

# United Nations Human Rights Commission

Report responding to the Issue number (20) regarding the freedom of opinion and expression as part of the list related to the Fifth Periodic Report on Jordan on the International Covenant on Civil and Political Rights, adopted by the Human Rights Commission in its session number 119

(29 - 6 March, 2016)



Presented by  
Center for Defending Freedom of Journalists (CDFJ)  
in accordance with article (40)

CCPR - International Covenant on Civil and Political Rights  
121 Session (16 Oct 10 - 2017 Nov 2017)

The Fifth Periodic Reports by Member Countries due for Submission in October 2014



**United Nations**  
**Human Rights Commission**

---

Report responding to the Issue number (20) regarding the freedom of opinion and expression as part of the list related to the Fifth Periodic Report on Jordan on the International Covenant on Civil and Political Rights, adopted by the Human Rights Commission in its session number 119 (6 - 29 March, 2016), presented by the Center for Defending Freedom of Journalists (CDFJ) in accordance with article (40).

CCPR - International Covenant on Civil and Political Rights

121 Session (16 Oct 2017 - 10 Nov 2017)

**Fifth periodic report of member countries due for submission in October 2014.**

**Prepared by the Center for Defending Freedom of Journalists (CDFJ)**

Queen Rania Street

Amman - Jordan

Telephone: +962 516 0820

Fax: +962 560 560 2785

Post Office Box: 961167 Amman 11196 - Jordan

Email Address: [info@cdfj.org](mailto:info@cdfj.org)

[Haytham@cdfj.org](mailto:Haytham@cdfj.org)

Website: [www.cdfj.org](http://www.cdfj.org)

## CONTENTS

<b>INTRODUCTION</b>	<b>4</b>
<b>1. First: National Legislation</b>	<b>5</b>
1.1 Introduction	5
1.2.1.2 Mandates for Amending Jordanian Legislations Related to Protecting Journalists' Freedom and the Right to Expression	7
1.3 Laws Related to the Media which Require Amendment and Review	7
<b>2. Second: Policies</b>	<b>9</b>
2.1 Introduction	9
2.2 Comments on the National Human Rights Plan	10
2.3 Comments on the Media Strategy	11
<b>3. Third: Practices on the Violations of the Rights and Freedom of Media Professionals in Jordan</b>	<b>12</b>
3.1 Introduction	12
3.2 Brief Presentation of Media Freedom Violations and their Type between 2010 and 2016	12
<b>4. Recommendations</b>	<b>17</b>
<b>5. Annexes</b>	<b>20</b>
<b>5.1 Annex (1)</b>	<b>20</b>
<b>5.1.1 Documented Cases Related to Article (19) from the International Covenant for the Civil and Political Rights Related to the Freedom of Opinion and Expression</b>	<b>20</b>
5.1.1.1 Blocking Websites	20
5.1.1.2 Prevention from Coverage	21
5.1.1.2.5 Systematic Prevention from Media Coverage and Blocking Information in the Parliamentary Elections of the 18th Lower House on 20/9/2016	22
5.1.1.3 Blocking Information	25
5.1.1.4 Prohibition from Publication and Distribution	25
5.1.1.5 Post-Censorship	27
5.1.1.6 Killing because of Opinion	27

**5.1.2 Documented Cases Related to Article (7) of the International Covenant for the Civil and Political Rights Regarding Prohibiting and Criminalizing Torture 28**

5.1.2.1 Presentation and Documentation of the Results of Investigations and Prosecution Related to the Allegation that Public Security Officers Used Excessive Force on 15 July, 2011 during the protest in Al-Nakheel Square in Amman	28
5.1.2.2 Assault and Battery of Journalist Khair Eddin Abdul Hadi by a Group of the Gendarmerie in November 2012	30
5.1.2.3 Physical Assault against Journalist Musa Barhumah in March 2012	31
5.1.2.4 Assault by the Gendarmerie Forces Physically and Verbally against Journalist Ghaith El-Tal in July 2015	31
5.1.2.5 Assault and Battery against Ahmad Al-Harasees from Jo-24 News Website by Members of the Gendarmerie I October 2013	32
5.1.2.6 Physical Assault against Journalists Ghada Al-Shaikh Khaled Sadaqa, and Ahmad Al-Shura in March 2014	33
5.1.2.7 Physical and Verbal Assault and Injury while Covering a Popular Sit-In Rejecting the Israeli Aggression on Gaza in July 2014	34
5.1.2.8 Assault and Humiliating Treatment of the Photojournalist Khalil Al-Hajajrah in April 2015	36
5.1.2.9 Ru'yah Channel Reporter is Subjected to Physical and Verbal Abuse and Threats of Injury while Covering a Sit In in front of the Houses of Parliament	37

**5.2 Annex (2) 38**

**5.2.1 Documented Cases Related to Article (9) of the International Covenant for the Civil and Political Rights Regarding the Right to Personal Freedom and Safety 38**

5.2.1.1.1 Detention of a Publisher and Chief Editor of Al-Balad News Website over Two Media Articles	38
5.2.1.1.2 Detention of Two Journalists from "Al-Hayat" Weekly Newspaper	38
5.2.1.1.3 Detention and Imprisonment of Journalist Jamal Ayoub at the State Security Court over an Article	40
5.2.1.1.4 Detention of Journalist Zaid Marafi over Material about Courts' Staff	41

**5.3 Annex (3) 43**

**5.3.1 Documented Cases Related to Article (14) of the International Covenant for the Civil and Political Rights Regarding Guarantees of Fair Trials 43**

5.3.1.1 Detention of a Publisher and Chief Editor of Saraya News Website for a Press News Item in January 2015	43
--	----

## INTRODUCTION

The Center for Defending Freedom of Journalists (CDFJ) presents its Shadow Report on the Jordan Report on Jordan's commitments to the International Covenant on Civil and Political Rights according to article (40) of the Covenant.

The Shadow Report concentrated on the violations related to the freedom of opinion and expression according to article 19, and more accurately in regards to the freedom of the media, as well as what is related, in complimentary sense, with the rest of the Covenant's articles 7, 9, and 14, emanating from CDFJ's specialization and experience in this field.

CDFJ is a Jordanian non-profit organization established in 1998 as a civil society organization active in defending media freedoms in Jordan.

CDFJ works towards the preservation of freedoms and instilling democracy-building in Jordan and the Arab world, in addition to respecting human rights, justice, equality, and development in an open society based on the principles of dialogue and non-violence.

Like all other non-governmental civil society organizations, CDFJ maintains an independent position and is not part of political work in any way. Within the context of defending the freedom of the media and media professionals, CDFJ, however, confronts all policies, legislations and procedures that form a constraint on the freedom of the media.

CDFJ is also active as a non-governmental organization in the Arab World for the purpose of developing the freedom of the media and reinforcing the capacities and professionalism of media practitioners through specialized programs and activities. It also works alongside the press and civil society organizations to protect the democratic structure and respect of human rights principles.

CDFJ provides legal assistance to media professionals when they are prosecuted in relation to their professional work, through a unit that comprises a group of lawyers, namely, the Media Legal Aid Unit (MELAD). CDFJ also monitors and documents media freedoms and human rights of media professionals' violations in Jordan through its program for Monitoring and Documenting Violations against the Freedom of the Media in Jordan (AIN). CDFJ has published since 2002 an annual report that addresses media freedoms and their violations in Jordan. In 2012, CDFJ established a network for defending media freedom in the Arab World and affiliated program to monitor and document media freedoms violations in the Arab World. Four regional annual reports were published in 2012, 2013, 2014, and 2014. The 2016 report is currently being prepared.

CDFJ presented a legal report to the United Nations Universal Periodic Review (UPR) Committee for the Jordan review in 2013, and presented at the end of 2015 a report to the Committee Against Torture when it discussed the Jordanian period. In February 2015, CDFJ submitted a report to the Arab Human Rights Commission (the Charter Committee) at the League of Arab Nations as part of Jordan's periodic review.

This report includes an overview of the state of freedom of opinion, expression, and media freedom in Jordan in view of recommendation number (10) of the recommendations mentioned in the final report of the Civil and Political Rights Committee as Jordan's fourth periodic report was being discussed, and article 19 of the International Covenant for Civil and Political Rights. It also includes 35 annexes that comprise documented cases that reflect what was stated in this report, and that are also connected to article 19 of the Covenant in articles (70) regarding prohibiting and criminalizing torture, article (9) regarding the right to personal freedom and safety, and article (14) regarding guarantees of a fair trial.

The information and documented cases were previously published in CDFJ's monthly and annual reports. They were also published in special monitoring reports and circulated by the local media. These reports also reached the government and the security services. The Center obtained the consent of the victims mentioned in the report. They authorized publishing the accounts they shared and have no objection to mentioning their names.

## **The State of the Freedom of Opinion, Expression, and Media Freedom in Jordan in View of Recommendation Number (10) of the Recommendations Mentioned in the Committee's Final Report at the Jordan's Discussion of its Fourth Periodic Report and Article 19 of the Covenant**

### **1. First: National Legislation**

#### **1.1 Introduction**

Over the past years, Jordan witnessed legislative amendments which fall short of international human rights standards. Laws continue to reveal the presence of large discrepancies that are still standing. Jordanian legislations impose restrictions on the freedom of expression and the media. There are numerous legislations that include restrictive articles, starting with freedom-depriving penalties, and extending to exaggerated financial fines. The main constraints and flaws in these laws can be summarized as follows:

- 1.1.1** The Jordanian Penal Code includes a number of legal texts that restrict the freedom of the media and publication and expose journalists to legal prosecution if they criticize His Majesty the King or a foreign state, or call for a fundamental change in the political system and its structure. They may be charged of libel or undermining relations with a foreign country. The Jordanian Penal Code was used on more than one occasion to accuse journalists of these crimes for publishing press material addressing these issues. Media outlets continue to be prosecuted according to the Penal Code, which includes freedom-depriving penalties in media cases.
- 1.1.2** The charge of "undermining relations with a foreign country" is considered, after amending the Anti-Terrorism law in 2014, under the jurisdiction of the State Security Court, and is punishable by 5 years in prison according to article 118 of the Penal Code. The penalty could reach 15 years in case hard labor is invoked, based on the Anti-Terrorism Law.
- 1.1.3** The government did not observe the principles of full compliance and the amendment of national legislations in response to the recommendations by the Human Rights Committee. What the government did was procedural amendments that do not touch on the core of protecting the freedom of opinion, expression, and the freedom of the press.
- 1.1.4** The government did not fully guarantee the right to practicing the freedom of expression. The codes related to media outlets, including the freedom of the internet, were not amended. No sufficient guarantees were provided to practice the freedom of opinion and expression in accordance with the International Convention for Civil and Political Rights.
- 1.1.5** The government has not harmonized national legislations with article (19) of the Convention for Civil and Political Rights, and has failed to make the



necessary amendments on a number of legislations related to the freedom of the media, including, for example, the Press and Publications Law, the Press Association Law, the Penal Code, the State Security Court, and the Anti-Terrorism Law.

- 1.1.6** The government did not review the Press and Publications Law which has been criticized heavily so far. It did not cancel a number of restrictions it includes, such as the need to license websites, pointing out that the Anti-Terrorism Law permitted prosecuting journalists before the State Security Court. It also included freedom-depriving penalties in cases where journalists are prosecuted according to it.
- 1.1.7** Although almost 10 years have passed since the Right to Access Information Law was enacted, its application and implementation so far has been limited. Many ministries and government institutions have not classified information or set a mechanism for implementing it yet. The exceptions stated in the law continue to be unjustifiably expansive, which contradicts article 19 of the International Covenant for Civil and Political Rights.
- 1.1.8** The media outlets continue to be prosecuted according to the Penal Code which includes freedom-depriving penalties in media issues. The Ministry of Justice formed a committee to amend the law, and this committee prepared a tentative draft that was sent to the cabinet of ministers, and then to the parliament, but none of the articles or items that deprive media professionals of their freedom were amended or cancelled.
- 1.1.9** The government did not review article 3A of the State Security Court Law to amend the legal text, including cancelling the State Security Court's jurisdiction to address the issues of press and publications and/or audio visual media, restricting the issue to the court of first instance.
- 1.1.10** The government did not exert any effort to implement the actual practice of the freedom of opinion and expression. Violations and impunity policy continue, and neither the government nor law enforcement agencies have held any of the alleged perpetrators accountable. It did not even review the interrogation principles by referring them to the civil judiciary instead of resorting to police courts.
- 1.1.11** The government has not carried out any fair and independent investigations in all cases of assault against journalists or referred the perpetrators to justice, in cases where they were harassing and threatening the journalists. It also did not activate, as it should do, the dialogue with the stakeholders involved and the civil society for the purpose of reviewing the laws that impose restrictions on the media.
- 1.1.12** CDFJ did not register a single case whereby journalists who were victims of torture and abuse were granted reparations for the damage sustained, or any fair compensation or other arrangement, or guaranteeing the right of victims to security, health protection, and preventing the recurrence of the assaults they were subjected to.
- 1.1.13** The government did not establish any mechanisms or measurement indicators to monitor the fulfilment of its commitments. Reports of the monitoring carried out by CDFJ indicate that the government's review of the legislative environment regulating the media outlets is still very limited, and the



government did not submit to the parliament draft amendment laws to respond to the recommendations.

- 1.1.14** The government continued to exert pressures and intimidation against media practitioners through arbitrary detention which is incompatible with the Criminal Trial Procedures Law. Detention is normally resorted to in order to protect society from danger and/or to influence justice and/or the lack of a known place of residence. This does not apply to what is referred to as freedom of expression and media crimes, let alone "criminal" issues, while they are dealt with in democratic countries as civil cases penalized by financial fines.

## **1.2 Obligations to amend Jordanian legislations regarding defending the freedom of journalists and the right to expression:**

- 1.2.1** Ensuring that these legislations are compatible with the constitution and international conventions that Jordan ratified and are compatible with the media strategy.
- 1.2.2** The presence of a consensus between the government, the parliament, and the media institutions over the need to amend some legislation.
- 1.2.3** The implementation experience of legislations especially when raising judicial cases has proved the urgent need for amendment and revision.
- 1.2.4** Approval of the Jordanian government of the recommendations to amend the legislations during the universal periodic review of human rights at the Human Rights Council in Geneva in 2013.
- 1.2.5** The Royal vision required that media, press, and investment laws related to the press and the media be reviewed.

## **1.3 Laws related to the media which require amendment and review:**

- 1.3.1 Press and Publications Law:** This is the law that is most related to media work. It has been amended many times since 1993, and is still much debated especially after websites were subjected to it. The most contentious issues in this law may be summarized as follows:
- 1.3.1.1** Definitions in the law need review, careful checking, and amendment especially after the Media Commission was established.
- 1.3.1.2** Some legal texts are still loose and undisciplined.
- 1.3.1.3** There are many legal articles that criminalize journalists.
- 1.3.1.4** The defamation crime does not occur through publications crimes.
- 1.3.1.5** The law should be amended to guarantee that a journalist is not tried or referred to court except according to the Press and Publications Law.
- 1.3.1.6** Licensing requirement for websites.
- 1.3.1.7** Considering comments part of the press material and prosecution of the chief editor, the writer, and website owner.
- 1.3.1.8** Requirement that there is a chief editor who is a member in the Press Association.
- 1.3.1.9** Maintaining comments' records.
- 1.3.1.10** Giving the Media Commission's director the right to stop and bloc the website.
- 1.3.2 The Right to Access Information Law:** Although about 10 years have passed since this law was passed, implementation continues to be limited. Many ministries and government institutions have still not classified information and

have not set the necessary mechanisms to implement it. Furthermore, this law does not serve journalists because it does not fulfil their requirements of responding to their questions quickly. The most contentious issues in the Right to Access Information Law can be summarized as follows:

- 1.3.2.1 There are no controls over the classification of information and there is no independent party to do that. The classification of information cannot be contested.
- 1.3.2.2 It is not permissible to connect the right to access information by people to the concept of legitimate interest.
- 1.3.2.3 It is not possible to implement the Right to Access Information Law effectively in view of the Protecting the State Secrets and Documents Law.
- 1.3.2.4 There is no accountability and penalty for those who are not committed to providing information to those who request it.
- 1.3.2.5 There is no penalty or accountability for anyone who destroys information and documents.
- 1.3.2.6 The time period for responding to the information request is long and should be shortened, and it is necessary to add the right to request information urgently so that media outlets can benefit from them.
- 1.3.2.7 The exceptions stated in the law have unjustified expansion that contradicts this right and article 19 of the International Convention of Civil and Political Rights.
- 1.3.2.8 The Information Council decisions are not binding for official parties.
- 1.3.2.9 Information must be revealed even if it is secret after a certain time period has elapsed.

**1.3.3 The Penal Code:** The Penal Code continues to include freedom-depriving penalties in media issues, by which journalists are prosecuted. The Ministry of Justice formed in April 2014 a committee to amend the law, and the committee prepared a preliminary draft, but none of the contentious items or articles in this law related to the media, which give the right to first transfer the journalists to the State Security Court, were amended in the draft. It also includes freedom-depriving penalties, and classifies opinion, expression, and media crimes as crimes against the state's internal and external security. Many comments were received, including proposals submitted by CDFJ to amend the articles that permit detention and imprisonment. The government then reviewed the law after submitting it to the lower house of parliament in 2016. Until now, no new draft has been submitted to the lower house. The main contentious issues in the Penal Code as related to the media can be summarized as:

- 1.3.3.1 It grants the right to refer journalists to the State Security Court.
- 1.3.3.2 It classifies freedom of opinion and expression crimes as crimes against the internal and external state security.

**1.3.4 State Security Court Law:** Although the Press and Publications Law is a special law that must be applied in cases raised against media outlets, many lawsuits raised against journalists were referred to the State Security Court, and journalists were detained for lengthy periods of time before final judgment was passed.

- 1.3.4.1 The Media Legal Aid Unit (MELAD) affiliated with CDFJ provided the government and the parliament with a legal reading demanding the need to amend the court law as related to the press and media issues as follows:
  - 1.3.4.1.1 Article 3-A needs to be reviewed and its legal text amended to include ending the jurisdiction of the State Security Law in addressing press and

publications issues and/or the audio-visual media, and restricting jurisdiction to the court of first instance.

**1.3.5 Anti-Terrorism Law:** Ever since the Anti-Terrorism Law was ratified, journalists were tried according to this law, and they were detained. The Anti-Terrorism Law also permitted the prosecution of journalists before the State Security Law. The law includes freedom-deprivation penalties in issues by which journalists are prosecuted, in addition to dedicating the duality of implementing penal texts. The main contentious issues in the Anti-Terrorism Law as related to the media are:

1.3.5.1 The duality of criminalization and penalty in this law, in addition to the penal code.

1.3.5.2 This law was exceptionally stringent in penalties related to the freedom of expression and the media, reaching the capital punishment.

1.3.5.3 The public prosecutor was given the freedom to refer press and publications issues between the Court of First Instance and the State Security Court.

**1.3.6 Electronic Crimes Law:** The Lower House of Parliament ratified an amendment to the Electronic Crimes Law in June 2015 to deal with issues of electronic fraud and piracy. The law was subjected at the time to criticism because it targeted websites, while the government gave reassurances that this law is related to issues of electronic fraud and piracy and has nothing to do with the media, and that the Press and Publications Law is the one that is applied to websites. Nevertheless, a decision by the Legislation and Opinion Bureau was issued on 19/10/2015 stipulating that "crimes of libel and defamation committed in violation of the provisions of article 11 of the Electronic and Websites Crimes Law are subject to article 11 of Electronic Crimes Law and article 114 of the Criminal Trials Procedures, and not articles 42 and 45 of the Press and Publications Law." The main contentious issues in the Electronic Crimes Law are:

1.3.6.1 The decision by the Legislations and Opinion Bureau assumes that the Electronic Crimes Law is a special law regarding websites and social communication outlets.

1.3.6.2 Article (11) of the Electronic Crimes Law regarding crimes of libel and defamation permitted the detention and imprisonment of journalists.

1.3.6.3 What is required is to exempt the electronic media from this law in order to lift detention and imprisonment sanctions.

## **2 Second: Policies**

### **2.1 Introduction**

**2.1.1** The government prepared a National Human Rights Plan for the years 2016 - 2025 through a committee that includes government institutions and the National Human Rights Center. It also adopted the media strategy for the period 2011 to 2015, which was considered a positive approach by the government. Nevertheless, CDFJ believes in the need for addressing the notes taken within the national human rights plan and the media strategy.

### **2.2 Notes on the National Human Rights Plan:**

**2.2.1** Although the fact that the government prepared a national human rights plan is considered a positive step in general, the following comments may be made:

- 2.2.1.1 Failure to involve the civil society in the procedural steps of preparing the plan.
- 2.2.1.2 Lack of clarity in the consultation process in accordance with a clear executive plan to arrive at true partnership with the civil society.
- 2.2.1.3 Fluctuation and length of the plan timeframe.
- 2.2.1.4 Presence of prior negative ideas on the objectives of the side plan regarding finding balance between the right to freedom of opinion and expression and personality assassination acts.
- 2.2.1.5 The plan's objectives restricted to building the capacities of media institutions on training programs and monitoring specific violations from the axis of building media capacities.
- 2.2.1.6 Set conditions for the ratification of human rights conventions, not to contradict the fundamental and vital interests of the Jordanian society, which represents a prior and negative conviction in looking at these conventions.
- 2.2.1.7 Regarding the right to the freedom of opinion and expression, it was mentioned as part of the plan's first axis, sealed with civil and political rights. The seventh main objective titled Reinforcing and Protecting the Right to Opinion and Expression Freedom included three side objectives:
  - 2.2.1.7.1 Harmonization of national legislations and policies related to the right to the freedom of opinion and expression with the constitution and international conventions within the limits of Jordan's ratification of them, and seeking to join the rest of international conventions without contradicting the political and vital interests of the Jordanian society.
  - 2.2.1.7.2 Creating a balance between the right to the freedom of expression and combating acts of character assassination.
  - 2.2.1.7.3 Enhancing the capacities of media institutions.
- 2.2.1.8 A special sub-objective was allocated regarding the creation of a balance between the right to freedom of opinion and expression and acts of character assassination. The question here is, does this qualify to be a sub-objective of the plan, which indicates that the intellectual principles that drafted the plan objectives emanate from prior assumptions in this issue? It was agreed upon that such actions, assuming they exist, are decided by the judiciary on a case-by-case basis, which takes into consideration the standard content for transferring, broadcasting, and receiving information and the right for criticism, and that the use of a loose term that cannot be measured as "character assassination" expresses the government's policy in constricting the media freedom, the right for criticism and expressing opinion towards those who assume political positions in the authority.
- 2.1.1.9 As for the third sub-objective concerning building the capacities of media institutions, it was restricted to training programs and monitoring violations. In spite of the importance of building training and capacities and monitoring violations, the plan did not provide a detailed perception of mechanisms to implement that and the parties to participate with them.
- 2.2.1.10 As for the framework for cooperation with the civil society, areas of dialogue with civil society are fluctuating and can be considered in most cases not serious, with the exception of limited consultations in some of the cases in workshops and seminars, which do not qualify as serious dialogues with real feasibility. Add to this the implementation by some official institutions of a limited number of training programs for its employees regarding human rights in general or the media, while civil society institutions undertake a large and

important role in implementing training and awareness programs, issuing statements and reports on the freedom of the media or human rights in specific.

- 2.2.1.11 When evaluating the governments' reactions to civil society activities, the general policies of the participating government in general in training programs and seminars is to participate if they were invited by the civil society. Rarely do government institutions involve the civil society seriously, except in celebratory events. Additionally, there is a severe weakness in civil society membership in government committees related to human rights.
- 2.2.1.12 On another note, official policies have appeared that can be branded as tense, especially the last two years with the civil society, particularly in respecting the right of civil society institutions to implement their programs and activities. Funding some activities was prohibited, and some activities themselves, including seminars, courses, and dialogues were prohibited, although these policies were more related to a broader scope than the freedom of the media. No doubt, these practices that can be listed under a methodology that emerged the last two years, represent a negative government policy against the civil society, and have started with marginalization and the lack of seriousness in partnership when preparing the national human rights policy. They result in constricting the civil society and affecting negatively the media and the freedom of opinion in general.

### **2.3 Comments on the Media Strategy**

- 2.3.1 The media strategy adopted by the government for the period 2011 to 2015 expressed a positive approach. This strategy sought to achieve the following objectives:
  - 2.3.1.1 A favorable legislative environment that balances freedom with responsibility.
  - 2.3.1.2 High level of professionalism for media professionals based on sustainable objective training.
  - 2.3.1.3 Self-organization of the profession and commitment to its ethics.
- 2.3.2 Examining the results after the end of the period allocated for the strategy, one can notice the following:
  - 2.3.2.1 Legislations that were approved and amended did not comply with international standards for the freedom of the media. Rather, the constraints increased and freedom-depriving penalties returned.
  - 2.3.2.2 The government only managed to amend the Press and Publications Law, and it is not compatible with the talk about supporting freedoms. The same applies for the audio-visual law. The Penal Code, the Right to Access Information, State Security Court, Anti-Terrorism, Electronic Crimes, and the Press Association laws were not amended.
  - 2.3.2.3 The government did not complete the establishment of an independent Ombudsman's Office to address the media violations in order to reinforce self-organization frameworks.
  - 2.3.2.4 The independent media channel was established under the title "The Kingdom" with the hope that it would be a model for public media. Until now, it has not gone on the air.

### **3 Third: Practices of Violations of Media Practitioners' Rights and Freedoms in Jordan:**

#### **3.1 Introduction**

**3.1.1** Numerous practices are taking place in Jordan and leading to serious violations against the freedom of the media in particular and the freedom of opinion in general. CDFJ, through its program for monitoring and documenting violations against the freedom of the media in Jordan, "AIN," carries out daily professional documentation for all cases that include violations that touch on the freedom of the media and media professionals, and verifies them.

#### **3.2 Brief Description of the Freedom of the Media Violations and their Types during the Period 2010 to 2016:**

**3.2.1** We present briefly the violations in terms of type over the years covered by the report, as is evident in table (1) hereunder, showing journalist's subjected to different kinds of violations, some of which are tantamount to touching on their personal freedom and physical safety. These quantitative indicators show the extent to which media freedoms in Jordan have receded, reaching 1056 violations, in spite of all the recommendations emphasized by the committee, especially recommendation number 10, in addition to the recommendations by the other UN committees and by the UPR, which were violated by government practices. Some examples of these cases will be presented in the report annex.

**3.2.2** The average number of complaints received by AIN program, a program that monitors and documents complaints and violations, and is affiliated with CDFJ, which reached their lowest levels over the past four years, indicates that journalists refrain from submitting complaints about the violations they are subjected to. It is important, at the same time, to point out that 2015 did not witness any systematic and wide-scale assaults against journalists. But they once again expanded in 2016. One of the reasons for that retreat in the number of violations may be the absence of protests and demonstrations.

**3.2.3** It is clear that the decrease in the number of violations and/or disclosure of them is due to many reasons. CDFJ believes that among the reasons is the expansion in the detention and imprisonment of media professionals based on the "Anti-Terrorism" and "Electronic Crimes" laws, which imposed on media professionals the need to avoid writing and publishing contentious issues. This means, one way or another, resorting to the imposition of self-censorship, which results in decreasing violations because the areas of friction with the authority recedes when self-censorship is practiced.

**3.2.4** Arbitrary detention of journalists was the most prominent manifestation of violations against journalists, in addition to preventing from publication and assault against journalists. What is worse is referring some journalists to the State Security Court in which the criteria for a fair and just trial are absent. It represents an exceptional form of judiciary, with military and civilian judges. It does not have all the levels of litigation, and its military judges are affiliated with the military judiciary.

**3.2.5** In addition to monitoring and documenting violations of the freedom of the media, the AIN program team monitors the issue of media freedom violators enjoying impunity, and the lack of accountability for crimes committed against media professionals. Hence, they are not tried or brought to justice. This is a very significant matter. The lack of holding violators of the media freedom leads



to repetition of the same violations against journalists and their media institutions.

**3.2.6** Reports issued by CDFJ did not register, for 15 years, any case where perpetrators of violations against the freedom of the media were subjected to accountability or penalty. In the other direction, CDFJ recorded cases of journalists who were subjected to assaults by the security forces and raised complaints, requesting that these assaults be addressed, but the result was that they were targeted and considered as defendants. It can hence be said here that the law was used as a tool to oppress the journalists.

### Violations, their Recurrence, and Percentage during 2010 - 2016<sup>1</sup>

	Type of Violation	2010	2011	2012	2013	2014	2015	2016	Total	%
1	Blocking Websites	13	3	1	291	9	2	2	321	30.4
2	Prevention from Coverage	3		10	42	30	4	45	134	12.7
3	Threats of Inflicting Harm	14	22	11	14	13	1	7	82	7.8
4	Verbal Assault	2	4	14	8	11		3	42	4
5	Harassment	27		8	12	9	1	20	77	7.3
6	Physical Assault	5	26	10	5	13	2	3	64	6
7	Arbitrary Detention	2		1		16		5	24	2.3
8	Restriction of Freedom	4	10	3	4	19	5	1	46	4.4
9	Blocking Information	34	7		5	7	3	2	58	5.5
10	Confiscating Work Equipment			5	3	2		2	12	1
11	Electronic Piracy		1	4		2			7	0.7
12	Assault against Work Equipment			1		2	2	4	9	0.9
13	Prior Censorship	9	1		8	3			21	2
14	Post-Censorship				2	3			5	0.5
15	Instigating Violence			1		2	3		6	0.6
16	Inciting Violence				3	1	1	3	8	0.7
17	<b>Assault against Personal Property</b>			3					3	0.3
18	Damaging Property				3				3	0.3
19	Death Threats					2			2	0.2
20	Arbitrary Detention	3			2		9	2	16	1.5

<sup>1</sup> Empty cells are because CDFJ could not document violations expressed by these cells.



21	Prevention from Media Work			1	1			1	3	0.3
22	Assault against Work Headquarters			1		1			2	0.2
23	Prevention from Publication and Distribution	9	15			2	3	13	42	4
24	Ethnic Discrimination				2				2	0.2
25	Sustaining Injuries				5	1	1		7	0.7
26	Prevention from Treatment					1			1	0.1
27	Loss of Property					1		2	3	0.3
28	Withholding of Work Equipment					1		4	5	0.5
29	Deleting Camera Content					1	1	1	3	0.3
30	Arbitrary Termination	4	2						6	0.6
31	Withholding Practice Permit	3			5			1	9	0.9
32	Torture					1			1	0.1
33	Prevention from Radio and Satellite Broadcasting						10	1	11	1
34	Unjust Trial						7	3	9	0.9
35	Humiliating Treatment						2	7	9	0.9
36	Assault against Private Property							2	2	0.2
37	Withholding Identity Documents							1	1	0.1
<b>Total</b>		<b>132</b>	<b>91</b>	<b>74</b>	<b>415</b>	<b>153</b>	<b>57</b>	<b>135</b>	<b>1056</b>	<b>100%</b>
		<b>14.3</b>	<b>10%</b>	<b>8%</b>	<b>45%</b>	<b>16.6</b>	<b>6.2%</b>	<b>12.8%</b>	<b>100%</b>	
		<b>%</b>				<b>%</b>				

**3.2.7** It can be noted from the table above that direct violations of the right to freedom of opinion, expression and information have been ranked first with a total of 705 violations out of 1056 violations and 66.8% of total documented violations.

**3.2.8** The highest documented violations of the right to freedom of opinion, expression and information were the violations of blocking websites, numbering 321 violations. The most important documented case is the case in which the government adopted the amendments to the Press and Publications Law in 2012, which restrict the freedom of the Internet and electronic media. On June 1st 2013, the Jordanian authorities enforced the amendments to the Publications

Law, which caused serious damage to electronic media in Jordan and the Internet. It blocked 291 media websites that refused to apply for licenses to the Press and Publications Department in accordance with the law. In its annual report for 2013, CDFJ stressed that the decision by the executive branch to block sites is not consistent with the provisions of the Constitution, which guarantees in Article 15 freedom of the press, print, publishing and the media. It also affirms that newspapers and the media can not be suspended except by judicial order provisions of the law. (Documented cases of blocking websites can be found in Annex 1)

- 3.2.9** The Center also documented 192 violations of preventing media coverage and withholding information. Most of the documented cases were collective, the majority of which included journalists and media workers from different media outlets. Among these cases, journalists were systematically banned and information was blocked when they covered the 18th parliamentary elections on September 20<sup>th</sup>, 2016, in which the Center documented 41 violations of the prohibition of coverage and information withheld against 28 journalists, including eight journalist-photographers representing 13 independent media institutions. (Documented cases of prevention of coverage and blocking of information can be found in Annex 1)
- 3.2.10** Amongst the highest rates of violations against freedom of expression and expression of the media was the repeated violation of harassment, recorded 77 times over the past 7 years by CDFJ. CDFJ regards this as a direct violation of media freedom in Jordan. In 2016, the Media Authority, the Press and Publications Department, and the State Security Court issued 10 circulars banning publication on various issues that attracted the interest of the local community. (Some of these circulars are listed in Annex 1).
- 3.2.11** Violations of freedom of opinion, expression and information included a number of other violations, such as pre-post and subsequent investigations, security investigations, prevention of radio and satellite broadcasting, denial of licenses for media coverage, deletion of camera contents, arbitrary dismissal and electronic piracy.
- 3.2.12** The rest of the violations came about because media work does not permit declaring that the violations occurred as a result of an attack on the right to freedom of opinion and expression, as the center documented cases related to Article 7 of the International Covenant on Civil and Political Rights on the Prohibition and Criminalization of Torture. The center also documented the findings of investigations and prosecutions concerning the use of excessive force by the Security Police against journalists on 15 July 2011 during a demonstration in the Palm Square in Amman, which can be seen in Annex I. The center also documented cases relating to Article 9 of the Covenant On the right to personal liberty and security, which can be seen in Annex II, and cases relating to article 14 of the Covenant on fair trial guarantees, which can be seen in Annex III.\
- 3.2.13** In general, it can be said that based on the above information and indicators, the freedom of opinion and expression is not guaranteed in Jordan according to the Covenant. There are numerous violations. At the level of respecting the right, it is not guaranteed according to these practices by the authorities of all types, including harming journalists, preventing them from publishing, restricting media coverage, and harassing journalists. At the level of protection, it is not guaranteed either, whereby the authorities do not carry out any investigations

regarding violations committed by the authorities, individuals, or institutions against the freedom of the media in Jordan. If these investigations did take place, they do not come out with objective results on which perpetrators are held accountable. Hence, these perpetrators enjoy impunity. The same applies for the judiciary, which does not undertake its role of implementing the contents of article 19 of the Covenant, but rather implement the national legislations which are, to begin with, restrictive to the freedom of opinion and expression. We will present in the annexes documented examples of the main violations to which journalists are subjected.

## 4 Recommendations

- 4.1 Work at amending the Press and Publications Law to achieve the following:
  - 4.1.1 Cancel the requirement of licensing for websites.
  - 4.1.2 Consider crimes committed by a press publication a civil and not a criminal offense.
  - 4.1.3 Commit to the principle of the individuality of the penalty in charging journalists and ending the assumed responsibility of the chief editor.
  - 4.1.4 Cancel the authority of the Media Commission Chairman to block websites.
  - 4.1.5 Add a legal text that guarantees that no journalist is tried except in accordance with the Press and Publications Law.
  
- 4.2 Amend the Right to Access Information Law to contribute to maintaining the right of society and media professionals to knowledge, by observing the following:
  - 4.2.1 Impose penalties against anyone who does not comply with providing information in public institutions.
  - 4.2.2 Cancel the exceptions stipulated in article 13 of the Law, which contradict article 19 of the International Covenant for Civil and Political Rights.
  - 4.2.3 Making the decision of the Information Council binding.
  - 4.2.4 The right to access information should not be connected to the concept of "legitimate interest."
  - 4.2.5 Give the right to access information precedence over the restricting articles in the State Documents and Secrets Law.
  
- 4.3 Reconsider the Audio-Visual, allowing:
  - 4.3.1 The amendment of article 18 so that the Cabinet of Ministers provides reasons for withholding licensing within 30 days. This decision is to be subject to contestation and appeal.
  - 4.3.2 Cancel any prior or post censorship or any restriction on broadcasting.
  - 4.3.3 Identify the means for entering public service.
  - 4.3.4 Reduce fees on broadcasting and re-broadcasting of community and/or local radio and television material so that these stations are transferred to the public service principle used in most countries of the world.
  
- 4.4 Amend the Press Association Law to permit compatibility with the standards international human rights law, particularly material stated in the International Covenant for Civil and political Rights, which contradict the obligatory membership in the Press Association as a condition for practicing journalism.
  
- 4.5 Amend the Penal Code to make it compatible with international conventions and treaties, including:
  - 4.5.1 No jurisdiction to address cases of press and publications and/or audio visual media cases.
  - 4.5.2 Cancel the article that permits referring journalists to the State Security Court.
  - 4.5.3 Stop classifying and considering crimes against the freedom of expression and the media as crimes against the state internal and external security.

- 4.6** Commit to publishing information about the state of the government implementing its commitments according to the recommendations of the Human Rights Committee and the recommendations accepted before the Universal Periodic Review of human rights, as well as the Anti-Torture Convention and other conventions related to the freedom of expression and the media.
- 4.7** Expedite the implementation of the National Human Rights Plan within a shorter period of time in coordination with civil society institutions.
- 4.8** Control by the government of the routine practices by those who implement the law, control and monitor practices that include violations against media professionals while practicing their media work, and deal with these violations with the purpose of guaranteeing that there is no impunity involved, and the need to reveal the steps followed by the government in this framework.
- 4.9** Dedicate the concept of protecting the right to the freedom of opinion, expression, the media, the press, and peaceful congregation among public servants and law enforcement personnel.
- 4.10** Train all public personnel and members of the security system and law enforcement officers on the basic rights and freedoms people should enjoy based on international conventions related to human rights and the Jordanian constitution.
- 4.11** Follow a public declared policy in providing protection for peaceful congregations and demonstrations according to Jordan's commitments, penalizing members of the security forces who were involved in physical assaults or acts of humiliation, including assaults against journalists, and issuing instructions in this respect publicly in order to enhance the serious nature of this policy.
- 4.12** Open an investigation with the participation of observers from human rights independent and civil society organizations in all assault and harsh, inhuman, or degrading treatment incidents since 2011, and enable investigators to access all sources of evidence available, to interview witnesses, inspect documents, visit the location, and issue an independent report on the responsibility of the perpetrators in these incidents.
- 4.13** Guarantee the right of Journalists, Opinions activists, and individuals in demanding reparations and compensations for the torture or harsh treatment they were subjected to within the context of fair and transparent judicial procedures.
- 4.14** End any discrimination in treating journalists and media professionals, and refraining from requiring their membership in any association or union, allowing multiple unions to facilitate their work in the state's public facilities and institutions.

**4.15** Commitment by the national judiciary to international standards regarding the freedom of opinion and expression, as obligatory standards that transcend national legislations which do not guarantee the freedom of expression.

**5.1 Annex Number (1)****5.1.1 Documented Cases Related to Article (19) of the International Covenant for Civil and Political Rights as Related to the Freedom of opinion and Expression****5.1.1.1 Blocking Websites:**

5.1.1.1.1 Staff of "Kull Al-Urdun" website and its owners submitted more than one complaint to "AIN" program affiliated with CDFJ regarding hacking and blocking their website during 2010. Colleague Nahed Hattar submitted a complaint on 31/10/2010 and colleague Ala' Al-Fazza' submitted two other complaints on 30/8/2010 and 22/10/2010.

5.1.1.1.2 It is fair to say that information included in the journalists' complaints were organized and cohesive. They look well-documented and systematic. Colleague Ala' Al-Fazza' clarified that the website was hacked and blocked on 15/5/2010 in conjunction with the site publishing an item titles "Al-Rifa'e the Father" attacking military retirees. On 9/8/2010 when the website published material titled "Activists Call for an Effective Boycott of the Elections" and "Dismissing Al-Rifa'i First" and on 21/8/2010 after publishing an article titled "Jordan Is Too Big For You," and on 7/9/2010 after publishing an article titled "His Golden Birthday" and on 12/10/2010 after publishing material titled "The Custodian of the Two Holy Mosques and His Crown Prince are in Very Bad Health, with Vagueness in Authority and the Saudi Leadership .. Where To?" and on 19/10/2010 after a statement by the military retirees was published calling for boycotting the elections.

5.1.1.1.3 In 2012, Jordan ratified amendments to the Press and Publications Law that would constrain internet freedom and electronic media. CDFJ published in its annual report on the state of media freedoms in Jordan 2012 its comments expressing its worries and legal criticism regarding these amendments. In the middle of 2013, the Jordanian authority implemented these amendments to the Press and Publications Law resulting in severe damage to the electronic media in Jordan and the freedom of the internet. For this reason, CDFJ expressed its severe worry regarding the Jordanian government's continued decision to block electronic news sites as of 1/6/2013, in application of the amended Press and Publications Law it ratified in 2012 especially that it blocked 291 sites that refused to apply for licensing at the Press and Publications Department in compliance with the law. CDFJ emphasized in its report that the decision to block sites, issued by the executive authority, does not comply with the provisions of the constitution which guarantees in article 15 the freedom of the press, printing, and publishing, as well as the media outlets. It also emphasizes the inadmissibility of obstructing newspapers and media outlets except with a judicial order in accordance with the provisions of the law.



5.1.1.1.4 During 2016, the Information Commission blocked the Amman.net site affiliated with Al-Balad Radio between 9/8/2016 and 18/9/2016, with the excuse that part of the radio's ownership belongs to an Arab national who does not have the Jordanian citizenship, which violates the amendments to the Press and Publications Law of 2013. The director of the Investigative Press Unit in Radio Al-Balad "Mas'ab Al-Shawabkeh" said to monitors in AIN program that the reason the site was blocked is that it published an article titled "Kahnoot [priesthood]" by the writer Basil Rafay'ah in which he criticized the Media Commission blocking the program "Kabseh," broadcast on Sawt Al-Ghad Radio after its episode that addressed the issue of joint coexistence and values after invoking the issue of whether it is permissible to condole Christians on the Jordanian street, and its slander of the General Fatwa Department in the Kingdom and religious symbols.

### **5.1.1.2 Prohibition from Coverage**

5.1.1.2.1 In his complaint to AIN program, colleague Fu'ad Hussein pointed out that the Minister of State for Information Affairs and Communications refused in October of 2010 to grant him approval to film a program in favor of Al-Mustaqbal TV titled "The Thought of Terrorism." It was planned to address the terrorist bombings in Jordan.

5.1.1.2.2 Colleague Ma'moun Shnaykat claimed in his complaint dated 6/11/2010 that while filming an episode on the environmental damage left by the Phosphate Company in Al-Risseifa area after its tender ended, he was contacted by the programs director at the Television and asked him to stop filming. He stressed that if he continued filming, he will not approve airing the episode. Filming was actually stopped, and the reason according to Shnaykat was security considerations.

5.1.1.2.3 On 13/5/2014, the Prime Ministry and the Foreign Ministry prevented journalists from entering Marka Civil Airport to cover the arrival of Ambassador Fawaz Al-Aytan from Libya. The ministry handed the airport officials a list of names of journalists allowed to enter the airport. It had announced a press conference to talk about the details of releasing ambassador Al-Aytan by his kidnappers in Libya for more than a month. Among those journalists, the following were identified: Omar Al-Maharmeh and Khalil Mazra'awi from Al-Dustour, Ahmad Al-Harasees for Jo24, Muhammad Abu Ghosh from Al-Ghad, Khaled Al-Ramahi from Reuters, Hasan Al-Shobaki from Al-Jazeera, and Jamal Nasrallah from aba. In his testimony, journalist Omar Al-Maharmeh said to the AIN program team: "I arrived with a group of journalists to Marka Civil Airport after we informed by the authorities that of the date of the ambassador's arrival, and that he would hold a press conference with the Foreign Minister, but we were surprised to find that there is a list of names of journalists allowed to enter. After making some contacts to have our names listed, we were told that there are instructions to prevent everyone entering even if their names were in the list. After contacting the Royal Court, we were informed that the prohibition came from the Prime Minister and the Foreign Minister. We were told that the journalists who entered before the

- prohibition decision were held in an office inside the airport and were prevented from attending the formalities of receiving the ambassador."
- 5.1.1.2.4 The photographer of Hawa Al-Urdun agency "Khalil Ya'coub Al-Hajajrah" was prevented on 11/4/2015 from coverage and the contents of his camera were deleted by 7 members of the public security and the gendarmerie while covering a security campaign to remove kiosks from the commercial center in the city of Aqaba.
- 5.1.1.2.5 **Systematic prevention of coverage and blockage of information in the parliamentary 18th elections of the Lower House on 20/9/2016:** CDFJ received frequent information about preventing a large number of the election committees' media professional chairmen from coverage and filming to follow up on the voting process. CDFJ also received allegations that media professionals were harassed by security elements entrusted with providing protection at polling stations. It seemed to CDFJ as a result of information and evidence that a large number of media professionals and journalists were evidently harassed and prevented from coverage, and that information was blocked from them. Two hours after the voting process started, more than one website pointed out that journalists were being prevented from coverage, including the Jo24, Jerasa News, and Amoun. News started to arrive in succession about preventing journalists from coverage at the polling stations, particularly by the directors of the voting centers. A number of journalists emphasized that it was a moody move by the heads of the polling stations to prevent journalists from coverage.
- 5.1.1.2.5.1 Cases of preventing photographers from filming inside the polling stations were repeated, which instigated the operations room at the Independent Election Committee to circulate among polling station directors to allow representatives of the media outlets to enter polling stations and film inside them.
- 5.1.1.2.5.2 CDFJ found out that the main problem in preventing photographers from filming inside some polling stations in the Kingdom was that some committee chairmen did not know that it is the right of media professionals to observe the election process at polling stations with the exception of the polling booth.
- 5.1.1.2.5.3 Although instructions issued by the Independent Election Committee were repeated to allow journalists to cover the elections, heads of the polling stations continued to prevent journalists' coverage and blocked information from them, with the excuse that these are instructions issued by the Independent Commission, as justified by security elements that prevented journalists from entering.
- 5.1.1.2.5.4 AIN program team received complaints of prevention from coverage and blockage of information after the polling period was extended as announce by the Independent Election Committee, with the excuse of preventing journalists from coverage based on instructions issued by the Commission.
- 5.1.1.2.5.5 The Jordan First News Website team was prevented from coverage at the polling station of Al-Jubayha Secondary School in the First District of the capital Amman after the extension period by the station's director, with the excuse that the Independent Election Commission issued orders to prevent coverage at this time (7:20 pm).
- 5.1.1.2.5.6 The location representative colleague Laith Al-Kurdi said in a telephone conversation with AIN team that the location team were abused and threatened by the station director.

- 5.1.1.2.5.7 In addition to preventing journalists from coverage and blockage of information by polling stations' directors and staff in a number of locations, journalists were also harassed and prevented from coverage by security elements providing security at the polling stations.
- 5.1.1.2.5.8 The AIN team documented, out of 30 cases of violation on the election day, 23 cases during the morning session and until 12 noon, 7 cases in the afternoon and evening periods, 33 cases of preventing coverage by heads of the polling stations and election committees, and 8 cases of preventing coverage by security elements entrusted with implementing the law.
- 5.1.1.2.5.9 AIN team also documented 9 violations of harassment and abuse against 8 journalists, most of which were committed by members of the security system and election committees in stations. Journalist Ranim Al-Duweiri from Al-Anbat newspaper had material in her camera deleted by the security elements at one of the polling stations in Irbed.
- 5.1.1.2.5.10 CDFJ believes that testimonies and stories documented are part of the violations that took place to which colleagues were subjected by polling stations heads, and that they lead to beliefs that the Commission was not conclusive in holding accountable those who prevent the media outlets from coverage, or that there are other parties that instigate committee chairmen and those managing the polling stations to harass journalists and their freedom of coverage, photographing, and filming.
- 5.1.1.2.5.11 More importantly, members of the public security entrusted with protecting polling stations should have implemented the law in the direction of organizing the polling process and providing protection for the voters, interfering at any negative incident that violates participation, as well as helping media professionals perform their tasks within the confines of the law as long as they carry a legal card for coverage issued by the Independent Election Commission, and not to harass them and prevent them from coverage.
- 5.1.1.2.5.12 CDFJ believes that the security men who harassed journalists and prevented them from coverage, according to allegations received by the AIN team, violated the conditions that should be present to practice their authority of implementing the law, and that the controls and international standards were not present and their behavior included a clear violation of the law and human rights.
- 5.1.1.2.5.13 CDFJ emphasized, in this context, that it is necessary to understand the systematic method of these violations through failure of the authorities to take any preventive measure to prevent the recurrence of these acts of harassment and prevention from coverage by member of the public security and election committees at polling stations. However, the Independent Election Committee is held responsible for its keenness and effectiveness in issuing clear instructions to the polling stations' directors to permit journalists to cover and to facilitate their task inside the polling station.
- 5.1.1.2.5.14 CDFJ documented 30 cases that included 50 violations, of which 41 violations were preventing from coverage and blocking information, 4 were abuse, and 4 were intentional harassment. One case included the deletion of camera content. Violations targeted 28 journalists and media professionals, including 8 photographers representing 13 media institutions, of which 9 were online and 3 daily newspapers and one radio station. All were independent media institutions with the exception of one case where the photographer of Al-Ra'i daily newspaper was targeted in Irbed.

- 5.1.1.2.5.15 The most important of these cases that document violations against colleagues can be summarized as follows:
- 5.1.1.2.5.15.1 Security prevents the entry of journalists to the polling stations in Amman and Zarqa'
- 5.1.1.2.5.15.2 A polling station in Bayadir Wadi Essir prevents the Jo24 photographer from filming.
- 5.1.1.2.5.15.3 Journalists were prohibited from covering the election process in Fatima Al-Zahra' school in Al-Ashrafiyeh.
- 5.1.1.2.5.15.4 The Amoun News website team is prevented from covering the election process in three polling stations in Zarqa' Governorate.
- 5.1.1.2.5.15.5 Khabbirmi website team is harassed while covering voting in the first district of Al-Zarqa' governorate.
- 5.1.1.2.5.15.6 Preventing Al-Sabeel's daily paper's representative from covering the election process inside a polling station in the third district in Irbed governorate.
- 5.1.1.2.5.15.7 The contents of Al-Anbat newspaper representative's camera were deleted and she was prevented from coverage inside a polling station in district 3 in Irbed.
- 5.1.1.2.5.15.8 Al-Anbat newspaper team was prevented from coverage in two polling stations.
- 5.1.1.2.5.15.9 Representative of Ajloun News Agency is harassed and prevented from coverage.
- 5.1.1.2.5.15.10 Jerasa News representative was prevented from covering the elections in district 5 in the capital Amman.
- 5.1.1.2.5.15.11 An envoy from the Arab Union of Photographers is harassed at Tareq Ben Ziad polling station in Tabarbour.
- 5.1.1.2.5.15.12 The representative of Amman.net and Radio Al-Balad were prevented from covering district 1 in the capital governorate.
- 5.1.1.2.5.15.13 The representative of Farah Al-Nas radio is harassed and prevented from coverage at the Tayseer Al-Thabyan school polling station in district 3 in the capital.
- 5.1.1.2.5.15.14 Saraya website representative is prevented from covering a polling station in district 5 in Amman.
- 5.1.1.2.5.15.15 Saraya News Website representative is allowed to cover district 4 in Irbed governorate after an official interfered.
- 5.1.1.2.5.15.16 Al-Urdun Awwalan news website team is prevented from covering the election process in two polling stations in Irbed governorate.
- 5.1.1.2.5.15.17 Al-Ra'i newspaper representative is prevented from covering polling stations in Liwa' Al-Ramtha.
- 5.1.1.2.5.15.18 Al-Urdun Awwalan website team was repeatedly prevented for covering the polling station in district 4 in Irbed governorate.
- 5.1.1.2.5.15.19 Representatives of Al-Urdun Awwalan Website representatives are prevented from coverage in district 4 in Irbed governorate and district 1 in the capital.
- 5.1.1.2.5.15.20 Al-Urdun News Agency representative is prevented from covering the process of breaking up a grouping of people in front of the main operations room in Ajloun governorate.

### **5.1.1.3 Blocking Information:**

- 5.1.1.3.1 At the beginning of April 2010, a circular was issued by all ministries operating in Jordan to all directors and staff preventing them from providing media outlets with access to information and documents. The circular said that all employees should respect the contents of the circular subject to legal accountability. The circular quoted the Protection of State Secrets and Documents Law number 50 for the year 1970 and demanded compliance with its provisions.
- 5.1.1.3.2 On 7/5/2015, the acting Secretary General of the Ministry of Industry and Trade responded to a communication by Al-Ghad newspaper representative Tareq Al-Da'jeh in a non-serious manner loaded with sarcasm, insisting on not providing the newspaper representative with any news regarding following up on a Polish wheat consignment after the government decided to return it for violating the technical principle.
- 5.1.1.3.3 There are numerous cases in which journalists were prevented from obtaining information. CDFJ received a number of complaints related to blocking information that include an indication of the lack of seriousness by the authorities to provide media professionals with the necessary information for them to practice their media work and freedom. CDFJ was keen on referring to this matter within the section allocated for violations in its annual reports on the state of media freedoms in Jordan since 2012 and until the end of 2016. It did not settle at addressing this in the section about complaints only, because CDFJ believes that the public authorities concerned are lacking in fulfilling its legal and national obligations as related to guaranteeing the right of access to information. This is clear from the numerous complaints related to this. Among the examples is the rejection by the Public Security Directorate on 10/10/2010 a request by colleague Muhammad Shamma to obtain information on people with security records.

### **5.1.1.4 Prohibition from Publication and Distribution:**

- 5.1.1.4.1 Preventing the printing of an issue of Al-Majd Al-Yaum newspaper on 10/10/2010 without a legal reason that justifies this form of prior censorship over media outlets.
- 5.1.1.4.2 In a complaint to AIN project on 8/10/2012, the writer and journalist Ahmad Hassan Al-Zou'bi claimed that "I am continuously subjected to preventing publication of my articles by the newspaper administration. The chief editor is virtually the decision-maker, but I do not know which parties are behind the prohibition and I do not pursue them, because they are numerous. The number of articles prohibited from publication for this year 2012 distributed over the months are as follows: January 2, February 3, March 6, April 5, May 5, June 3, July 2, August 4, September 7, and October 2. The number of articles I write every month, regardless of whether they are published or not, is between 14 and 16.
- 5.1.1.4.2.1 As a result of the scientific and legal review of this situation, and after examining the prohibited articles, it was evident that they are related to influential people or with government policies. Besides, the justification



provided to prevent publication, according to the complainant, was not professional. Colleague Al-Zou'bi explained to the monitors who met with him and asked him about the articles that he is sometimes informed by the chief editor's office at Al-Ra'i newspaper that the article was blocked, justifying the blockage by saying that it attacks a specific figure or the government. For this reason, one can say that what colleague Al-Zou'bi is being subjected to represents a violation of the freedom of expression, publication, and the media according to the interpretation of article 19 of the International Covenant for Civil and Political Rights.

- 5.1.1.4.3 On 31/12/2015, Amman.net website published a media report monitoring the visits and trips made by King Abdullah II outside Jordan, classifying the nature of these trips and visits using infographics. It also includes the names of princes who represented the King during his visits outside the country, and the number of regulations they issued during his absence from the country. After publishing the media material prepared by the two journalists Mus'ab Al-Shawabkeh and Muhammad Al-Khamayseh for Radio Al-Balad, the website management was subjected to pressures on the same day 31 December, 2015 to remove the material from the website by the Minister of State for Information Affairs, the state's official spokesman Dr. Muhammad Al-Momani. Meanwhile, the programs director at Amman.net Phillip Madanat received a call from Dr. Amjad Al-Qadi, Director of the Media Commission requesting him to remove the material as well. The website management did not respond to the requests, according to a complaint received by AIN.
- 5.1.1.4.4 During 2016, the Media Commission, the Press and Publications Department, and the State Security Court issued circulars prohibiting publishing material in three different cases that provoked the interest of the local society, including the following:
  - 5.1.1.4.4.1 On 11 May, the Amman Public Prosecutor Rami Al-Tarawneh issued an official letter to the Director of the Media Commission Dr. Amjad Al-Qadi requesting him to prohibit publication in the media in the case raised by the Ministry of Social Development against the media spokesman for orphans Ala' Al-Tibi who was tried for logistical services he provided for Muna Al-Tarawneh who prepared and presented the program Taboo which was aired on the Jordan Television.
  - 5.1.1.4.4.2 On 7 June, the public prosecutor of the State Security Court prohibited publication on the attack on the Intelligence office in Al-Baqa'a which led to the death of 5 members of the office.
  - 5.1.1.4.4.3 On 14 August, the Amman senior public prosecutor Abdullah Abu Al-Ghanam prohibited publication on the case of writer Nahed Hattar who was accused of promoted sectarian strife after publishing a cartoon offensive to God on his Facebook page. Hattar was tried on the basis of article 15 of the Electronic Crimes Law.
  - 5.1.1.4.4.4 The Media Commission issued another circular for radio and satellite broadcast channels, websites, and press publications on 26 September including a decision from the public prosecutor of the State Security Court prohibiting publication in the case of assassinating the intellectual and writer Nahed Hattar.
  - 5.1.1.4.4.5 On August 28, the Director of the Media Commission decided, based on a decision by the Amman senior public prosecutor decided to prohibit publishing anything on the case of the Islamic preacher Amjad Qurshah, who

faces charges of disrupting relations with a foreign state and exposing Jordan's security to risk, according to the Anti-Terrorism Law paragraph B article 3, along the background of publishing a video in which he criticized Jordan's participation in the international coalition to fight what is known as the Islamic State organization (Da'ish).

- 5.1.1.4.4.6 On August 29, the Press and Publications Department prohibited in a circular issued and directed to registered satellite and radio channels, website, and press publications the publishing and broadcasting of any news related to the Hashemite family, demanding that publication be through the Royal Court only.
- 5.1.1.4.5 Over the past five years, publishing articles by a number of writers was prohibited, including Bateer Wardam, Hilmi Al-Asmar, and Kamel Al-Nseirat from Al-Dustour, and others.

#### **5.1.1.5 Post Censorship:**

- 5.1.1.5.1 Broadcasting the weekly program "Between Two Directions," prepared and presented by the media professional Zuhair Al-Azzah was discontinued at exactly 1 am on 1.4.2014. Former representatives Abdullah Obaidat, former Deputy Speaker and Engineer Mu'taz Abu Rumman participated, and a number of issues were raised, including directing accusations at the government of not being serious in combating corruption and failure to open the file of the 9 million Dinars, whose check was hidden, related to the Arab Investors, and the check signed by the current head of the Royal Court, which is demanded by the Greater Amman Municipality for fines on the company he was heading when the check disappeared.
- 5.1.1.5.1.1 The media professional Zuhair Al-Azzah told the AIN: I was not surprised that such behavior would take place, interfering in satellite broadcasting through the media village involved in satellite broadcasting. This is not the first time that parts of my programs are truncated." Blocking broadcast falls under the lack of public freedoms, which became the mode of operation of the government and its affiliated systems. It also comes within the framework of the war against the fair media which managed to put an end to financial violations and corruption practiced by some people in the previous years. In addition, some people want some systems to be far from accountability and control by the people and through the media outlets."

#### **5.1.1.6 Killing because of Opinion:**

- 5.1.1.6.1 The Jordanian writer Nahed Hattar was killed on 25/9/2016 because he republished a caricature that makes fun of Da'ish and was said to have insulted God, on his Facebook page. This caused a lot of debate in the Jordanian society. A man killed him on the stairs of the Palace of Justice in the capital Amman as he was heading for trial after being accused of "stimulating religious and sectarian strife" as a result of publishing that caricature. Referring him to the judiciary contributed to drawing attention to him as a guilty person. The duty of the state is to protect the freedom of expression and belief, and to provide people with protection when attacked or when there are instigations against them because of their opinions or beliefs. Hence, the Jordanian government was lax in providing protection for "Hattar" especially that it knew that he was threatened. The human rights committee stated in its public comment number 22 that the idea of the state's official religion by itself does not represent by itself



a violation of the freedom of belief and religion. But the state is obligated not to make its official religion or religion in general a basis for discrimination. The government, however, represented in the Prime Minister and the Minister of Interior referred the victim to the public prosecution under the influence of hate address and instigations against him on the basis that he scorned religions. We believe that the government, in dealing with this event, violated its obligations emanating from articles (18) and (19) of the International Covenant for Civil and Political Rights, and has to bear the responsibility according to the International Human Rights Law.

## **5.1.2 Documented Cases Related to Article (7) of the International Covenant for Civil and Political Rights Regarding Prohibiting and Criminalizing Torture**

**5.1.2.1 Presenting and documenting the results of judicial investigations and prosecutions related to claims of officers of the Public Security Directorate using excessive force on 15 July 2011 during the Al-Nakheel Square demonstration in Amman:** Testimonies presented by the report hereunder indicate without a shadow of doubt that there is an intention to target the media and media professionals, preventing them from covering events and practicing their work freely. These assaults are not individual, random, or accidental. Most cases documented by CDFJ regarding Public Security Directorate officers using excessive power during the Al-Nakheel demonstration in the capital Amman on 15 July 2011 indicate a specific pattern when committing the act or the assault by members of the security and the gendarmerie. What emphasizes the barbaric nature of this assault is that members of the security and gendarmerie, and other security systems were wearing their uniforms without tags showing their names or numbers, in order to conceal their identities. In addition, the assault against media professionals was committed while they were wearing the vests that distinguish them from other demonstrators in the sit-in. The insults by the security members contained clear terms that indicated their targeting.

**5.1.2.1.1** CDFJ emphasizes that what reinforces the systematic nature of Al-Nakheel square assault is the official authorities not taking any preventive measure to prevent the assault by the security men, and its keenness on the ineffectiveness or seriousness of measures to pursue the perpetrators from the security or gendarmerie, and other security members, as well as the failure to reveal the officials involved. Furthermore, the relevant authorities did not initiate an independent and neutral investigation to reveal the truth and hold all officials involved accountable for the assault, whether those who implemented it, remained silent about it, ordered it, accepted it, or ratified it. It is noteworthy in this context that the Public Security Directorate issued three days after Al-Nakheel incident a report by the investigation committee formed under the public security umbrella, admitting clearly the responsibility for the assault against media professionals and expressing regret for the assault against them and the damages they sustained, as well as the physical and psychological harm. It was also mentioned that the public security will take the necessary steps to prosecute the perpetrators and compensate the victims. The Public Security Directorate, however, did not take any measure later on, did not reveal the identity or those involved, and did not bring any of them to justice. It settled for

- a verbal apology stated in the said statement without taking any practical or actual measure on its part to try the perpetrators and those involved with them.
- 5.1.2.1.2 The assault in which different security systems participated against media professionals in Al-Nakheel Square represented a clear and explicit violation of the provisions of the Jordan constitution, the Jordanian law, and human rights conventions that were ratified by Jordan and published in the Official Gazette. This assault is one against the freedom of opinion and expression, including media freedom, the prohibition of torture and other forms of harsh, inhuman, or humiliating treatment or punishment, and the right to access justice and effective remedies. In addition, it involves the violation of the United Nations principles related to the use of force in the context of implementing the law. These are all violations that require redressing the victims and compensating them, in addition to holding the perpetrators accountable criminally, civilian, and administratively.
- 5.1.2.1.3 Regarding the role of CDFJ in dealing with Al-Nakheel incident, it published on 15/7/2011 a preliminary report on the incident after undertaking an investigative effort of facts and information gathering. It was clear for CDFJ at the time that all security systems were responsible for the assault. CDFJ sought to raise civilian and criminal lawsuits to prosecute the perpetrators and bring justice to the victims. Some of the colleagues who were assaulted actually signed representation letters to lawyers working within CDFJ's MELAD unit, but they then retracted that, with the exception of colleagues Nidal Salamah and Islam Sawalha. Legal experts decided that the case of these two journalists was not solid enough legally, and legal procedures would not be feasible In view of the facts and circumstances involved.
- 5.1.2.1.4 CDFJ was able to document 10 cases of assault against media professionals who were targeted on 15/7/2011 by members of the security forces, gendarmerie, and traffic police, or those who wore their uniforms from other security parties. It is possible to summarize the main cases which were documented by CDFJ against media professionals as follows:
- 5.1.2.1.4.1 Colleague Sami Mahasneh, who sustained severe injuries including a fractured right arm, lesions on the thumb, severe bruises on his left eye close to the optic nerve. He was beaten with sticks and treaded on by boots of the security men.
- 5.1.2.1.4.2 Colleague Ra'ed Awartani from Jordan Days, whose neck was broken and his camera destroyed as a result of beatings by the security forces.
- 5.1.2.1.4.3 Colleague Yazan Khawas from Nermina Channel, who was beaten on his left hand which was holding a microphone, tearing his hand's tissues.
- 5.1.2.1.4.4 Colleague Muhammad Al-Najjar, reporter for Al-Jazeera Channel who was beaten and verbally abused by members of the public security, and prevented from covering the incident or taking pictures.
- 5.1.2.1.4.5 Colleague Yasser Abu Hilaleh, director of Al-Jazeera channel office, who was beaten and verbally abused to prevent him from covering the incident.
- 5.1.2.1.4.6 Colleague Amal Ghabayen from Amoun News Agency, who public security men attempted to prevent from filming their assault against one of the demonstrators. They verbally abused her using filthy language, and chased her to confiscate her camera, beating her with sticks
- 5.1.2.1.4.7 Colleague Ahmad Malkawi from Saraya news agency, who was beaten and his camera was broken by security men wielding sticks.

- 5.1.2.1.4.8 Colleague Ali Al-Zou'bi from Nermina Channel who was beaten by security men with batons from behind, concentrating on his hand so he would drop his camera.
- 5.1.2.1.4.9 Colleague Muhammad Al-Fdeilat from Amman.net, who was verbally abused by security forces using filthy language, and prevented for reaching the incident location to film.
- 5.1.2.1.4.10 Colleague Anas Damra from Amou News Agency who was assaulted by security men from behind when attempting to stop security men from beating colleague Muhammad Al-Kiswani.
- 5.1.2.1.4.11 Colleague Muhammad Abu Qati from Reuters who was severely beaten by security forces, breaking one of his cameras as he filmed the assault against the demonstrators who were being beaten by security forces and the gendarmerie, and as he was trying to help his colleagues from the media who were being subjected to the most severe forms of physical and verbal violence.
- 5.1.2.1.4.12 Colleague Rana Za'rour from Al-Arabia Channel, who was verbally abused and prevented from filming by members of the security forces.
- 5.1.2.1.4.13 Colleague Hiba Kiwan from Electronic Saraya agency who was subjected to violence by the security forces, like her other colleagues.
- 5.1.2.1.4.14 Colleague Islam Sawalha from Amman Post website, who was asked by the security men to stop filming. One of them beat him from behind with his head wearing a helmet. The camera fell from Sawalha's hand. When he continued to take pictures using his mobile phone, security and traffic police, or those wearing their uniforms, beat him on his hands until his phone fell.
- 5.1.2.1.4.15 Colleague Nidal Salameh from the Electronic Iris, who was beaten by the Gendarmerie men, and verbally abused using humiliating language, taking his camera and breaking it.
- 5.1.2.1.4.16 Colleague Amer Abu Hamdeh from BBC Amman who was assaulted from behind with a shield carried by the security men while filming the incident. He was also beaten with a security man's belt on his neck to prevent him from taking pictures.
- 5.1.2.1.4.17 Colleague Fahim Karim from the New York Times, who was physically assaulted.
- 5.1.2.1.4.18 Colleague Khalil Mazra'awi from Addustour who was beaten.
- 5.1.2.1.4.19 Colleague Muhammad Hannoun from the Associated Press who was beaten.
- 5.1.2.1.5 As it became evident for CDFJ, the above cases resulted in severe physical, psychological, and material damages as a result of the assault by the security and Gendarmerie men against media professionals. These cases exhibited common denominators, such as targeting the media professionals' hands to drop their cameras, beating from behind to conceal the perpetrator's identity from the victim. In addition, most victims from the media were wearing the special press vests, and it was clear for the security men and the Gendarmerie that they were not demonstrators.
- 5.1.2.2 **Assault by beating against journalist Khair Eddin Abdul Hadi by a group of Gendarmerie in November 2012:** In his complaint submitted to AIN program date 21/11/2012, journalist Khair Eddin Muhammad And Al-Hadi from Al-Yarmouk channel said: "I went on Wednesday 14/11/2012 to the vicinity of the Interior Roundabout in the capital Amman to cover the events of the protests against the Prime Minister's decision to raise prices. It was the second day of demonstrations that took place throughout the Kingdom. I was

covering for Al-Yarmouk satellite channel. During coverage in King Hussein Street towards Firas roundabout, the street was full of clashes between the security and Gendarmerie forces and the angry demonstrators. I was standing near a group of journalists. At some point, the clashes heated up, and I tried to take an angle that was safe but gave me a good overview. I was surprised by an attack from a Gendarmerie member against us. He hit my camera with his metal baton while cursing me. I screamed at him: "I am a journalist. Why did you do this?" He then attacked my colleagues with a group of Gendarmerie members. They beat me, kicked me, and cursed me. I was still screaming: "I am a journalist." At that point, they tried to apprehend me, after beating me, but an officer told them to leave me because I was a journalist. I then tried to go back to collect the debris of my camera on the ground, to find out that colleague Ali Abu Hilaleh had filmed what happened to me in full, and he helped me and tried to give me some first aid."

5.1.2.2.3 Abd Al-Hadi explained in his complaint that the number of perpetrators was between 5 and 10 Gendarmerie members. They verbally abused him using terms like "son of a b----." He also stressed that the beating targeted his hands, and the perpetrators tried to break his camera using their batons, and that when part of the camera was broken, they started beating him like they beat the other demonstrators. After that, the beating was concentrated on the legs and knees until the victim falls down to the ground. When he fell down, they beat and kicked him on the back. He was heavily bruised as a result of the beating.

5.1.2.3 **Physical assault against colleague Musa Barhoumeh in March 2012:** The physical assault to which colleague Musa Barhoumeh was subjected as he participated in covering the Fourth Circle sit-in and demonstration on 31/3/2012 represents an additional evidence of the continued commitment by the Gendarmerie men of serious violations against journalists. Journalist Barhoumeh was beaten by the Gendarmerie men and sustained a head wound, as stated by medical tests and reports.

5.1.2.4 **Assault by the Gendarmerie forces physically and verbally against journalist Gaith Al-Tall in July 2012:** Among the assaults monitored and documented by CDFJ during the sit-in organized by the youth movement against the visit by the Prime Minister to the city of Irbed at Al-Nu'aymeh bridge on Irbed - Amman road on 5/7/2012, was the physical and verbal assault by members of the security forces and the Gendarmerie, against journalist Gaith Al-Tall and deletion of camera content. Al-Tall stated in his complaint submitted to AIN Program on 7/7/2012 that: "After we took a few pictures of the demonstrators in the sit-in and after we interviewed a number of them, the Gendarmerie forces arrived, so I moved a short distance away and took the position to take pictures of the line the Gendarmerie forces were planning to form. But I was surprised to see rush out of their vehicles and attack everyone in their way with beatings and insults, including colleagues Ahmad Al-Tamimi and Ziad Nusayrat. Meanwhile, I took the position and started to take video film, but one of the Gendarmerie saw me and rushed towards me, starting to beat

me and trying to take my camera to break it. In the meantime, the assistant police commissioner of Irbed arrived and participated with two members of the Gendarmerie in beating me. They managed to take my camera. I was being beaten all this time while crying out: "I am a journalist." A member of the Preventive Security in Irbed said to them: "This is Gaith Al-Tall from Irbed," but to no response.

5.1.2.4.1 Al-Tall explained that after the incident, he went to the Police Commissioner in Irbed to retrieve his camera. The security men deleted all its contents including the Gendarmerie and security assault against journalists and the demonstrators.

5.1.2.4.2 Al-Tal sustained bruises on his chest and fingers. He did not file a complaint at the police station.

5.1.2.4.3 Al-Tall's incident involved a severe violation as he was subjected to harsh and inhuman treatment. It also shows the intentional targeting of journalists and the continued policy of impunity for perpetrators. It also forms a crime of abuse and inflicting injury according to the Printing and Publication Law.

5.1.2.5 **Assault and battery against Ahmad Al-Harasees from Jo24 news website by the Gendarmerie forces in October 2013:** In his complaint dated 10/10/2013, colleague Ahmad Al-Harasees from Jo24 news website told AIN program that: "As I covered the events related to the protests in Al-Tafayleh neighborhood, I was in a neutral area away from the Gendarmerie and the demonstrators. As the Gendarmerie fired teargas at the protestors, I moved away from a canister that fell near me, and resorted to the Gendarmerie as the party entrusted with protecting me. I was showing my press badge. When I was closer, one of the Gendarmerie held me. He was wearing a face mask and his ID tags were concealed. He checked my press badge and asked me: "You are a journalist? Where do you work? Where do you live?" I answered his questions. He asked me if I videoed anything and I said no. Another one asked me: "Do you know what we did with the Al-Jazeera reporter, what's his name?" I said, "What do I have to do with Al-Jazeera?" In the meantime he was holding me from the front of my shirt tightly. I said: "If you are worried I might run away, hold me from my arm." A third one came and said, "Speak with respect and don't raise your voice." He hit me on the face and pushed my chin. I asked him why he was beating me and the others, about three of them, started to beat me all over my body, my face, my head, my legs, using their arms, legs, and batons. I cannot tell any more how long they beat me. One of them then took out handcuffs and asked his superior, "Shall I handcuff him, Sir?" The answer was, "No, leave him." He took me away, and someone else came over and beat me, and then they all left the site."

5.1.2.5.3 Al-Harasees added that he called the chief editor of Jo24 site, colleague Basel Al-Ukur, who arrived, and they went to file a complaint at the Philadelphia security station. The policeman in the



station refused to accept the complaint. Al-Harasees explained that the policeman said: "How can you complain about a security party here?!" We headed for Al-Isra' hospital to check on my medical situation and extract a medical report. I spent one night in the hospital after the doctor found out that I have different pains throughout my body, and bruises from beatings on the face. On the second day (15/10/2013) and after being checked out of hospital, I headed for the security center to file a complaint at the Philadelphia security center."

5.1.2.5.4 This case represents a serious violation of the freedom of the media though severe abuse of colleague Al-Harasees. It reflects the extent to which the reality of media freedoms has reached in Jordan, and the policy of impunity followed by the security systems for years now in confronting serious assaults to which media professionals are being subjected. Like other ones, it involves a violation of human rights conventions to which Jordan is committed, and to the Jordanian constitution and the current Penal Code.

5.1.2.6 **Physical assault against journalists Ghada Al-Shaikh, Khaled Sadaqa, and Ahmad Al-Shura in March 2014:** Members of the public security physically assaulted journalist Ghada Al-Shaikh from Al-Ghad daily newspaper, journalist Khaled Sadaqa, reporter from Rad Al-Urdun news agency, and prevented Al-Anadol photographer Ahmad Al-Shura from filming the detention of one of the protestors. They pushed him and dropped his camera by force while he and his colleagues were covering the sit-in in front of the Israeli embassy in the capital Amman.

5.1.2.6.1 The three journalists filed complaints at CDFJ, in which they said that on 10/3/2014, they were subjected to more than one violation as they covered the protests of youth and popular movements in front of the Israeli embassy in Amman, along the background of the martyrdom of judge Ra'ed Zu'ayter. The complaints included physical assaults.

5.1.2.6.1.1 In her complaint, journalist Ghada Al-Shaikh from Al-Ghad daily newspaper said: "As I was at the youth and popular protests in front of the Israeli embassy in Amman after the martyrdom of judge Ra'ed Zu'ayter, covering the protests for Al-Ghad daily newspaper, and after clashes between the security forces and the demonstrators to prevent the demonstrators from reaching the embassy, which they said they would storm, the security forces dispersed the demonstrators by force using batons, which resulted in scuffles, and the demonstrators were pursued, with a process of ebb and flow between the two parties. I was beaten by hand on my back as I ran towards the demonstrators away from the security forces. I was beaten around three times, and an activist protected me from him, taking my arm and we ran away together. He did not try to pursue me. He did not know I was a journalist especially that I was not carrying a camera, since my colleague the photographer was on site at the demonstration. I did not see him being assaulted since

he was somewhere else. In the crowd. I was not wearing a journalist's vest or badge. As the ebb and flow process went on, the female police pursued the girls and I was subjected to continuous pushing by a policewoman who was among the demonstrators being dispersed. Although I told her many times that I am a journalist, and that I can show her my ID card which was in my handbag, she continued to push me by force and I could not get rid of her except by running away.

5.1.2.6.1.2 For his part, Khaled Sadaqa said in his complaint: "The minute the Gendarmerie attacked I introduced myself as a journalist by showing my press badge. A Gendarmerie member heard me and said, indignantly: "A journalist?!" Minutes later, the same man raised his stick towards me to beat me, and the blow fell on my back. I did not see a doctor because the effect of the blow was mild as I was close to him. I could not get the name of any Gendarmerie member because in these situations, they do not wear their name tags."

5.1.2.6.1.3 In his testimony mentioned in the complaint form he submitted to AIN Unit, photographer Ahmad Al-Shura said: "A group of activists held a sit-in in front of the Israeli embassy in Amman, protesting the killing of judge Ra'ed Zuayter. The Gendarmerie and security forces dispersed the demonstrators. In the meantime, one of the demonstrators was being arrested, so I quickly took pictures during the process. I was immediately prevented, this time "verbally." I was told not to take pictures. The second time round, the security forces were dispersing the demonstrators and I started to perform my job. At that point, the Gendarmerie member pushed me and said: "Do not take pictures. It is prohibited here." At this point, the Gendarmerie congregated around me. There were 17 of them. They took the camera off my shoulder and prevented me from taking pictures, so I complied.

5.1.2.7 **Physical and verbal assault and injuries while covering a popular sit-in rejecting the Israeli aggression against Gaza in July 2014:** On 9/7/2014, the security forces assaulted, physically, verbally, and by detention, 8 journalists while covering Al-Kalouti sit-in near the Israeli embassy in Al-Rabiain Amman, which was dispersed by force. Media professionals Abdul Aziz Aby Bakr and Khaled Sadaqa from the Jordan News Network were physically assaulted and detained, and three journalists from Al-Yarmouk channel were physically assaulted. They are Nayef Assaf, reporter and producer of programs, channel reporters Ahmad Al-Kiswani and Ali Al-Kurnah, while colleague Al-Kiswani was detained until the afternoon of the next day, when he was released on bail with the rest of the demonstrators detained by the State Security Court. Ru'ya Channel cameraman Hafeth Abu Sabra and photographer Muhammad Badran were beaten. The journalist and



photographer at Akhbar Al-Balad Zaid Sawalqah was beaten and slandered.

5.1.2.7.1 The press photographer Abdulaziz Abu Bakr said in a complaint he submitted to CDFJ: "While covering the solidarity stand in front of Al-Kalouti mosque after the Tarawih prayer, I documented a number of beatings and arrests of participants in the solidarity stand with my camera. I then documented the assault against my colleague Khaled Sadaqa as he was beaten and arrested for filming a number of arrests and beatings. One security officer asked me to stop taking pictures, and I told him I was a journalist, and showed him my press ID card. At that time, a security officer in civilian clothes started to insult and beat me. Four member of the Gendarmerie from the special forces contingent, with a red insignia on their arms, then arrived and started beating me on the face and head in specific, in addition to my back and chest, although I screamed and showed my press ID card. I was holding on tightly to my camera, and they beat me on my arm so I would release it. We reached the detention car, but I managed to get loose and run away from them to the plot of land next to the mosque. However, 10 security officers and one in civilian clothes caught me, threw me on the ground, and beat me with batons and kicked me on the head and back. They made me stand up again and walk to the detention car while they continued to beat and curse me on the face and head. This time they took the press badge from my neck and beat me on the head and hands to let go of the camera. The beating was so bad that I dropped the camera. At the car door, I was beaten badly on the head, causing a big cut. I was then shoved inside the cell." Abu Bakr continued his complaint saying: "10 minutes after I and my colleague Khaled Sadaqa were in the detention car, shouting that we were journalists, they released us away from the car in an attempt at "reconciliation," telling us that they did not notice that we were journalists because there was a fake press jacket and because we did not tell them we were journalists. I asked the colonel who will compensate us for the physical and material damage we sustained and the dirty language, he said: "Do you want to go to the cell again?" I asked him to do that, and he said: "Enough ... Enough." I then went to hospital, and I have a medical report attached to the complaint."

5.1.2.7.2 The journalist Thabet Assaf from Al-Yarmouk channel stated in his complaint: "While covering the solidarity stand after the Tarawih prayer on 9/7/2014, the participants and journalists, who carry press ID cards and media equipment were assaulted and beaten by security men wearing civilian clothes and Gendarmerie members wearing masks. I was beaten with batons and kicked many times, and pursued as I followed some of the injured to the Islamic Hospital. I was detained by security officers in civilian clothes and official uniforms from inside the hospital and taken to a police bus. They confiscated my cell phone and cameras. After the news spread among news agencies in about 15 minutes, I was released from the car while being cursed and slandered. There was a number of journalists with me and they were subjected to the same treatment. I saw some journalists who were badly beaten at the sit-in location."

5.1.2.7.3 Rou'ya reporter, Hafedh Abu Sabra said: "As I was filming the solidarity march organized by the Muslim Brotherhood near Al-Kalouti mosque close to the embassy of the Israeli entity, and after the Brotherhood ended its sit-

in, a large number of demonstrators stayed, chanting loudly and demanding that the security forces allow them to head for the embassy. As the demonstrators increased in numbers and attempted to move towards the embassy, the Gendarmerie clashed with them violently, chasing them everywhere and beating them badly. As two Gendarmerie members tried to detain a young man after beating him badly and pulling him on the ground, I filmed the scene. When one of the security men saw that I filmed, he came to me and shouted at me to stop filming or he would break the camera. When I refused, someone hit me from behind on my legs, and the first man started to push me backwards, although I told them that I worked with Rou'ya channel, and am covering the events neutrally and objectively. He said: "I either break the camera or break you." During the beatings, a group of girls participating in the march pulled me from among them, including colleague Layla Khaled, a reporter from Rou'ya who was at the location. She also protected me from a blow from one of the soldiers."

5.1.2.7.4 CDFJ issued a statement in which it denounced the assaults to which journalists were subjected at this incident, saying: "Many journalists were subjected to physical assault and verbal abuse while covering the protests at the Kalouti mosque in rejection of the aggression against Gaza, and that there were recordings with journalists proving the assaults and the foul language and insults waged against journalists." CDFJ refused in its statement preventing journalists from performing their duties and humiliating them with insults, detaining them in mobile prison cells, even if for minutes. The statement demanded that the government form an independent investigation committee in the assaults against journalists at the Kalouti mosque.

5.1.2.8 **Assault against and humiliating treatment of journalist Khalil Al-Hajajrah in April 2015: On 11/4/2015**, Hawa Al-Urdun photographer "Khalil Ya'coub Al-Hajajrah" was assaulted, beaten, and verbally insulted, and was prevented from coverage and his camera contents were deleted by 7 members of the public security and Gendarmerie while covering a security campaign to remove kiosks from the commercial center.

5.1.2.8.1 Al-Hajajrah submitted a complaint to CDFJ in which he said: "I was assaulted, beaten, and insulted with foul language in front of the people of Aqaba by the security forces and the Gendarmerie during a security campaign to remove kiosks from the city commercial center. As I was performing my duty, I was prevented from coverage as the security and Gendarmerie were badly beating a citizen, which instigated me to film the incident. One Gendarmerie member attacked me and put me in a stranglehold, and started to pull me along the street, while I was shouting that I was a journalist, to no avail. Soon, a number of Gendarmerie joined him and beat me badly and insulted me publicly. They deleted the pictures from my phone. They then pulled me to the cell and took me to a security center where I was detained for a few hours. After efforts by my agency management I was taken to hospital by the Civil Defense in an ambulance because I was in a bad health condition."

5.1.2.8.2 Al-Hajajrah added in his complaint: "I lost balance as a result of bruises I sustained after being beaten by 7 members and officers from the Gendarmerie and security, and I was sent to hospital for medical examination, as I had face injuries and pain in my side, cuts in the forehead

and bruises on the head, legs and back. I was shocked that I was denied treatment until I paid 650 dinars for the procedures, in a manner I believe is prohibitive, for how would I or the people who took me to hospital have this amount of money. After many attempts with the doctor on duty, I managed to get the medical report and was returned to the cell after my father was made to sign that I leave the military hospital at our own responsibility because we did not have the amount of money. In the morning, I was referred to the public prosecutor at the Aqaba court, where we arrived at a tribal solution with the complainants, who were actually the perpetrators, and the case was closed after my medical report was withdrawn. I never assaulted anyone, but the law is on their side, as they obtained similar medical reports, which are malicious, of course."

5.1.2.9 **Rou'ya Channel reporter assaulted physically and verbally, and threatened with harm while covering a sit-in in front of the parliament:**

On 22/2/2016, Ra'd Ben Tarif, Rou'ya Channel's reporter was physically and verbally assaulted by a member of the public security. He was also threatened as he covered a sit-in in front of the houses of parliament in Abdali, in the center of the capital, by Al-Tajdid [Renewal] trend, which includes 6 moderate parties, and which was organized to protest some of the amendments by the parliamentary judicial committee on the election law at the time.

5.1.2.9.1 Ben Tarif stated in his complaint form which he submitted to AIN Program: "While covering a sit-in by Jordanian parties in front of the houses of parliament, a public security officer detained me in a public security vehicle, and threatened to beat me if I did not give him my cell phone to see what I filmed. I refused to do that. Although I was carrying the microphone of the Rou'ya channel, he continued to threaten to beat me, and insulted me, and took my cell phone by force after pushing me to sit down on a seat in the vehicle." Ben Tarif added: "While observing the detention of two participants in the sit-in in front of the parliament, which took place a short distance from me, I ran to be able to film the incident using my cell phone camera. One member of the public security noticed that I was going to film, so he followed me, insulted me, and beat me."

5.1.2.9.2 He further explained: "The security officer took me by force to the public security detention vehicle and made me sit there. Inside the vehicle, there was a group of public security members, and they secured me inside the vehicle and insulted me and journalism, and the media institution I work for. I was kept in the vehicle for one hour." Tarif added, speaking to AIN Program that he went to the nearest security station to file a complaint personally to the public prosecutor against the security officer who detained, assaulted, and insulted him. He was informed at the security station that they would follow-up on his complaint and would tell him of any developments. However, he later withdrew his complaint with the justification that the issue was solved amicably.

## 5.2 Annex Number (2)

### 5.2.1 Documented Cases Related to Article (9) of the International Covenant for Civil and Political Rights Regarding the Right to Personal Freedom and Safety

- 5.2.1.1 Arbitrary detention of media professionals was the most prominent manifestation of violations against journalists in 2015, with 9 media professionals detained for journalism-related issues. What is worse is that some journalists were referred to the State Security Court where the criteria for a fair trial are non-existent, being an exceptional form of the judiciary, with military and civilian judges, lacks all levels of litigation, and its military judges are affiliated with the military judiciary. Since 2010 and until the end of 2016, CDFJ documented through its program AIN 16 cases of arbitrary detention, including, for example, the following:
- 5.2.1.1.1 **Detention of the publisher and chief editor of "Akhbar Al-Balad" news website on the basis of two media items:** On 20/10/2015, the Amman public prosecutor Judge Rami Al-Tarawneh issued a decision to detain the chief editor of Akhbar Al-Balad, colleague Usama Al-Ramini for 14 days under investigation in Al-Salt prison after accusing him of violating the provisions of the Press and Publications Law and the Electronic Crimes Law. He was released one day after he was detained on bail.
- 5.2.1.1.2 **Detention of the weekly Al-Hayat newspaper journalists:** On 16/11/2015, the Amman Public Prosecutor Rami Al-Tarawneh decided to detain the chairman of the board of directors of the weekly Al-Hayat newspaper, colleague Daigham Khraisat, its chief editor Diya' Khraisat, and the editing director Ramez Abu Yusuf for a week in Marka prison, and to block the newspaper's website, after the public prosecutor listened to their testimony after a complaint raised by the Director of the Legislation and Opinion Bureau Nufan Al-Ajarmeh and the Bureau Secretary General Abdullatif Al-Najdawi, as a result of press material published in Al-Hayat weekly newspaper.
- 5.2.1.1.2.1 Al-Hayat and its website were accused of violating articles 5 and 7 of the Press and Publications Law, in addition to the crime of "publishing an unlicensed publication," in violation of article 48 of the Press and Publications Law, and for "publishing material that includes libel and slander," in violation of article 11 of the electronic crimes law.
- 5.2.1.1.2.2 Lawyers of the Legal Assistance for Media Professionals Unit "MELAD," affiliated with CDFJ submitted a request to release their colleagues on bail, but the public prosecutor refused the request. The lawyers appealed the decision, but the court decided to return the appeal. The lawyers took the decision to the court of cassation, but the court returned it, refusing to set the journalists free on bail.
- 5.2.1.1.2.3 The Public Prosecutor approved two days later from detaining the colleagues to release them on bail, so both Khraisat colleagues. The editorial manager Ramez Abu Yusuf was not released from jail with the excuse of a bail was not prepared for him.

- 5.2.1.1.2.4 MELAD lawyers pursued the case of the continued detention of colleague Abu Yusuf, and expedited sending the case file from the Amman Appeals Court to the Public Prosecutor, then to the desk of the first criminal court, and then to the Publications judge to complete the procedures of bailing him by his brother after additional days were spent in detention. He was released from jail on the evening of Tuesday 24 November.
- 5.2.1.1.2.5 Daigham Khreisat, in a complaint he submitted to the AIN Program affiliated with the SANAD Network said: "The complaint against us with the public prosecutor came after a series of materials published by the newspaper related to corruption cases. However, we did not mention any names, and the detention was based on article 11 of the Electronic Crimes Law."
- 5.2.1.1.2.6 He pointed out that "detaining a journalist is a violation of the law, and that the publisher's penalty according to the law is material and not criminal. This shows that the press is being targeted, which what Jordanian consecutive governments started since 2010 with the decision to prohibit subscriptions to newspapers, which led to closing a number of print newspapers after suffering from financial crises, reaching the laws related to websites."
- 5.2.1.1.2.7 He pointed out that the newspaper website is still blocked although websites of some newspapers were granted a grace period to register their sites."
- 5.2.1.1.2.8 He commented in a report published by Al-Hayat Newspaper on 19/11/2015 on his detention with the newspaper's chief editor and editorial manager that "the case is meant to divert the newspaper and its website from their role in monitoring public performance and revealing violations, which is the role that is compatible with the spirit of journalism and its professional principles, based on the Royal Letter of Designation and His Majesty's vision of a freedom whose limit is the sky."
- 5.2.1.1.2.9 He emphasized that "the published material had nothing to do with the complainants, and that the detention because of what was considered insinuations, is far from the truth of what was published as long as the material did not refer to any specific official."
- 5.2.1.1.2.10 He pointed out that "a certain party wants to assassinate his character by any method because of what the newspaper does in terms of publishing information on corruption cases whose perpetrators are still free."
- 5.2.1.1.2.11 CDFJ issued a statement in which it expressed its rejection of the decision to detain colleagues in Al-Hayat newspaper, and demanded that they be released immediately.
- 5.2.1.1.2.12 CDFJ's statement said that "the decision of the Laws Interpretation Bureau to consider the Electronic Crimes Law is the one by which journalists are tried in libel and slander cases permitted the detention and imprisonment of media professionals and opened the door wide to pursue journalists and harass them with freedom-depriving penalties."
- 5.2.1.1.2.13 Researchers in AIN Program believe that colleagues in Al-Hayat newspaper were subjected to the following violations according to international standards of freedom-depriving violations, whereby researchers found that the case includes "deprivation of freedom" based



on detaining the three journalists in prison, which is considered a violation on the right to freedom and personal safety. It also includes the violation of the provision of articles 7, 9, and 19 of the International Covenant for Civil and Political Rights, which guarantee the freedom of opinion and the media, as detention in media cases is a prior penalty and contradicts international standards. In addition, the Jordanian constitution, the Criminal Courts Procedures Law, and the Press and Publications Law have all stipulated mandatory legal principles that cannot be violated or touched. They are legal foundations that guarantee the holy right of defense in its procedural and subjective tracks. Paramount of these foundations is the inadmissibility of detaining journalists in issues of expression and opinion.

- 5.2.1.1.3 **Detention and imprisonment of journalist Jamal Ayoub at the State Security Court for an article:** On 23/4/2015, the public prosecutor of the Amman Court of First Instance detained the writer Jamal Ayoub for 15 days for interrogation in Marka prison for publishing an article titled "Why Did Saudi Arabia Wage a War on Yemen?" After appearing before the court accompanied by journalist Usama Al-Ramini, chief editor of the website that published the article, among others, who was interrogated but not detained.
- 5.2.1.1.3.1 Writer Jamal Ayoub was not charged at the beginning of his trial at the State Security Court, until 85 days after his detention. His lawyer appointed by him was not prevented from visiting him, and he was released on bail 119 days after his detention.
- 5.2.1.1.3.2 The detainee's son pointed out that "the public prosecutor requested the presence of my father accompanied by the journalist Usama Al-Ramini to the court on Wednesday 22/4/2015. This was delayed to the morning of the next day." He added: "After the public prosecutor interrogated my father, he was detained at Marka prison for 15 days for interrogation."
- 5.2.1.1.3.3 The journalist Ayoub's son added that "on 26/4/2015, my father's lawyer requested bail at the court of first instance, which rejected the bail since the case is not under its jurisdiction, and the case was transferred to the State Security Court."
- 5.2.1.1.3.4 Lawyer Taher Nassar who defended Ayoub told the National Team for Monitoring and Documenting Violation in Jordan that "the Amman public prosecutor charged Ayoub with disturbing relations with a friendly country, and detained him for 15 days for interrogation in Marka prison on Thursday 23/4/2015 as he appeared before the Amman public prosecutor at the court of first instance."
- 5.2.1.1.3.5 Lawyer Nassar pointed out that "my client who is detained is a prisoner of the freedom of opinion and expression. He should be placed with detainees with similar charges as his, and not with prisoners with criminal and immoral precedence. My client needs medications since he is sick, and they are not available in prison."
- 5.2.1.1.3.6 Lawyer Nassar explained, regarding his client's position: "My client's case is one of press and publications, and he should not be detained for it according to the Press and Publications Law. In addition, it is the writer's opinion, and it is guaranteed by law. He did not insult or slander anyone, but presented an opinion that is guaranteed by the provisions of the constitution. The court, however, overburdened the text. This is what

- happened with my client's case. It is under the effort to shut people up and restrict public freedoms."
- 5.2.1.1.3.7 Lawyer Nassar pointed out that "on 26/4/2015, I applied for bail to release my detained client, but the court turned it down because it does not have the jurisdiction, and the case was referred to the State Security Court."
- 5.2.1.1.3.8 The journalist and writer Jamal Ayoub remained in detention and was tried before the State Security Court for a charge of disturbing relations with a foreign country, according to the Anti-Terrorism Law. The court rejected a number of bail applications since his detention, until he was released against a financial guarantee on 17/8/2015.
- 5.2.1.1.3.9 Ayoub stated that he was detained in the permanent cells in Marka prison which has three detention sections: Section A is assigned for general cases. Section B is assigned for drugs detainees, and section C is assigned for burglary detainees. Ayoub was placed in the drugs section (7B), which is a room in the section that contains 11 double beds and contained 11 detainees. This deprived him throughout his detention from personal security.
- 5.2.1.1.3.10 Writer Jamal Ayoub pointed out that the prison administration allocates the room and the section where prisoners stay, and that he was classified as "extremely dangerous." This classification has to do with the manner a prisoner is transported from the prison to the court and back, and has to do with extreme cuffing, which causes severe fatigue.
- 5.2.1.1.3.11 Writer Jamal Ayoub claimed, according to his testimony, that he was subjected to bad treatment inside the jail. Visitation was restricted to his immediate family members (wife and children) only. No other person was allowed to visit him. He submitted a complaint to the prison administration for the bad treatment, but it did not respond, answering that dealing with him is according to "instructions."
- 5.2.1.1.3.12 Writer Jamal Ayoub claimed that he was subjected to malicious accusations by the prison administration of disappointment with national laws and legislations, and he was interrogated in this context. However, he announced a hunger strike as a result of the bad treatment and false accusations. He asked the prison administration to meet with human rights activists. His demands failed, however, and a number of prison officers talked to him about changing his mind regarding the hunger strike and meeting with human rights activists.
- 5.2.1.1.4 **Detention of journalist Zaid Marafi for material related to courts employees:** On 17/2/2016, the Amman senior public prosecutor Abdullah Abu Al-Ghanam detained the journalist in Al-Ra'i daily newspaper Zaid Ali Ahmad Al-Marafi for a complaint submitted by the Deputy Secretary General for Administrative and Financial Affairs at the Ministry of Justice, Omar Sulaiman Al-Talafeeh for press material published on Al-Ra'i newspaper's website and on the print copy on 14/2/2016. The material was titled "Judges and Court Employees in an Uprising." It addressed the damage sustained by court employees from the Social Solidarity Fund assigned for judges and judge assistants. The public prosecutor charged Al-Marafi with intentionally publishing information on the website and on the internet that includes defamation, slander, and libel, contrary to the provision of article (11) of the Electronic Crimes Law number 27 for the

year 2015, as evidenced in articles 188, 189, and 190 of the Penal Code, and the charge of slandering an employee for what he did as part of his job, contrary to the provision of article 191 of the Penal Code, as evidenced by article 15 of the Electronic Crimes Law, and the misdemeanor of libel against an employee for what he did by virtue of his job, contrary to the provisions of article 196 of the Penal Code, as evidenced by article 15 of the Electronic Crimes Law.

5.2.1.1.4.1 The result of the first interrogation session with Al-Marafi on 17/2/2016 was restricting his freedom for three hours at the Palace of Justice holding cell, followed by transporting him to the Jabal Al-Hussein security station where he spent 4 hours. He was then transported to Marka Prison for Rehabilitation and Reform, where he was kept all night. Al-Marafi stated that throughout the transportation process, he was handcuffed. He was also jailed with people with criminal records. The public prosecutor accepted a personal guarantee on 18/2/2016, but the case is still open and under investigation.



## **5.3 Annex Number (3)**

### **5.3.1 Documented Cases Related to Article 14 of the International Covenant for Civil and Political Rights Regarding Fair Trial Guarantees**

5.3.1.1 **Detention of the publisher and editing manager of Saraya News website over a news item in January 2015:** Journalists Hashem Hassan Sa'id Al-Khalidi and Sayf Nawwaf Hussein Obaidat, and Saraya news website were referred to the public prosecutor of the State Security Court for investigation regarding the website publishing a news item on the same day titled: "Islamic Organizations Lawyer: The Exchange Deal with Da'ish is Complete and Sajida Al-Rishawi is Already in Iraq." An arrest warrant for interrogation for 14 days was issued.

5.3.1.2 As a result, and upon the assignment by CDFJ's of MELAD, lawyers Marwan Salem and Abdul Rahman Al-Sharari headed on 31/1/2015 to visit the journalists Hashem and Saif in the Marka Reform and Rehabilitation Center. Hashem and Saif authorized the Unit lawyers to defend them in the case according to a special power of attorney duly organized.

5.3.1.3 On 1/2/2015, lawyer Al-Sharari headed for the State Security Court / Public Prosecution Bureau to deposit the special power of attorney and to start submitting requests to guarantee that the two colleagues practice their right of defense during the investigation. It turned out that the bureau at the State Security Court had not yet received the case file, and that the file would be sent directly to the State Security public Prosecution at the Military Judiciary Directorate, according to what the lawyer was told.

5.3.1.4 After that, the MELAD Unit lawyer headed for the Military Judiciary Directorate and referred to the State Security Public Prosecution bureau, where he was told that the paper and electronic records of investigative cases are empty of any investigative cases that include the names of journalists or a website.

5.3.1.5 The lawyer periodically referred to the Public Prosecution bureau since 31/1/2015 until 1-/2/2015. The bureau's response was the same every day: The investigative case file has not been received by the Public Prosecution bureau and has not been recorded under an investigative case file number in the serial record of these cases.

5.3.1.6 The public prosecutor extended the detention decision of colleagues Al-Khalidi and Obaidat after 14 days of their detention. Nevertheless, MELAD Unit could not perform its legal role as follows: Lack of specialization in investigation for the State Security Court public prosecutor, release request, and request to cancel the decision to block the website.

5.3.1.7 On 11/2/2015, MELAD Unit sent a legal reading to the Minister of State for Information Affairs / Official Spokesman for the government, Dr. Muhammad Al-Momani, which stated that "the Jordanian constitution, the International Covenant for Civil and Political Rights, the Criminal Courts Procedures Law, and the Press and Publications Law. All of these stipulate legal principles that must be followed and cannot be violated or tampered with, which guarantee the holy right to defense in its procedural and subjective forms. On top of these principles is the inadmissibility to detain journalists in cases of expression and opinion, even if they are related to internal or external security."

- 5.3.1.8 The legal approach also stated that "detaining the two journalists in this manner represents a blatant violation of the law and the principles of justice, starting with the innocence of a suspect until proven otherwise, including guarantees of a fair trial that should be implemented starting at the moment they are detained and allowing them to practice their right to defend themselves during the interrogation and the trial, and ending with their right to contest and appeal all decisions issued by the interrogation or trial authority, which did not take place in the Hashem and Saif case."
- 5.3.1.9 The legal approach stated that "the continued absence of the investigation file record represents a violation of legal procedures and hinders the implementation of the provisions of the law, and deprives the journalists Hashem and Saif from practicing their right to defense and prevents the presentation of the requests referred to, and the continuation of this requires presenting the situation to decision-makers and those entrusted with implementing the provisions of the law and international conventions which were ratified by the government, as well as relevant laws, in addition to subjecting them to harsh, inhuman, and humiliating treatment and penalty."
- 5.3.1.10 For his part, lawyer Marwan Salem from MELAD Unit stated in an information form and a report to SANAD Network after visiting Al-Hashimiyah prison and meeting the two journalists Hashem Al-Khalidi and Saif Obaidat that the "Saraya news website received a telephone call from the lawyer of the Islamic organizations Musa Al-Abdallat indicating that the deal was completed between Da'ish and Jordan, and that Sajida Al-Rishawi, sentenced to death and currently in Jordanian prisons after attempting to bomb hotels in Jordan, will be delivered and that Muaz Al-Kassasbeh will be received." He went on that at 3:00 o'clock, the Foreign Minister Nasser Judeh denied that Sajida Al-Rishawi was delivered against receiving Al-Kassasbeh, and the website staff deleted the news item.
- 5.3.1.11 At 4:00 o'clock the Public Prosecutor Fawaz Al-Otoum contacted Hashem Al-Khalidi and asked him to come to the General Intelligence Department, and both Al-Khalidi and Obaidat arrived at 5:00 o'clock. They were interrogated by Lieutenant Amer Alwan regarding the news item published, which instigated Hashem Al-Khalidi to ask if there is a detention. The answer was "Yes." They were blindfolded and handcuffed in the back, and transported in GMC cars to Marka prison, where they continue to be until this report was issued.
- 5.3.1.12 On 23/2/2015, CDFJ sent a letter to HE Director of the Military Judiciary Muhannad Hijazi, in which it said: "The continued absence of a case file for the investigation represents an obstacle preventing the lawyers from practicing their work, and hence deprives the journalists and the website from the most basic defense rights guaranteed by the constitution of Jordan, the International Covenant for Civil and Political Rights, the Criminal Courts Procedures Law, and the Press and Publications Law."
- 5.3.1.13 Later on, colleagues Al-Khalidi and Obaidat were released on 8/3/2015.