

**Center for Defending Freedom of Journalists Report  
As Part of the  
Universal Periodic Review of Human Rights Conditions in  
Jordan**

**28 March, 2018**



**CONTENTS**

**2 General Context**

**2 1. First: Media Freedom and the Legislative and Legal Environment**

**4 2. Second: Policies**

**4 3. Third: Practices**

The Center for Defending Freedom of Journalists (CDFJ) was established in Jordan in 1998 as a civil society organization specialized in defending media freedoms and supporting and developing professional careers. For over 20 years since its establishment, it has contributed to support the freedom of expression, safeguarding freedoms, supporting democratic reform, and standing up to all legislation, policies, and practices that restrict media freedom or do not conform to international standards.

CDFJ has provided legal assistance to media professionals since 2001, and its lawyers provided legal advice and aid to journalists free of charge. The Media Legal AID Unit for Journalists (MILAD) dedicated journalists' right to obtain specialized legal assistance, and managed to extract hundreds of legal judgments in support of the freedom of expression and the media.

Since 2002, CDFJ has issued an annual report about the state of media freedoms, which monitors and documents violations against journalists in Jordan through its AIN program. In 2012, CDFJ launched the Media Freedom Defenders Network in the Arab World (SANAD), and has been handling its management tasks and secretary services since its establishment. It has so far published five reports on the state of media freedoms in the Arab World.

CDFJ has focused on international mechanisms for supporting media freedoms and, in 2013, it presented a Shadow Report on the Universal Periodic Review (UPR) for human rights in Jordan before the Human Rights Council in Geneva. It supported this focus by providing the following:

- At the end of 2015, it presented a report to the Committee against Torture (CAT) during the Committee's regular review of Jordan's record.
- In February 2015, CDFJ presented a report to the Arab Human Rights Committee (Charter Committee) at the Arab League as part of Jordan's periodic review.
- In October, 2017, CDFJ presented a report to the Human Rights Committee involved in the International Covenant on Civil and Political Rights, and participated in the Committee meetings in Geneva.
- CDFJ presented to the Jordanian government periodic follow-up reports on the UPR's implementation and review.

**This Report**

This report concentrates on monitoring the challenges, developments, and the progress achieved in the field of media freedoms in Jordan and their status in the period from 2013 to the end of 2017. It highlights the legislative environment and the scope of guarantees provided by the government for the media to play its role independently, in addition to government policies and the extent of their compatibility with talk about media reform. Finally, it

addresses the practices and implementation on the ground, in terms of the level of media professionals' enjoyment of their freedom, guarantees that such freedoms are not violated, and accountability for the perpetrators of violations and transgressions, if they occur, to prevent impunity.

## General Context

Since the return of parliamentary life to Jordan in 1989 and opening the space for plurality of media outlets, the media reality has been going through a difficult labor. Legislation regulating the media is subject to continuous changes. For example, the Press and Publications Law has been amended more than 10 times since 1993, causing a state of confusion for journalists, creating a lack of legal stability, and affecting the presence of referential judicial precedence.

With the continuous cabinet reshuffles in Jordan, media policies were affected, and no clear strategy was established to support the media industry. Furthermore, there was no trend towards supporting the mass media or guaranteeing the right to access information for journalists or prior disclosure. The media freedom indicator continued to oscillate upwards and downwards, which is something that has been and continues to be linked to regional conditions that Jordan goes through and the challenges it faces, as well as the nature of the government that is leading the stage and the level of its conviction in the need to open up to the media.

It could be said that Jordan maintained its democratic margins despite all the difficulties. Media outlets continue to have a margin and an ability to move even in the presence of restrictions and limitations to their independence. Credit should be given to the Jordanian state in that it never posed a risk to the lives of journalists, and has been and continues to be a safe environment for them. There was never a case where a journalist was killed, kidnapped, or forcibly disappeared. In all cases of deprivation of freedom or judicial detention, the venue of the detention and the party responsible for it were always known, and lawyers were permitted to be appointed and to defend journalists.

### 1. First: Media Freedom and the Legislative and Legal Environment

Legislation represents the main challenge for the media freedom historically. The executive authority has used it as a tool for restriction, and the legal articles, which criminalize and penalize newspapers and media outlets, are numerous and present in various legislations.

Since 2013, Jordan has witnessed amendments to the regulatory legislation affecting media work, most noteworthy of which are: Amendment of the Press and Publications Law; amendment of the Penal Code; ratification of a new Audio-Visual Media Law; and the amendment of the State Security Court Law.

When reviewing the amendments and comparing them with the recommendations accepted by Jordan in the UPR in 2013, it becomes clear that laws moved in the direction of imposing new restrictions, and that no substantial changes were to ensure freedoms and render them compatible with international standards for media freedom.

#### **Restrictions to the Media in Amended Laws and Other Relevant Laws:**

**Press and Publications Law:** Amendments were ratified in 2012, but they became effective in June 2013. Its implementation resulted in blocking 291 websites that refused the new legal conditions that dictate prior licensing by the government. The main legal problems can be summarized as follows:

1. Websites are bound to obtain prior registration with the government.
2. Comments are regarded as press materials and their publisher, chief editor, and website owner are jointly pursued legally.
3. Each media outlet is required to have a chief editor who is a member in the Jordan Press Association.
4. The director of the Media Commission has the right to block the unlicensed website without referring to the judiciary.
5. Some legal articles are loose and undisciplined.

6. Lack of commitment to enforcing the text of article 42/A/1, which stipulates that a journalist would be prosecuted according to this law exclusively and not according to any other law.

▪ **Urgent Recommendations:**

1. Cancel the text of (49/A/1) of the Press and Publications Law, which requires the licensing of the electronic publication.
2. Cancel paragraph (C) of article 49, which regards comments published by websites as press material, for which the publisher, chief editor, and owner are held responsible jointly.
3. Cancel article (23), which requires the chief editor to be a member in the Jordan Press Association, on the basis of the principle of voluntary membership in associations that is stated in article 22 of the International Covenant on Civil and Political Rights.
4. Review loose and undisciplined texts in the law, such as articles (5) and (7), so that their interpretation is not used to prosecute media professionals and hold them accountable.
5. Activate the text of article (8) of the law, and add a legal item that requires any official to respond to a journalist's request for information according to times.

**Law on Right to Access Information:** Jordan was the first Arab country to ratify this law in 2007, but there were many comments on and criticism of the law. Furthermore, its implementation was and continues to be faced with numerous challenges.

▪ **Urgent Recommendations:**

1. The government initiated and presented to the Lower House of Parliament a package of positive amendments in 2011, but they have not yet been ratified thus far. These can be summarized as follows:
  - 1.1. Reduce the period to respond to a request for information from 30 days to 15 days.
  - 1.2. Expand the Information Council membership to include the presidents of the Bar Association and the Press Association.
  - 1.3. The right to request information to become a right for all residents in Jordan instead of Jordanians only.
  - 1.4. Submit reports on activating the right to access information to the Prime Minister and to the Lower and Upper Houses of Parliament.
2. CDFJ supports these proposals submitted by the government to the Lower House and demands that the following modifications be added:
  - 2.1. Amend article (3) of the law to ensure wider independence of the Information Council by adding two representatives from the civil society and expert persons in this field.
  - 2.2. Amend article (13) of the law, which expands the exceptions to the right to access information, to render it compatible with article (19) of the International Covenant on Civil and Political Rights.
  - 2.3. Amend articles (7) and (13), which give current laws precedence over the Law on Right to Access Information, such as the State Documents and Secrets Law.

**Penal Code:** The Royal Committee for the Independence of the Judiciary and Rule of Law submitted recommendations for positive amendments to the Penal Code. They were adopted by the government and ratified by the Parliament in 2017. However, the government and the parliament did not take into consideration the need to introduce amendments that prevent the prosecution of media professionals according to the provisions of this law, some of whose articles permit the prosecution, detention, and imprisonment of journalists.

▪ **Urgent Recommendations:**

1. Restrict the prosecution of journalists for publication crimes stated in the Penal Code to the civil court system and judiciary and not to the State Security Court.
2. Cancel custodial sentences, which are applicable to journalists in the Penal Code, in publication crimes and in turn prevent their detention.
3. Cancel article (118), because it violates the provisions of article (5/15) of the Constitution, as it permits prior censorship of media outlets, and imposes a prison sentence of at least five years for media professionals.

4. Exempt journalists from implementing the provisions of article 149/A, which stipulates the undermining and opposing the ruling regime for crimes committed by media outlets, punishable by temporarily hard labor for a minimum of 3 years.

**State Security Court Law:** Although there are specialized laws, like the Press and Publications Law, and there are specialized judicial rooms within the civil judiciary to address media cases, some cases against media professionals over the past few years were referred to the State Security Law, which allows for the detention of journalists. As an example, journalists Jihad Al-Fara'inah and Amjad Mu'alla from Jafra News Website were detained on 17/9/2013 when the website re-published a video claimed to be related to the State of Qatar's Amir's brother. The public prosecutor charged them with disturbing relations with a brotherly country, in violation of article 118 of the Jordanian Penal Code, and their detention lasted for around 103 days. Meanwhile, journalists Hashem Al-Khalidi and Sayf Obaidat were referred to the public prosecutor of the State Security Court to be interrogated over a press report entitled: "Islamic Organizations' Lawyer: The Exchange Deal with DA'ISH was Concluded and Sajida Al-Rishawi is now in Iraq," on 28/1/2015. A detention warrant was issued for a 14-day interrogation, and their detention continued for 33 days.

- **Urgent Recommendation:** Although the State Security Court Law was amended and its jurisdiction was restricted to crimes related to terrorism, espionage, and drugs, it continues to address publication crimes based on the text of the Penal Code, particularly article 149. Hence, an urgent measure is needed to exclude the prosecution of journalists according to the provisions of this article.

**Anti-Terrorism Law:** Jordan is exposed to the dangers of terrorism. This creates a significant challenge that needs to be confronted by the force of the law. However, obsessions of terrorism and its definition have expanded and stretched to include the pursuit of the freedom of expression and the media.

In more than one case, Jordan saw the referral of media professionals to the State Security Court on the basis of the Anti-Terrorism Law, especially paragraph (e) of article (3), which stipulates "the use of the information system or network, or any publishing tool or media, or the establishment of a website to facilitate terrorist activities or the support of a group, organization, or association carrying out terrorist activities, or to promote their thought, or to finance them or carry out any act that could expose Jordanians or their property to the risk of hostile or revenge acts against them." Using this article against media professionals resulted in the decrease of media freedoms.

- **Urgent Recommendation: Add a new paragraph to article (3) that stipulates the exemption of crimes committed through the use of media outlets from the enforcement of the provisions of this law.**

**Electronic Crimes Law:** This is the law that represented the most challenge for media outlets since 2015. It has brought back and expanded the detention of media professionals. Since the government's ratification, this law was the subject of criticism because it includes media websites. The government, however, gave assurances that this law will not affect the media, and that the Press and Publications Law is the one that is applicable to the websites.

The setback took place on 19/10/2015 when a decision by the Laws Interpretation Bureau was issued, stipulating that "slander and defamation crimes perpetrated or committed contrary to the provisions of article (11) of the Electronic Crimes Law and social media websites are subject to article (11) of the Electronic Crimes Law and article (114) of the Criminal Courts Procedures Law, and not articles (42) and (45) of the Press and Publications Law." Whereas article (11) permitted the detention and imprisonment of journalists, public prosecutors started to charge journalists on the basis of this article.

- **Urgent Recommendation:** Amend article (11) by adding a text that exempts its applicability to websites and social media users.

## 2. Second: Policies

Jordan has never known a clear direction for its media policies, and governments did not implement the Royal Vision of the media on the ground. Most media outlets continued to be employed for the service of government policies. At the same time, one cannot ignore or deny the government's acceptance to open space for private and independent radio, television, and electronic media. This has reduced the government's control over the press, with the exception of the government-owned television and radio and the Jordan News Agency (Petra), and its ability to interfere in daily newspapers through the control of the Social Security Corporation over major and basic shares in their ownership.

The prominent development in the government's approval of the media strategy, which was planned to be completed in five years, and the government presented an executive plan with a time schedule for completion, which was authenticated by King Abdullah II.

By the end of 2015, it could be said that the time allocated for completing the strategy ended without the government fulfilling all its pledges, particularly in the field of reviewing and amending legislation, the establishment of an independent complaints council that gives justice to society from the mistakes of media outlets. CDFJ suggested a draft law to establish the complaints council since 2013 and worked after that with the National Guidance Committee in the Lower House, in partnership with the Press Association and the Media Commission to finalize a joint perspective of a law or a regulation for the Complaints Council. This perspective, however, was undermined by different parties with lame justifications, and the government neither defended nor proceeded with supporting the endorsement of the complaints council.

One of the positive approaches in the government's policies, which should be referred to, is starting to establish a public television station under the name of "Al-Mamlakah [The Kingdom]," which is expected to start airing in the next few months.

One of the main positive indications being monitored and recorded is the rescinding of the decision to issue circulars on bans on publishing for media outlets, which was prevalent in 2016 and which stopped with the appointment of the Director of the Media Authority Muhammad Qtaishat in 2017, since it was considered prior censorship. This is in addition to his refusal to file lawsuits against media professionals since assuming his position.

- **Urgent Recommendation:** Establish an independent complaints council with a law that would reduce media violations and receives complaints from the audience, maximizing self-regulatory frameworks that contribute to professional development.

### 3. Third: Practices

The Jordanian government normally presents a rhetoric that is supportive of the media freedom. Since assuming his constitutional authorities in 1999, King Abdullah II has affirmed that the sky is the limit for the media freedom.

Despite these pledges, media professionals continue to face violations that limit their freedom to work and impose numerous limitations on them. From the beginning of 2013 and until the end of 2017, "AIN" program, which is affiliated with CDFJ, monitored and documented a total of 947 violations that affect the media freedom against 241 journalists and 34 media institutions. It is noteworthy that the total number of violations reflects the fact that every case against a journalist might include more than one violation.

The positive indication that can be sensed from reading and analyzing the number is that grave violations, such as physical assault of journalists, have decreased, while non-grave violations, such as prevention from coverage and withholding information, have resurfaced clearly and tangibly.

Referring to the monitoring and documentation reports since 2013, the following remarks could be made:

## First: Detaining Media Professionals

With the interpretation of the Law Interpretation Bureau, namely that article (11) of the Electronic Crimes Law is applicable to cases of slander and defamation committed by websites and social media outlets, public prosecutors expanded their decisions to detain journalists. "AIN" Program recorded the detention of 36 media professionals over the past five years. It was noteworthy that some journalists were referred to the State Security Court, which is criticized for not having the standards and criteria for fair trials.

## Second: Assaults on Journalists and Impunity

Violations against journalists occur in many countries of the world, but the most important aspect of this issue is ensuring that perpetrators do not get away with it.

It is also worth noting that, according to information available to the monitoring and documentation team of "AIN," impunity for violators is a common phenomenon in Jordan. We do not know of any violator or perpetrator of violations or transgressions against journalists that has been prosecuted over the past years.

Despite a recommendation by the Human Rights Council in Jordan to carry out independent investigations to address complaints and allegations that media professionals are subjected to assaults and violations, the government did not adopt serious measures to investigate the complaints and reports it received.

CDFJ's documentation team has monitored 30 cases of media professionals being subjected to assault over the past five years, perpetrated by law-enforcement officers or common citizens. There was no evidence that any of them was prosecuted or that efforts were made to find the perpetrators if they were unknown.

Assaults documented during this period included 84 serious violations, foremost of which were physical assaults, random detention, infliction of injury, and harsh and humiliating treatment. It is important to clarify the following:

- For the first time, Jordan sees a case where there was an assassination attempt against the Iraqi media professional Hussein Al-Gharib, who resides in Jordan, by a person named Hussein Al-Horani, who was sentenced to 8 years in prison for his crime, in addition to accusing him of being affiliated with Hizballah and the Huthis.
- Serious violations committed by law-enforcement officers have decreased, while assaults by unknown citizens against media professionals have increased.
- The government is responsible for pursuing any person who assaults journalists and referring him to justice.
- The accused security personnel in cases of assault, torture, and degrading treatment are still referred to police courts and not to the regular civil judiciary.

**Statistic of Grave Violations over Past Five Years**

| NO           | Type and Form of Violation       | 2013      | 2014      | 2015     | 2016      | 2017      | Total     |
|--------------|----------------------------------|-----------|-----------|----------|-----------|-----------|-----------|
| 1            | Physical Assault                 | 5         | 13        | 2        | 3         | 7         | 30        |
| 2            | Random Arrest                    | —         | 16        | —        | 5         | 3         | 24        |
| 3            | Threats of Killing               | —         | 2         | —        | —         | —         | 2         |
| 4            | Sustaining Wounds                | 5         | 1         | 1        | —         | 6         | 13        |
| 5            | Deprivation of medical Treatment | —         | 1         | —        | —         | —         | 1         |
| 6            | Degrading Treatment              | —         | —         | 2        | 7         | 4         | 13        |
| 7            | Assassination Attempt            | —         | —         | —        | —         | 1         | 1         |
| <b>Total</b> |                                  | <b>10</b> | <b>33</b> | <b>5</b> | <b>15</b> | <b>21</b> | <b>84</b> |

▪ **Urgent Recommendations:**

1. Commit to holding independent and fair investigations in all cases involving an assault against journalists, including those perpetrated by law-enforcement systems, police, and security, and officially announce the results of the investigation and refer anyone proved to have been involved in the assault to the judiciary, in accordance with articles 4 and 13 of the Convention against Torture.
2. End the policy of impunity for those who commit violations against media professionals and the media freedom, and punish anyone who commits violations against the media freedom in accordance with the article 2/1 and article 7 of the International Convention for Civil and Political Rights, and in line with the articles 3, 13, and 14 of the Convention against Torture.
3. Amend the Jordanian legislations in particular Article 5 of the Government Claims Act to ensure fair treatment for the victims of random detention and/or assaults and humiliating and inhuman treatment by reparation for damage, approving a fair and suitable compensation for them, returning due consideration, and ensuring the right of victims to security and health protection.