

JORDANIAN GOVERNMENT RESTRICTIONS ON BASIC CIVIL RIGHTS

ACHRS STATEMENT | RANEEN HESSEN



The maintenance of peace and stability in Jordan is not a justification for abusing the rights of its citizens and imposing severe restrictions on civil society.

Over the last four years, Jordanian authorities have increased their persecution and restriction on civil rights.

The legal frameworks have evolved into harsh laws which criminalise fundamental human rights, such as the freedom of speech, expression, association and assembly.

Under such laws, authorities are empowered to detain and interrogate journalists, political activists, members of opposing political parties and their family members. Under the guise of "maintaining stability".

Jordan has progressively increased its abuse of its citizen's fundamental human rights.

Abusive legal framework:

Between 2019 and 2022, Human Rights Watch ('HRW') investigated 30 cases where authorities used broad and vague defamation laws to restrict the activities of political activists online. In these 30 cases, there were 84 government charges.

Criminal Defamation

The Jordanian legislative framework, especially under the Penal Code of 1960, provides a broad definition of defamation.



By having such vague descriptions, authorities are empowered to interpret legislation in many ways.

Article 132 of the Penal Code allows prosecuting citizens “who broadcast fake or exaggerated news that would undermine the state's prestige.” What constitutes defamation under this provision is very vague, and authorities hold significant power regarding what acts include such. The consequence of this is restricting the freedom of expression in Jordan. Jordanians are victimised as any action could fall within article 132, even where there is no explicit link to criminal wrongdoing.

Cybercrime Law

Freedom of Expression is not only limited by the Penal Code but also the Cybercrime Law of 2015, which criminalises acts that “intentionally send, resends or publish libel or slander”. The penalty for such is prescribed under article 11, imprisonment of a minimum of 3 months and a fine between 100 and 2,000 Jordanian Dinars ('JD'). To put this into perspective, the average monthly wage in Jordan is JD 425. Article 11 targets political activists, journalists, and the average citizen for expressing their political views on their social media accounts.

If punished under the Cybercrime law, Jordanians will lose a significant amount of their monthly salary for social media posts. Jordanian authorities also use article 15 of the Cybercrime law to criminalise internet usage or information networks linked with other crimes.

Jordanians here are subjected to double jeopardy, where their freedom of expression is restricted, but also, when charges are brought against them.

According to the National Centre of Human Rights in Jordan, 2,140 cases were brought to court in 2020 based on article 11 of the Cybercrime law.

The recent arrest of Adnan Al-Rousan, a Jordanian Journalist is a prime example of the Cybercrime law and its crackdown on the freedom of expression – mainly targeted towards journalists. Adnan used his personal Facebook platform of 37,000 followers to discuss his views on Jordanian politics routinely.

His posts were deemed insulting to Jordan by the public prosecutor and "offensive to the national approach and fabric and insulting the cohesion of Jordanian society and state institutions".

Adnan breached article 11 of the Cybercrime law. He was arrested on the 15th of August 2022 by seven individuals with no official charges and placed on administrative detention.

The cybercrime law severely undermines the right to express oneself freely. It is illegal to criticise the king, governmental officials and institutions. Jordanians are expected to fall in line or reap the consequences.

Counterterrorism and Crime Prevention

Jordanian legislative efforts to quash terrorism are based on the Counterterrorism Law of 2006. Under this legislation, there is no clear definition of a terrorist act, which allows authorities to link acts to terrorism where there may be no explicit connection.

Acts that are charged under this legislation are tried by the State Security Court (SSC). The SSC is a specialised military court comprised of military judges and does not meet international criminal justice standards regularly. Individuals who tried before the SSC are not guaranteed an independent and impartial verdict. Moreover, given the vagueness of the criminal legislative framework in Jordan, the court has been consistently used as a mechanism to prosecute civilians – in direct violation of international law.

The Crime Prevention Law of 1954 directly circumvents the rights of Jordanians by providing expansive powers regarding administrative detention. Article 3 empowers local governors to, within their jurisdiction, place individuals in administrative detention.

This legislation empowers Jordanian authorities to undermine the criminal justice system and international standards to detain individuals on administrative detention. These individuals have had a limited judicial review, and their human rights are subverted.

The ACHRS strongly condemns the current restrictions on civil society in Jordan. Authorities or legislative frameworks should not subvert the right to express oneself freely.

The ACHRS reiterates that every Jordanian holds the right to freedom of expression without unjust persecution.

We recommend amendments to the provisions of the Penal Code, Cybercrime law, and Counterterrorism law to be aligned with international standards. These amendments should also uphold the International Covenant on Civil and Political rights.

The ACHRS recommends that the Crime Prevention law should be repealed to ensure such is achieved.

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(Jordan News; Human Rights Watch; The Gulf Centre for Human Rights)