan can be reduced to the GID. The role of the GID in the political sphere in Jordan plays a significant part in the democratic crisis and stands as a discernable obstacle to transition. Therefore, this study will focus on the GID and its role in Jordanian politics.

¹ It is important to state at the beginning of this study that security sector oversight in Jordan is not and has never been on the political reform agenda with very little, if any, public discourse on the role of such oversight in a democratic/constitutional transition. Without any robust political or academic attention to this topic, primary sources on the role of the security sector are scarce at best. The only local academic literature in the field was published by the author of this study, namely, three studies on General Intelligence Department ("GID"): 1) General Intelligence Department Between Law and Reality, the Case of Jordan (an LL. M paper submitted at Harvard Law School, 2002) (2) Acts of General Intelligence, Law and Practice (a thesis submitted to the Jordan Bar Association, May 2004) (3) Security Reform in Jordan: Where to Start (a paper written for Arab Reform Initiative, published in December 2009, and available at: <http://www.arab-reform.net/security-reform-jordan-where-start>). Hence, this study relies heavily on personal interviews conducted in January 2002 with senior acting and retired officers of the Jordanian GID, including four former Directors, in addition to the general information available to the author by virtue of his interest in this field of study.

² The Civil Defense Directorate, which is a military entity responsible for firefighting and emergencies, could be considered a security agency in a technical sense but not within the meaning of this study.

As this is a brief and focused study, it would be useful to start with a backdrop of the constitutional and political context before attending to the main questions of the study. This will be followed by an analysis of the constitutional and legal organization of the GID, its political role, and the nature of oversight over the GID.

A- Constitutional Framework

The Jordanian Constitution (the "Constitution") provides for a parliamentary system of government with a hereditary monarchy.³ The King, who is the head of state, is immune from all liability and responsibility⁴ and affects executive power through his ministers.⁵ The King exercises his powers by royal decrees. Decrees must be countersigned by the Prime Minister and the concerned Minister or Ministers, and the King expresses his consent by placing his signature above the signatures of the Prime Minister and the Ministers.⁶ The Council of Ministers (the "Cabinet") is entrusted with the responsibility of administering all internal and external affairs of the state, and controls all the agencies of executive power.⁷ The Cabinet is collectively accountable to the elected Chamber of Deputies (the "Chamber") for the public policy of the state and for the affairs of their ministries. Members of the upper house of the Parliament, the Senate, are appointed and usually include the conservative class of present and former prime ministers and ministers, senior retired government officials and military officers, in addition to tribal leaders and businessmen. As to the third branch of government, the independence of the judiciary is guaranteed by the Constitution, and must discharge its judicial duties subject solely to the law.

Since the 1950s, the Constitution has been amended a number of times, mostly to give the King wider authority at the expense of the Chamber and the Senate, weakening the ability of the Parliament to play its legislative and oversight roles.

As for the military, the Constitution provides that the King is the supreme commander of the armed forces.⁸ The duties of the military are confined to the defense of the country and its safety. The Constitution does not go further to enumerate duties or create agencies. Rather, the Constitution states that laws must be enacted to define the organization of the army, GID, police and gendarmerie and the rights and duties of their personnel..⁹ This very article

³ *Jordanian Constitution of 1952*, as amended, published on p. 3 of Issue No. 1093 of the Official Gazette dated 8 January 1952, Article 1.

⁴ *The Constitution*, Article 30.

⁵ *The Constitution*, Article 26.

⁶ *The Constitution*, Article 40.

⁷ *The Constitution*, Article 45.

⁸ *The Constitution*, Article 32.

⁹ *The Constitution*, Article 127.

was recently amended to expressly name the GID as one of the military security apparatuses, besides the police and gendarmerie. Most importantly, the very amendment granted the King the right to appoint, dismiss and accept the resignation of the army commander and GID director without the signature of the Prime Minister on the respective royal decree.¹⁰ This amendment was a radical departure from the system of government and the mode of exercising royal powers. The King, who is immune from all liability and responsibility, now exercises direct executive powers in isolation from his ministers.

B- Political Context

In reality and practice, the King exercises extensive government powers in a manner whereby many of the checks and balances in place within this constitutional framework are disabled or sidestepped. The King appoints and dismisses cabinets without providing justification. This practice also extends to the legislative branch; the King issues orders for holding elections and dissolves the Chamber at his sole discretion, a powers which has been extensively exercised. Naturally, such consolidation of political powers in the monarchy prevents a democratic transition of power. In most parliamentary democracies today with similar constitutional structures, the head of state has either evolved into, or was created as, a position of titular leadership; this is far from the Jordanian realities. The King's appointment and dismissal of Cabinets is not the result of parliamentary elections through which political parties arrive at helm of executive authority and hand that power over to one another.

Despite the fact that ministers are subject to means of constitutional accountability including being subject to trial, vote of no-confidence, and questioning by parliament, the King has the final word in government. The King reigns and rules. For this reason, ministers and the prime minister may and have faced responsibility for actions that are not the result of their own decisions. In such a hybrid political system, the only political player becomes the King with a strong presence and actual political power with the government bearing the political and legal responsibility on the King's behalf.

In conjunction with the prominent executive role of the Jordanian monarchy, the King also controls the army and all military and security bodies. The army and the GID report directly to the King. The PSD and GDG directors have direct access to the King and by all accounts report directly to him.

¹⁰ *The amended Jordanian Constitution for the year 2014*, The Official Gazette, Number 5299, 1 September 2014, p: 5138.

C- Challenges to the Political System

Inspired by the Tunisian Revolution and the fall of President Mubarak of Egypt, a popular movement demanding for reform emerged in Jordan in the spring of 2011. Among such demands has been a call for a constitutional monarchy, elected governments, elected Senate, abolition of the State Security Court and the establishment of a Constitutional Court. To appease the popular sentiments, King Abdullah II formed a Royal Commission to draft amendments to the Constitution. The Royal Commission, an extra-constitutional appointed body, concluded a set of amendments that were approved by the Chamber and the Senate with very few changes and subsequently ratified by the King. The constitutional amendments of 2011 remain controversial and were rejected by a majority of the political forces in the country. Notably, almost three years after the amendments heralded by the King as **"solid proof of Jordan's ability to revitalize itself and its legislation and approach the future with a vision of social and political reform, the foundation of which is wider public participation, the separation between the branches of government and a clear definition of the responsibilities of each of these branches"**¹¹ - no critical change can be detected in the political decision-making process.

What is more, security reform and oversight was never on the constitutional reform agenda. Events in Syria and Egypt were the final nail in the coffin of what little reform momentum Jordan witnessed. Following the constitutional amendments, popular reform movements in Jordan were affected by deep political divisions due to the dissonant attitudes towards the revolution against the regime in Syria and the rise of Muslim Brotherhood in Egypt. The bloody events in Syria and Egypt further intimidated Jordanians; it all but ended the popular movement and silenced demands for reform in Jordan ushering in yet another period where the dominant rhetoric juxtaposes security with reform.

¹¹ Remarks by King Abdullah II On the occasion of presenting the suggested constitutional amendments by the Royal Committee on Constitutional Review, Amman, Jordan, 14 August 2011 available at http://kingabdullah.jo/index.php/en_US/speeches/view/id/482/videoDisplay/0.html (date last accessed: 18 July 2014).

II- Anatomy of the GID

A- Organization and Structure

Unlike the extensive power and mandate of the GID, it is the subject of exiguous legislative materials. Other than the provision for the enactment of a law defining the organization of the GID, there is no mention in the Constitution to intelligence services.¹²

The GID was established by virtue of the General Intelligence law ("GID Law").¹³ Since its enactment in 1964, this laconic legislation, which comprises of only fourteen short articles, was amended only twice. The first amendment came in 1970 to expand the GID Director General's (the "Director") powers of appointment of senior ranking staff. Above such level, appointments are made by a royal decree with the approval of the Prime Minister upon the recommendation of the Director.¹⁴ The same amendment allowed GID to recruit any staff under a codename.¹⁵ The second amendment was in 1975 and related to administrative matters such as the social security and the funds of savings and housing for GID staff.¹⁶

Additionally, six by-laws issued by virtue of GID law address the internal functions with the GID. The first was issued in 1966 and the last in 1994. The main two by-laws are related to the financial regulations and procurement regulations of the GID. Other by-laws regulate internal administrative matters related to GID staff such as social security, savings fund, housing fund and cooperative fund.

The GID law provides that GID reports directly to the Prime Minister,¹⁷ but its members are considered as part of the Armed Forces,¹⁸ in the sense that GID members hold military ranks and are subject to military regulations despite that they do not report to the Army's command and do not dress in uniforms. Characteristically of the legal and normative framework governing the GID, the GID's "political and policy decision maker" remains unidentified. And although the GID Law provides that the Director has a duty to apprise the Prime Minister with any information bearing on state security;¹⁹ the fact of the matter is, the Director reports directly to the King, but keeps the Prime Minister generally informed.²⁰

¹² *The Constitution as amended in September 2014*, Article 127.

¹³ *Law of the General Intelligence*, no. 24 for the year 1964 as amended, published on p. 1290 of Issue No. 1790 of the Official Gazette dated 16 September 1964.

¹⁴ *GID Law*, Article 4 (2) and (3).

¹⁵ *Law no. 31 for the year 1970, amending the GID Law*.

¹⁶ *Law no. 6 for the year 1975, amending the GID Law*.

¹⁷ *GID Law*, Article 2.

¹⁸ *GID Law*, Article 5.

¹⁹ *GID Law*, Article 10 (3).

²⁰ Interview with Ahmad Obeidat, former GID Director, 1974-1982.

In all other operational matters, the GID appears to be a self-regulating and independent agency. As such, the GID Director usually rises from within the institution. The Director is appointed and dismissed by a Royal decree.²¹ There is no evidence, however, that the Prime Minister plays any actual role in the appointment but as shown below, the converse is true. The GID Law does not provide for a specific term for the Director and grants him wide powers. The GID Law simply states that the Director is responsible for the management of the organization and holds responsibility for acts of its staff.²²

As for the rights, duties, discipline, salaries, promotions, retirement and other details relating to GID officers and staff, all such bureaucratic matters are governed by the Armed Forces Law and the Military Criminal law. This legal framework governing security and military agencies lacks basic democratic governance principles. Members of such bodies can be tried for criminal offenses only before military courts established especially for them and frequently on an ad hoc basis. The GID Law stipulates that members of GID may only be tried before a special intelligence court called the Military Council. The Military Council must be headed by a GID officer who is senior to the person subject to trial.²³ Sentences issued by the Military Council cannot be appealed to any other court.²⁴

Since its establishment, the GID has operated its own detention facility/prison inside its premises internally referred to a detention and interrogation center.²⁵ Neither the GID Law nor any other legislation governing prisons grants the GID powers of detention or the establishment or maintenance of prisons. Instead, the Minister of Interior who has the authority under the Correction and Rehabilitation Centers Law to declare any place in the Kingdom a prison,²⁶ has done so in 1993 in connection with the GID's prison.²⁷

Keeping with common practice of intelligence agencies, the GID operates under a secret budget that is integrated without any breakdown within the general budget of the state. Under the GID Law,

²¹ Article, 4 (1) of GID Law provides that the Director is appointed and dismissed by a decision of the Council of Ministers and endorsed by a Royal decree. In light of the most recent constitutional amendment in September 2014, this article must be amended.

²² *GID Law*, Article 9.

²³ *GID Law*, Article 6.

²⁴ Attorney Abdul Ghaffar Freihat, 'The Judiciary in Jordan', in Arab Centre for the Development of the Rule of Law and Integrity (ed.), *The Judiciary in Arab States, Jordan-Lebanon-Morocco-Egypt, Observation and Analysis*, p. 202.

²⁵ Website of the GID, available at: http://gid.gov.jo/ar/human_rights_ar.html, (date last accessed: 18 July 2014).

²⁶ *Reform and Rehabilitation Centers Law* no. 9 for the year 2004 as amended, Article 3

²⁷ *Declaration* issued by the Minister of Interior published on p. 2143 of Issue No. 3930 of the Official Gazette dated 1 November 1993.

the Director has the obligation to simply apprise the Prime Minister of the GID's annual financial reports and budget.²⁸ The GID's financial procedures are secret and the Director manages its secret expenditures without being subject to any oversight, control or audit.²⁹ All purchases of GID are undisclosed as well.³⁰

B- Mandate and Function

The GID Law provides for the establishment of an intelligence agency for the purpose of ensuring the security and safety of the state.³¹ Among the fourteen articles that comprise the GID Law, only one describes the nature and mandate of its operations. It reads: "**the general intelligence Department shall perform intelligence operations and tasks for the sake of the security and safety of the Hashemite Kingdom of Jordan, and shall perform the functions and tasks on the Prime Minister's written instructions, and such functions and tasks shall be secret, and the police forces shall help this department in the performance of its tasks.**"³² The article has not described or defined what intelligence operations are, or the means by which such operations are executed: it only provides for the secrecy of such operations. On its official website,³³ GID describes its duties as follows:³⁴

"GID's strategy is derived from its laws and applicable legislation calling for the protection of National Security. In particular, GID executes the following duties to meet this objective:

- *Collection and analysis of information for presentation to the political decision-maker;*
- *Countering of ideological sabotage which could lead to material destruction, in addition to countering attempts at infiltrating the Jordanian society;*
- *Countering of material sabotage and combat of terrorism irrespective of its forms, targets and sources;*
- *Countering of espionage;*
- *Intelligence duties and operations to safeguard national security;*
- *Other duties assigned to GID by the Prime Minister in writing".*

²⁸ GID law, Article 10.

²⁹ *The Financial Regulation for the General Intelligence Department* no. 85 for the year 1966, Articles 2 and 4.

³⁰ *The Procurement Regulation for the General Intelligence Department* no. 84 for the year 1966, Article 2.

³¹ GID Law, Article 8.

³² GID Law, Article 8

³³ www.gid.gov.jo

³⁴ *Id.*, (date last accessed: 18 July 2014).

In executing on its mandate and on a national level, the GID gathers information on a daily basis by different means and from various sources. It is believed that the GID's information gathering is extensive and casts a wide net over citizens whereby the GID maintains files on the regime's political opponents and political and social activists alike.

The GID has the capability to tap phone lines, intercept faxes and e-mail messages and opening regular mail by agents working in post offices and exercises such ability without recourse to any judicial sanction. The GID also uses agents and informants known to attend public meetings, public speeches for political activists and the like. Informants are recruited among members of political parties, student organizations and in any other place of interest for the GID.

Its second stated objective foreshadows the GID's explicit and impertinent role in partisan politics; "countering ideological sabotage". According to GID, ideological sabotage means any idea detrimental to national unity or one that instigates confessional or sectarian conflict, undermines the state's political and military capabilities, or spreads destructive notions and rumors.³⁵ Apparently, most of the so-called "ideological sabotage" cases are usually handled within GID without resort to any judicial proceedings. Indeed, GID officers summon suspects of "ideological sabotage" for interviews and on occasion detain such suspects. Such intimidation tactics are used in a wide range of settings. For instance, mosque preachers are often summoned to the GID for questioning about political or ideological sermonizing, something that the GID considers subversive. In essence, the "countering of ideological sabotage" functions as a process of censorship for personal and organizational political views.

Countering material sabotage and terrorism are at the heart of the GID's mandate. The concept of fighting terrorism includes crimes committed, or about to be committed against the state. This catchall umbrella gives the GID wide latitude to gather information and act on information that may be unrelated to Jordan's security, especially with terrorism at the top the global security agenda. The GID is involved in facing various kinds of terrorism; the fundamentalist Islamic type is the most important of which.³⁶

On the international level, GID conducts espionage operations against enemy and potential enemy targets, and by collecting information on any vital targets for Jordan. Countering-espionage is one of the GID's basic functions. It involves pursuing spies of

³⁵ Interview with GID key officers.

³⁶ Website of the GID, available at: <http://gid.gov.jo/en/terrorism.html>, (date last accessed: 18 July 2014).

other foreign intelligence apparatuses, eventually prosecuting them before the State Security Court.³⁷

The GID also cooperates with foreign intelligence agencies against terrorism. Apparently, GID efforts in fighting terrorism contributed to improving Jordan's international relations and interests, translating into economic assistance. For instance, the Free Trade Agreement with the United States in 2001 was reportedly the US's way of acknowledging the GID's efforts in aborting terrorist attacks against American interests on several occasions.³⁸

On an operational level, the GID fundamentally operates as a law enforcement agency but without any legal framework to guarantee good governance, civilian oversight or the rule of law. GID officers summon individuals for questioning without warrants, arrest them or detain them with a view to extracting information without recourse to judicial oversight. In some instances, the GID indicts suspects before the State Security Court. Many cases do not go as far, however, but end at the questioning stage.

Hundreds of people are routinely summoned to GID's offices. During interrogation, a GID officer typically interviews the guest about his political activities or the activities of his contemporaries. This serves the dual purpose of information gathering and of putting the person summoned on notice that he is being watched. The exercise can be informal, and could take place (as once it used to) at the port of entry, when the person's passport would be confiscated against receipt bearing instructions to visit GID offices. Nowadays, people are 'invited' to an interview by phone or at GID's premises. A person who disregards a summons could be waylaid when later leaving the country, or when needing GID on official business. In more serious cases, persons who ignore a summons run the risk of being forcibly taken to GID offices for an interview.³⁹

In describing the legal capacity in which GID officers and members conduct such investigations, interrogations and arrests, the GID claims its officers enjoy judicial arrest powers.⁴⁰ In fact, and according to Criminal Procedure Code, arrest powers are the privilege of only specific officers who assist the General Prosecutor fulfill his duties.⁴¹

³⁷ Interviews with GID key officers.

³⁸ Interview with Sameeh Al Battikhi, former GID Director, 1996 - 2000.

³⁹ This information was verbally relayed to the author by an activist who talked on basis of anonymity. He was arrested in the middle of the day from the street and spent most of the day in a GID office before he was released.

⁴⁰ Interview with GID key officers.

⁴¹ Criminal Procedures Law no. 9 for the year 1961, Articles 8 and 9.

III- Role of GID in Politics

Since its establishment fifty years ago, GID has invariably enjoyed exceptional influence on the government, the parliament, and the judiciary, as well as on the average Jordanian citizen.

In addition to the intelligence mission mandated under the GID Law, GID performs other internal security tasks in which it claims the role of judicial police, with the powers and procedural authorities usually given to the latter, including interrogation, evidence collection, surveillance, wiretapping and arresting individuals and detaining them in its own prison.

A- The Fourth Branch of Government

It is important to note at this juncture that political parties in Jordan were banned from 1957 until 1990. During that period of ban any affiliation with a political party was illegal. Hence, one of the major tasks of GID was to monitor the activities of members of political parties. According to a former GID director, the goal vis-a-vis political parties was clear: penetrate such parties and eventually destroy them.⁴² Such attitudes persist more than 20 years after lifting the ban, but now translated in different ways. Political parties are always held in suspicion and are never represented in Cabinets. While some may argue that it is par for the course for parties that do not embrace ideologies in line with the political posture of the regime, such as the communist party or the Islamic brotherhood party, to be excluded from the executive, even centrist parties seem unwelcome. In other words, political participation by parties is not encouraged and has never been integrated within the fabric of the regime. In fact, political parties were and will always be held in suspicion and kept under constant surveillance.

In addition to its role in subverting the organic growth of political parties, the GID has used its exceptional influence, resources and extra-judicial powers to interfere in several parliamentary elections in both tacit and brazen ways. The GID supports certain candidates by encouraging them to run and opposes other candidates. The GID has rigged general elections, more than once. The GID's role in parliamentary life extend beyond manipulating and undermining the democratic process and goes to substantive interference. After elections are concluded, it is known that GID exerts influence on the members of parliament. This influence ranges from insinuation of desired outcomes to clear instructions on how to legislate in areas where the cabinet, or the King, seeks particular parliamentary positions. Ludicrously, the Parliament uses an electronic system to jam the cellular phones

⁴² Interview with Tariq Aladdin.

communications while the Chamber is in session. According to a member of the Chamber, the GID uses its technical capacity to unjam communications so that GID officers are able to communicate with Deputies on their cellular phones with clear instructions on how to vote in session.⁴³

The GID's "oversight" extends to the executive branch as well. The GID keeps an eye on the cabinet itself. The Director reports to the King information about the behavior of the Prime Minister and his ministers, a kind of reporting that involves corruption or popular dismay regarding the cabinet's general performance. In the past, the GID has repeatedly instigated the King's dismissal of the cabinet.⁴⁴ The GID also has a de facto say in the appointments in certain governmental positions.

B- An Entrenched Security Apparatus

On a more basic level, the GID is entrenched in every facet of a citizen's political life in Jordan. For example, the GID interferes in print and electronic media. The government controls and indirect majority of seats on the boards of the leading daily newspaper, where GID must approve the appointment of editors in chief. The following quote from the US Department of State human rights report on Jordan precisely describes GID's relationship with media: "***The government directly and indirectly censored the media. Journalists claimed the government used informants in newsrooms and exercised influence over reporting and that GID officials censored reporting. Editors reportedly received telephone calls from security officials instructing them how to cover events or to refrain from covering certain topics or events, especially criticism of political reform. Bribery of journalists took place and undermined independent reporting. Dozens of media professionals were accused of accepting payments from the former director of the GID in 2012.***"⁴⁵

Tellingly, the GID has a de facto authority to issue a document called "good conduct certificates".⁴⁶ This is a document that some of the foreign embassies in Jordan request from Jordanians applying for work or study entry visas. This is basically a clean bill of political health certificate. This demonstrates how the GID maintains extensive political records on individuals and determines whether they have exercised good political behavior or not. The authority to issue such a certificate provides the GID with a means of influencing people, given that the GID is able to abstain from

⁴³ This information was told verbally to the author by a member of the Chamber who talked on basis of anonymity.

⁴⁴ Interview with Tariq Aladdin, former GID Director, 1982-1989.

⁴⁵ United States Department of State, *Human Rights Practices Report: Jordan*, (2013), available at <http://www.state.gov/j/drl/rls/hrrpt/2013/nea/220360.htm>, (date last accessed: 22 July 2014).

⁴⁶ Website of the GID, available at: <http://gid.gov.jo/en/frequently.html>, (date last accessed: 18 July 2014).

issuing this certificate at its discretion and preventing individuals from working or studying. Obviously, such a document in conjunction with extra-judicial intimidation tactics undermines freedom of speech and places undue limitations on public expression of opinion.

Without any legal basis, and apparently using the information accumulated in the files for individuals that it retains, GID issues approvals for certain transactions, such as entry visas, publications' licenses, acquisition of property by non-Jordanians, establishment of companies in certain sectors, and issuance of arms licenses.

These extraordinary authorities permeating so many domains have made the GID a salient reality in Jordanian political and legal life and an arbiter of all state issues. This does not affect political opponents and regular citizens only, but also government officials and even members of the Cabinet.

VI- Oversight and Partisan Abuse

A- Security Policymaking

Other than what the GID law provides for, there is no clear institutional structure for the security policymaking in Jordan. Considering how power is structured, with the confidence and support of the King, the Director is considered the strongest and most influential man in the country. Consequently, the general guidelines of the security policymaking remain with the King and the Director. The details of the security policy are confidential and are not discussed publicly. As a matter of fact, there are no institutional channels to discuss or even define general guidelines for the security policy. It is worth noting that the parliament never formed a security or intelligence committee.

No matter how strong and influential the Director is while in office, it remains within the King's purview to determine the Director's political future. There is no consistent pattern for the exit, retirement or political future of the Director. Other than two former Directors who were appointed as prime ministers, most of the Directors were sent to retirement by appointing them as Senate members. One of the directors was appointed as an interior minister after twenty five years of his retirement from GID. Three Directors were appointed as advisors for the King for short periods. Interestingly, after the end of their tenures, two of the directors were tried in alleged corruption cases each convicted and sentenced to several years in prison.

In rare cases, senior GID officers have assumed governmental positions, such as ambassadors or other high level civil servants, in order to clear the way and pave the road for the nominate director of the time. Such appointments do not reflect any structural relationship between civil and security institutions. Simply, they are arrangements of convenience for the new director and end of service for retired officers.

B- Civilian Oversight

For tens of years, the Prime Minister in Jordan retained the ministry of defense and was conventionally known as the Prime Minister and Minister of Defense implying civilian oversight over the military. However, the Ministry of Defense has no premises or offices, no employees or even letterhead. In fact, the army commander who reports directly to the King is the de facto Minister of Defense. The Public Security Directorate and the Gendarmerie report, by virtue of their respective laws, to the Minister of Interior but in practice have direct access to and are expected to be directly accountable to the King. The GID, despite the perfunctory legal language in the GID Law, reports directly to the King. The King must

approve the selection of the heads of all military and security bodies.

Effectively, no one other than the King can exercise oversight over GID. What is more, in a reversal of roles, the GID plays an influential role in the formation and performance of cabinets, and monitors ministers. This renders the Cabinet in an untenable situation, responsible before the Parliament for the acts of an agency that is affiliated with it only theoretically. The cabinet, hence, as a civilian authority, does not and cannot oversee the acts of GID. In fact, the cabinet must operate within the web created by the complicated relationship between the King and the intelligence.

The GID plays a similar central role at the heart of the relationship of the judiciary with each of the legislative and executive branches. The judiciary's oversight over the legislative branch is structured so as to place checks and balances on the legislative authority by monitoring elections and reviewing electoral challenges to safeguard the electoral process. However, the GID when it deems beneficial, blocks judicial review and suspends its power of oversight creating what can be described as, at best, an unbalanced relationship.

For example, the GID protects the executive branch from prosecution by influencing the Chamber, vested with the power to vote on prosecuting cases against ministers before courts.⁴⁷ Consider if the Minister of Interior were to be charged with misconduct in his role in parliamentary elections, keeping in mind the fact that the Minister himself is the one who has overseen the elections, in accordance with the parliamentary election law. Suppose further that the GID has interfered, in cooperation with the Minister of Interior, in all phases of the election. The result is a parliament with a large number of members who have been fraudulently elected through what the election law calls "election crimes." Assuming a process to prosecute such crimes, the first step would be that the General Prosecutor should bring the Minister of Interior for investigation. According to the Constitution, this mission is entrusted to the very parliament whose very formation is based on the undue interference of the GID and the Minister of Interior himself.

This ineffectual system of checks and balances is further suspended when it comes to oversight over the GID itself. The GID Director is responsible for the performance and activities of GID; he can only be tried by military prosecution at the GID itself. Officers under his authority are vested with the power to investigate him and bring him before the GID court, which must be chaired by an officer higher than himself. This series of steps in reality cannot be fruitful.

⁴⁷ *The Constitution*, Articles 55 and 56.

The law pays lip service to accountability, but in fact creates a vicious circle to immunize GID against accountability and to block judicial monitoring of its activities.

In many democracies, parliaments form committees for security and intelligence in order to facilitate coordination between the legislature and intelligence agencies and to oversee their performance, while observing the secrecy and confidentiality of such agencies. Such committees are usually composed of experienced members of parliament entrusted to maintain the confidentiality of sensitive information as necessitated by national security interests. In Jordan, the internal regulation of the Chamber of Deputies stipulates that parliamentary committees should be formed for all sectors and major issues.⁴⁸ However, such regulation excludes the security and intelligence sector and does not require the formation of a security committee. The internal regulation allows the committees to summon a concerned minister or whomever else (whether a civil servant or otherwise) the committees chooses, to testify about matters at issue.⁴⁹ Be that as it may, and even if it were possible to form such a committee, such committee would be a stillborn for the simple reason that Deputies cannot investigate and hold accountable the very agency that brought them to power and seated them illegally in the first place.

In conclusion, the GID has been part and parcel of the suppression of political opposition for partisan ends with little or no discussion on security reform during the narrow window of opportunity presented by what appeared to be sweeping changes across the Middle East in 2011. Complicating matters more, the relationship between political and bureaucratic leadership in the security sector remains elusive. In conjunction with ineffectual oversight by the parliament and the judiciary, the prospects of security sector reform remain bleak. Jordan's entire system of government must be first and foremost reformed.

⁴⁸ *The Internal Regulation of the Chamber of Deputies* and its amendments for the year 2013, as amended, Article 40.

⁴⁹ *The Internal Regulation of the Chamber of Deputies*, Article 69.