

JORDAN

CLAMPING DOWN ON CRITICS

Human Rights Violations in Advance of the Parliamentary Elections

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ABOUT THIS REPORT

This is the second Human Rights Watch/Middle East report on Jordan in 1997. The first, *Jordan: A Death Knell for Free Expression? The New Amendments to the Press and Publications Law*, was published in June. This report was written by Avner Gidron, a research consultant to Human Rights Watch/Middle East, who interviewed a wide range of Jordanians in September and October 1997, and carried out additional research. Virginia Sherry, associate director of Human Rights Watch/Middle East, contributed research and analysis. The report was edited by Ms. Sherry, Hanny Megally, executive director of Human Rights Watch/Middle East, and Michael McClintock, deputy program director of Human Rights Watch.

Human Rights Watch/Middle East gratefully acknowledges the help the many Jordanians who gave generously of their time and provided the information upon which this report is based. They are not named here to protect their identities.

SUMMARY

The first parliamentary elections in Jordan in four years are scheduled for November 4, 1997. Voters are confronted not only with a boycott of the elections, announced in July by most of the country's opposition political parties and supported by the country's powerful and independent professional associations, but also with increasing restrictions on freedom of expression and freedom of assembly. A marked deterioration in the respect for fundamental freedoms in Jordan has affected the ability of Jordanians to associate and meet freely with one another, to engage in peaceful political activities, and to impart and receive information and views relevant to making informed decisions at voting centers on election day. This report does not set out to investigate the election process in Jordan, but rather focuses on the basic freedoms of expression, assembly, and association which have increasingly been restricted in recent years. While Human Rights Watch takes no position concerning the upcoming political contest in Jordan, or on the boycott itself, as this report indicates, human rights concerns -- in particular, harsh restrictions on press freedom imposed in May 1997 -- call into question the free and fair conduct of the elections.

Freedom of expression and press freedom are essential conditions for the conduct of free and fair elections. But in the pre-election period, Jordanian authorities have used the laws in force, and other means such as threats and intimidation by internal security forces and government officials, to restrict free expression, including press freedom, in violation of the International Covenant on Civil and Political Rights (ICCPR), which Jordan has ratified. This report documents a series of actions taken by the government to tame the print media -- including the temporary closure of thirteen weekly newspapers in September -- and intimidate political critics into silence. Journalists and editors told Human Rights Watch that they have followed a stricter regime of self-censorship since the amendments to the press law were implemented in May 1997, for fear of being subjected to heavy financial penalties mandated under the new law. In addition, students, writers, and researchers have faced a variety of sanctions -- ranging from detention, criminal prosecution, and imprisonment to harassment, job loss, and blacklisting -- because they expressed views on political subjects that the government preferred remain off-limits. Such measures have created an atmosphere in which the right to free expression is perceived by many in Jordan as under siege.

After the Ministry of Information suspended the publication of thirteen weekly newspapers on September 23, 1997, the country's twelve opposition political parties (including three parties that had not joined the election boycott) issued a statement condemning the measure:

This oppressive measure is a political decision made by the government to prepare for the upcoming parliamentary elections. With these [suspensions] the government wants to suppress opinions other than its own, and so it is smashing pens and gagging mouths.

The statement announced that the opposition parties would hold a rally on October 1, to demonstrate their support for the closed newspapers. Authorities prohibited the event from taking place.

Some opposition parliamentary candidates stressed the negative impact of the suspensions on their campaigns. "We are at a serious disadvantage vis a vis the pro-government candidates," said Nazih Ammarin, an independent member of parliament running for reelection in Kerak. "For months the official media -- television, radio, and print -- have been giving a lot of favorable coverage to the [pro-government] National Constitutional Party. The press amendments and the weeklies' suspensions have severely limited our ability to express our point of view." Toujan Faysal, an outspoken MP running for reelection in Amman, said that the closure of the weeklies and self-censorship of the remaining press were exactly what the government intended the May 1997 press law amendments to accomplish. "Now the election campaign will be held in the total absence of opposition media," Faysal told Human Rights Watch. Their complaints are particularly relevant in light of the fact that radio and television in Jordan are state-controlled.

Parallel to the use of the law to curtail sharply media pluralism has been the prosecution of individuals under Article 195 of the penal code, which makes it a criminal offense to insult the dignity of King Hussein. Those prosecuted on this charge for the peaceful expression of their views included government critic Laith Shubeilat, a

former member of parliament and president of the Jordanian Engineers Association, but also younger writers and activists. This sends an unmistakable signal that divergent views will not be tolerated and casts a pall over the right of all Jordanians to free expression.

Article 19 of the ICCPR guarantees the right of individuals to express freely their opinions about public affairs, and to communicate such opinions to others. If individuals are afraid to express their views -- due to the possibility of interrogation by internal security forces, the threat of arrest, detention, and criminal prosecution, or the prospect of job loss -- freedom of expression has been relegated to an empty slogan. As the individual cases described in this report suggest, Jordanian authorities have employed a variety of measures to sanction citizens who have peacefully expressed opinions, or conveyed ideas and information, that were at odds with what the state considers politically acceptable. This represents a clear breach of Jordan's responsibilities under the ICCPR, which requires the state to guarantee the right to freedom of expression.

Jordan has a wide range of civil society institutions -- political parties, professional associations, and some 2,920 other nongovernmental organizations. Some of these groups -- most notably, the opposition political parties and professional associations -- have outspokenly expressed dissatisfaction with the government's economic policies, the erosion of civil and political rights, and the 1994 peace treaty with Israel and normalization of relations with that country in the face of the continuing occupation of Palestinian territories. This report documents how the state has interfered in the activities of these institutions of civil society in 1997. Meetings and lectures have been banned, and peaceful assemblies within the premises of independent, nongovernmental organizations have been prohibited by authorities. Leading figures -- including heads of professional associations, a member of the outgoing parliament, and the leader of an opposition political party -- have been prevented from speaking before public audiences. In addition, both political parties and the politically active professional associations have been threatened by government ministers. On at least two occasions in 1997, King Hussein himself singled out the professional associations for public censure, and strongly indicated his preference that these organizations halt their involvement in political discussions and other activities that are critical of the government and his own rule.

The situation was exacerbated after professional associations vocally criticized the press law amendments. First, in June, King Hussein publicly questioned their patriotism. Then, in an ominous warning the same month, the interior minister charged that the associations had taken over the role of the political parties, and noted that the Jordanian constitution did not specifically provide for the formation of professional associations. Undeterred, the professional associations subsequently decided on July 19 to support the boycott of the parliamentary elections. In September, the minister of culture threatened Jordan's 240 cultural clubs with possible dissolution if these groups did not abandon political activities.

This report also documents how Jordanian authorities have unreasonably restricted freedom of assembly, preventing members of nongovernmental organizations from sharing views among themselves and with others. The ICCPR recognizes the right of peaceful assembly and, as with freedom of expression, permits restrictions on this right only in narrow circumstances. Restrictions must be in conformity with the law, for the purpose of national security, public safety, public order (*ordre public*), the protection of public health or morals, or the protection of the rights and freedoms of others. Moreover, such restrictions must be necessary in a democratic society, that is, strictly proportionate to the specific interest to be protected and narrowly tailored to produce no undue burden on the right. The prior prohibition of assemblies must always be a measure of last resort where no alternate means of protecting one of the listed public interests is possible. Prohibition of assemblies because of content can never be justified in a democratic society as a means of silencing dissident views on politics, state policies, or public affairs. In 1997, Jordanian authorities repeatedly prevented meetings and lectures from being held, without establishing legitimate concerns for security and public order in doing so. Such actions constituted arbitrary interference in the exercise of the right of peaceful assembly.

The Jordanian constitution also provides for the establishment of voluntary associations. The ability of individuals to exercise the internationally recognized right to freedom of association is an important guarantor of a

thriving, independent civil society. For freedom of association to have full meaning, however, it must be complemented by the ability of individual members of groups to exercise the full scope of free expression, namely, the freedom to seek, receive and impart information and ideas of all kinds. In the context of organizations, free expression includes the right to hold meetings, seminars and conferences in order to convey and exchange information on issues of concern to the organizations and their memberships. The record of Jordanian authorities thus far in 1997 indicates a clear intent to discourage Jordanians from organizing and participating in public discussion of political issues that segments of civil society deem to be of national importance.

RECOMMENDATIONS

To the Government of Jordan:

- C Abolish restrictions in law and practice on the right to freedom of expression, orally, in writing, and by other means, in accord with international standards, so that no one is detained or subjected to criminal prosecution for the exercise of this right.
- C Repeal the May 1997 law that amends provisions of the press and publications law.
- C The regulation of the press and other media should comport with Jordan's obligation under international law to guarantee free expression, so that restrictions on expression are specific and narrowly defined, as required by international standards, so as not to place in jeopardy the right of free expression itself.
- C All currently licensed weekly newspapers, including the thirteen that were suspended in September 1997, should be allowed to resume publishing immediately. The content bans, capitalization requirements, and fines of the 1993 and 1997 press law provisions should be repealed, and in the interim their enforcement suspended, and new legislation that comprehensively guarantees freedom of the press and prohibits restrictions broader in scope than those permitted by the ICCPR should be enacted.
- C Uphold the right of all individuals to freedom of association with others, in consonance with international standards, including the right to form and join professional associations.
- C Cease the harassment, intimidation, and blacklisting of political opponents of the government, including at work places and universities.
- C Review provisions in the Jordanian penal code, including the *lèse majesté* provision of Article 195, and amend or repeal provisions that are inconsistent with international human rights standards with respect to freedom of expression. During the review process, halt the prosecution of individuals under Article 195.
- C Cease interference with the right of political parties, and other organizations or individuals, to advocate peacefully the boycott of the upcoming elections, as long as such advocacy does not involve efforts to coerce or threaten voters.
- C End restrictions on public meetings, lectures, discussions and peaceful demonstration, and permit such activities to be carried out by political parties, professional associations and others, in accordance with international human rights standards with respect to freedom of assembly.

To the United States:

The close political and military relationship between the U.S. and the government of Jordan presents the opportunity for the Clinton administration to address the human rights violations detailed in this report. We therefore urge the administration to criticize publicly the Jordanian government's excessive restrictions on Jordanian citizens' exercise of the rights of free expression, assembly and association, and in particular to:

- C Urge the government of Jordan to repeal the 1997 amendments to the press and publications law.
- C Press the government of Jordan to amend Article 195 of the penal code, which effectively criminalizes all criticism of King Hussein, and to ensure that penal code provisions are consistent with international standards.
- C Urge the government of Jordan to cease the harassment and intimidation of persons simply for exercising their right to criticize their government.
- C Urge the government of Jordan to end its arbitrary interference in the exercise of the right of peaceful assembly and freedom of association.

To the European Union and Member States:

Article 2 of the pending Euro-Mediterranean Association Agreement between Jordan and the E.U., scheduled to be signed in late November 1997, specifies that respect for human rights and democratic principles are an "essential element" of the agreement.

- C The E.U. Council of Ministers and the European Commission should use the occasion of the signing of the agreement to urge the government of Jordan to bring its laws and practices with regard to the exercise of freedom of expression, freedom of peaceful assembly, and freedom of association into compliance with international standards.
- C The European Parliament, prior to ratification of the Association Agreement, should request that the commission issue a public report regarding the state of Jordan's compliance with these international standards, and should use the ratification process to secure specific and measurable Jordanian commitments to address any deficiencies in that compliance.
- C The governments of the E.U. member states should use the process of individual state ratification of the agreement to address issues of Jordanian compliance with these standards, and should make ratification contingent on a clearly stated understanding that recurrent violations of these standards in the future will have consequences with regard to the economic provisions of the agreement.

INTRODUCTION

Jordan's parliamentary elections will take place on November 4, 1997, with candidates competing for eighty seats in the Chamber of Deputies, the lower house of parliament.¹ The voter registration process was concluded on August 16, and electoral campaigning by political parties and independent candidates was officially permitted to commence on October 10. The powerful Muslim Brotherhood announced on July 13 its intention to boycott the

¹The upper house of parliament is the Senate, whose forty members are appointed by the King. The King also appoints the Prime Minister and the Cabinet.

elections.² The government responded the next day on state radio, repeating its commitment to hold free and fair parliamentary elections. The statement added that there would be no postponement of the election date.³ Government harassment of the opposition, and ongoing human rights violations, were among the reasons given for the election boycott, which nine opposition political parties later joined. Indeed, the elections will be held in a climate of increased restrictions on freedom of expression and association, spearheaded by actions of the ministry of information, the ministry of interior, and the ministry of culture.

Current restrictions on the press in Jordan, pursuant to the harsh and controversial amendments to the press and publications law enacted in May 1997, clearly represent one major impediment to the holding of free and fair elections. Since then, self-censorship has increased among the print media, particularly on politically sensitive issues. In addition, the suspension of thirteen small-circulation weekly newspapers in September 1997 eliminated in one stroke an important source of independent information and often hard-hitting political criticism for voters. Other restrictions on free expression, systematic violations of the right to freedom of assembly, and ongoing state pressure directed at opposition political parties and independent organizations have cast a long shadow over the upcoming electoral contest.

Jordan's last parliamentary elections, the first in which political parties were allowed to compete, took place on November 8, 1993.⁴ The Islamic Action Front (IAF), the political arm of the Muslim Brotherhood, won sixteen seats and secular opposition parties won five seats.⁵ Some observers have attributed the significantly weaker showing of the Islamists in 1993 to their ineffectiveness in the previous parliament.⁶ However, it is widely acknowledged that a temporary amendment of the Electoral Law, which was enacted in 1993, significantly weakened IAF candidates as well as others who ran on ideological platforms, while it strengthened candidates who rely on kinship and wealth to win political office.⁷

In July 1997, the Muslim Brotherhood and nine opposition parties--including the Brotherhood-dominated Islamic Action Front and eight leftist/nationalist parties--announced a boycott of the election. The major grievances of the boycotting parties were the press law amendments, the electoral law, the need for constitutional reform to expand democracy and basic freedoms, the deteriorating economic situation, and normalization of relations with Israel. Prior to the announcement of the boycott, Muslim Brotherhood leader Abd al-Majid al-Dhunaybat noted some of these concerns:

²The Muslim Brotherhood is not a political party in Jordan, but it is one of the oldest political and social movements in the country.

³Radio Jordan Network (Amman), July 14, 1997, Full text of statement issued by the Jordanian government on July 14, 1997, as reported in Foreign Broadcast Information Service (FBIS), FBIS-NES-97-195, July 14, 1997.

⁴When parliamentary elections were held in 1989 (the first elections since 1967), political parties were still not able to register legally. The Law on Political Parties, passed in September 1992, legalized the activities of political parties in Jordan for the first time since 1957.

⁵In addition, two Muslim Brotherhood members who ran as independents were elected; as well as four other independent Islamists.

⁶By comparison, Islamists and secular opposition candidates won about half of the seats in the 1989 parliamentary elections.

⁷The introduction of the one-person, one-vote system, implemented as a temporary law before the 1993 election (replacing a proportional representation system used in the 1989 election), is regarded by the opposition as a tactic by the government to skew representation in favor of the less populated, southern regions of Jordan which tend to elect tribal, pro-government deputies.

We ...have grievances against restricting the freedom of the press and expression and partiality in dealing with the various [political] parties. Additionally, we believe that the government is holding a Damocles sword over the heads of [professional associations]and parties.To our dismay, the government is dealing with opposition parties as if they were illegal parties in terms of the restrictions clamped on their freedoms.⁸

His views were echoed by the Higher Committee for Coordination Among the Opposition Parties, which issued a pre-boycott statement that complained about the government's Attempts to marginalize the role of political parties and the various institutions of a civil society.@The statement noted that restrictions on public freedoms and human rights Awill directly affect the results of the upcoming elections. All the necessary elements should be made available to enable the people to express their opinion in a free, democratic, and fair manner.@

The boycotting parties called for a dialogue with the government, indicating that their participation in the electoral contest was not contingent on having all of their demands met. In public speeches, King Hussein sent mixed messages to the opposition. He praised the role of the Islamists in Jordan's democratization process and indicated that there was room for compromise on some of the grievances. He later hardened his tone, however, and government officials, following his lead, adopted an uncompromising stance against the boycott. Leaders of the Islamic Action Front remained pessimistic about the possibility of any concessions from the government. There have been no meetings between the government and the boycotters since the beginning of September. The boycott was endorsed by all thirteen of Jordan's independent professional associations and by a group of eighty-two leading personalities, including former prime ministers Ahmad Obeidat and Taher al-Masri and former chief justice Najib Rashdan.¹⁰

On September 20, the boycotting groups issued a joint political declaration, calling for reversal of the press law amendments, a new election law, cancellation of the peace treaty with Israel, political reforms to enhance the independence of the judiciary and the separation of the branches of government, strengthening the role of parliament, and ending economic policies that benefit foreign investors at the expense of Jordan's poor. The declaration was published in full in *al-Sabeel*, an Islamist-oriented weekly newspaper.

Economic problems, including poverty and unemployment, are important issues for Jordan's political opposition. In 1997, the U.S. Agency for International Development (USAID) noted some of the domestic problems faced by King Hussein and the government, particularly rising unemployment, a declining standard of living, and the fact that Athe income gap between the middle class and the poor has widened.@¹¹ The agency suggested that public opposition in Jordan to the Israel-Jordan peace treaty was related to the country's withering economic performance:

The August 1996 bread riots,¹² chronic unemployment, and graphic examples of increasing income disparities suggest that the much anticipated economic boom resulting from Jordan's 1994 peace

⁸ *Ad-Dustur* (Amman), July 10, 1997, FBIS-NES-97-191, July 10, 1997.

⁹ *Ad-Dustur*, July 15, 1997, FBIS-NES-97-196, July 15, 1997.

¹⁰Other prominent public figures, including several other former prime ministers, reportedly privately support the boycott.

¹¹ USAID reported to the U.S. Congress: AThe unofficial...unemployment rate for 1996 [was] estimated to be 19% , up four percent from 1995. (In some areas of Jordan, the unemployment rate is over 45%.) Inflation increased to eight percent, up four percent from 1995. Finally, the standard of living, the most tangible economic barometer, decreased 13% during the year.@ U.S. AID FY 1998 Congressional Presentation.

¹²The unrest was triggered by increases in the prices of bread and animal feed implemented as part of an International Monetary Fund-mandated structural adjustment program. AProposal to Renegotiate Bread Price Increase Defeated,@*Jordan Times* (Amman), August 15-16, 1996.

accord with Israel has yet to materialize. Public support for peace with Israel and more broadly for the peace process is eroding.¹³

The issue of normalization of relations with Israel is a critical one for the opposition. Some observers date the beginning of the current deterioration of human rights conditions to the signing of the Wadi Arabah peace treaty between Jordan and Israel on October 26, 1994.¹⁴ Many journalists believe that the vociferous opposition to the treaty in the weekly press was one of the principal reasons behind the government's decision to amend the 1993 press law. Of Jordan's 4.3 million people, over 1.2 million are Palestinians officially registered as refugees with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Debate in Jordan about the peace treaty, which was controversial from its signing, has grown more heated as relations between Israel and the Palestinian Authority foundered after Benjamin Netanyahu became Israel's prime minister in June 1996. The situation has been further complicated by the fact that the political leadership of Hamas (the Islamic Resistance Movement), which is opposed to the Oslo agreements, is based in Amman and is headed by Palestinians who are Jordanian citizens.

Anti-normalization is an issue that unites Jordan's Islamists and the secular opposition. In September 1997, when authorities arrested Ibrahim Ghosheh,¹⁵ the Hamas spokesman in Jordan, all opposition parties and professional associations joined in demanding his immediate release. Tension over normalization was further exacerbated by the attempted assassination in Amman on September 25 of Khaled Meshal, the head of the Hamas political office in Jordan. The government's handling of the incident -- at first denying that it took place and later releasing only limited information about it -- met with strong criticism from the opposition. But because the attempt on Meshal's life coincided with the suspension of thirteen opposition weeklies, only muted criticism appeared in the press.¹⁶ The King and government officials continued to deny publicly that any deal was reached between Jordan and Israel for the release of the Mossad agents who attacked Meshal in exchange for the release of Sheikh Ahmad Yassin, the spiritual leader and founder of Hamas who was imprisoned by Israel in 1989, up until the return of the agents to Israel.

¹³U.S. Agency for International Development, FY 1998 Congressional Presentation, <http://www.info.usaid.gov/pubs/cp98/ane/countries/jo.htm>.

¹⁴The peace treaty requires both parties to abstain from hostile or discriminatory propaganda against each other, and to take all possible legal and administrative measures to prevent the dissemination of such propaganda by any organization or individual present in the territory of either Party. The treaty also specifies, however, that this requirement is without prejudice to the right to freedom of expression as contained in the International Covenant on Civil and Political Rights. Despite this rights guarantee, many Jordanian critics of the peace treaty and normalization believe that the state is attempting to silence their voices.

¹⁵Security forces arrested Ghosheh at his home early in the morning of September 7, 1997. He was released two weeks later with no charges pending.

¹⁶The Islamist *al-Sabeel*, which is still publishing, was an exception. In its October 7 issue it carried an opinion piece by Shaykh Abd al-Mun'im Abu Zant, a former IAF member of parliament, calling on the government to resign if it was unwilling to take the measures necessary to protect the country, which he said required closing the Israeli embassy and ending the peace agreement with Israel.

MOUNTING INTERFERENCE WITH FREEDOM OF EXPRESSION

Freedom of expression and press freedom are essential conditions for the conduct of free and fair elections. The Jordanian constitution guarantees freedom of opinion, stating that every Jordanian shall be free to express his opinion by speech, in writing, or by means of photographic representation and other forms of expression, provided that such does not violate the law.¹⁷ The constitution also guarantees freedom of the press and other publications within the limits of the law.¹⁸ The constitution provides for limited censorship of newspapers, publications, books, and broadcasts when martial law or a state of emergency is in force, and then only in matters affecting public safety and national defense.¹⁹ Martial law was fully lifted in Jordan in April 1992, and no state of emergency is in effect. Nevertheless, Jordanian authorities have used the laws in force, and other means such as threats and intimidation by internal security forces and government officials, to restrict free expression, including press freedom, in violation of the International Covenant on Civil and Political Rights (ICCPR), which Jordan has ratified.²⁰

As the parliamentary elections approach, the government has taken dramatic steps to tame the print media -- including the temporary closure of thirteen weekly newspapers in September (see below) -- and to intimidate political critics into silence. Journalists and editors admit that they have followed a stricter regime of self-censorship since the amendments to the press law were implemented in May 1997.²¹ In addition, students, writers, and researchers have faced a variety of sanctions -- ranging from detention and criminal prosecution to harassment, job loss, and blacklisting -- because they expressed views on political subjects that the government preferred remain off-limits. Such measures have created an atmosphere in which the right to free expression is perceived by many in Jordan as under siege.

The Opposition Press Under Fire

The government regulates the press comprehensively and all publications in Jordan must be licensed by the Press and Publications Department of the Ministry of Information, according to the 1993 press law.²² There are five

¹⁷ The Constitution of the Hashemite Kingdom of Jordan, January 1, 1952, Article 15(I). All citations are from the official English version.

¹⁸ Article 15(ii) states: Freedom of the press and publications shall be ensured within the limits of the law.

¹⁹ Article 15(iv).

²⁰ Article 19(2) of the ICCPR states: Everyone shall have the right to freedom of expression: this right shall include the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

²¹ See Human Rights Watch/Middle East, *Jordan: A Death Knell for Free Expression? The New Amendments to the Press and Publications Law*, *A Human Rights Watch Short Report*, vol. 9, no. 5, June 1997.

²² Article 20 states: Application for a license to issue a Press Publication shall be submitted to the Minister [of Information]; the Council of Ministers, upon the recommendation of the Minister, shall decide on the application within a period not exceeding thirty days from the date of submission thereof. The Council's decisions to reject the application shall be substantiated and subject to appeal before the High Court of Justice. All citations are from the official English text of the law.

daily newspapers in Jordan.²³ Prior to the enactment of the press law amendments, there were twenty-one weekly newspapers.²⁴

The 1993 press and publications law provided a considerable legal arsenal to use against the press.²⁵ A major feature of the law was vaguely worded prohibitions on publishing news which offends the King and royal family, information about the army and security forces, and news that insults the heads of Arab, Islamic and friendly states.²⁶ The English-language weekly the *Star* reported on May 22, 1997, that sixty-two court cases had been brought against Jordanian newspapers since 1993, based on the provisions of the press law. All but four of these cases were against the weeklies.²⁷ The New York-based, nongovernmental Committee to Protect Journalists documented the imprisonment and prosecution of thirteen reporters, editors, and publishers in 1996. In each of these cases, the government penalized journalists for legitimate reporting, in violation of international free expression guarantees.²⁸

In the first half of 1997, authorities continued to invoke the 1993 press and publications law to prosecute journalists and editors for free expression. In January 1997, Yussuf Gheishan and Omar al-Nadi, editors of the satirical weekly *Abed Rabbo*, were arrested and charged with publishing false news and soiling the image of public officials after their paper published an unflattering article about an Islamist member of parliament and a cartoon that implied that the then-Minister of Public Works and Housing was illegally profiting from the sale of automobiles in Jordan. A third journalist from the paper was also charged in the case. Gheishan was held for three days in Jwaideh prison; his head was shaved while he was in jail -- a treatment usually accorded to common criminal, rather than political, prisoners. Al-Nadi was imprisoned for four days. As of this writing their case had still not been heard. Gheishan told Human Rights Watch that he and his colleague go to court every two weeks, only to find that the witnesses against them have not shown up at which point the judge sets another date for the trial. This is ridiculous. The case should be dismissed, Gheishan said. This is just another way for the authorities to harass us by wasting our time.

²³The Arabic-language dailies *al-Raʿī*, *ad-Dustour*, *al-Aswaq*, and *al-Arab al-Yawm*; and the English-language *Jordan Times*.

²⁴A larger number of publications received licenses to publish weekly, but several appeared irregularly or have gone out of business.

²⁵See Human Rights Watch/Middle East, *Jordan: A Death Knell for Free Expression?*

²⁶Article 40 (a) states: Publications shall be prohibited from publishing the following: 1. News which offend (sic) the King or the Royal Family. 2. Any information about the number, weapons, deployment, or movements of the Jordanian Armed Forces, unless such publication is sanctioned by a responsible authority of the Jordanian Armed Forces, or any news item, drawing or comment which offends the Armed Forces or the security organs. 3. Articles or materials which contain contempt to any religion or sect whose freedom is guaranteed by the Constitution. 4. Articles which damage national unity, instigate the commitment of crimes, or encourage rancor, or foment hatred, discord and disharmony among members of the society. 5. Minutes of closed sessions of parliament. 6. Articles or news which are intended to shake confidence in the national currency. 7. Articles or news which contain a personal insult to the Heads of State of Arab, Islamic or friendly countries, or the chiefs and members of the diplomatic missions accredited in the Kingdom. 8. Articles or news which may offend the dignity or personal freedoms of individuals or damage their reputation. 9. News reports, dispatches, articles and drawing which are contrary to public morals and ethics. 10. Advertisements promoting medicines and medical products, unless such publication is approved in advance by the Ministry of Health.

²⁷This figure, which comes from the Ministry of Information, is probably an underestimate. The publisher of one opposition weekly told Human Rights Watch that over thirty cases had been brought against his newspaper alone. International press freedom groups documented and launched appeals on behalf of some of these beleaguered journalists.

²⁸Committee to Protect Journalists, *Attacks on the Press in 1996* (New York: Committee to Protect Journalists, 1997), p.296.

On January 16, the editor of the weekly *al-Hiwar* was sentenced to six months in prison and fines totaling JD500 (\$700) after being convicted of publishing inaccurate news and libeling King Hussein and his brother Crown Prince Hassan. The offending article was an interview with a spokesman with the outlawed Islamic Liberation Party in which he strongly criticized the Jordan-Israel peace treaty. On April 9, the Court of Appeals overturned the conviction.²⁹

On the night of May 8, one week before the amendments to the press law were announced, Fahd al-Rimawi, the editor of the weekly *al-Majd*, was summoned to the headquarters of the General Intelligence Department,³⁰ Jordan's internal security force. Al-Rimawi, whose newspaper had been very critical of normalization with Israel and other government policies, said that he was held for two hours. During his interrogation intelligence officers slapped him and insulted him; they warned him that if he persisted in publishing articles about political corruption, neither he nor his family would be safe. The day before this incident, *al-Majd* published an article about the appointment of new army and police officers. Unlike other journalists who have been intimidated by such tactics, al-Rimawi decided to go public about the abuse to which he was subjected. He detailed what happened in a press release and asked the government to investigate the matter.

On May 9, al-Rimawi was charged with publishing information that breached national security, based on the article about promotions of army and police officers. The case has not yet been heard. Like many other opposition journalists, al-Rimawi believes that authorities have used such prosecutions as a tool of harassment, and a way of testing their resolve and draining their financial resources. "We go to court twice a week, for four hours each time," al-Rimawi said. "These cases are brought against us to waste our time and money, to wear us out."³¹

The May 1997 Press Law Amendments

On May 15, 1997, the Council of Ministers enacted amendments to the 1993 press and publications law which went into immediate effect. The amendments broadened the content bans of the 1993 press law to include prohibitions on publishing government documents and news about the security services, imposing staggering restrictions on all forms of published information, including news, analyses, opinions, reports, drawings, and photographs.³² In addition, the amendments specify extremely high capital requirements,³³ steep fines,³⁴ and

²⁹See Open Letter to King Hussein from the Committee to Protect Journalists, March 27, 1997. Abdallah Bani Issa, *al-Hiwar*'s editor, remained free pending the outcome of his successful appeal.

³⁰Amnesty International described the GID (*da'irat al-mukhabarat al-amma*) as "the most important intelligence agency responsible for internal security in Jordan....[I]t has carried out the great majority of arrests of a political nature and has been responsible for the detention without charge or trial as well as the pre-trial investigation of political suspects." Amnesty noted that the GID was created as an independent agency pursuant to the Law on General Intelligence No. 24 of 1964, and that by law its forces can undertake actions and tasks assigned to it by written orders of the Prime Minister. Amnesty International, *Jordan: Human Rights Protection After the State of Emergency*, June 1990, MDE 16/02/90.

On the Home Page of its Internet Web site, the GID states that it considers its intelligence department to be progressive, flexible, dynamic and keenly aware of its responsibilities and duties -- internally and externally. It notes that its doctrine is based upon the philosophy adopted by the Jordanian leadership which advocates moderation and justice in all fields of political endeavor, and that it pursues its goals in view of Jordan's sacred commitment for [sic] the respect of human rights, democracy, and political pluralism. See <http://www.arab.net.gid>.

³¹Another case has been brought against *al-Majd* in June by the Ministry of Awqaf (religious endowments). Al-Rimawi was charged with making prophesy -- an accusation which stems from an article which quoted from the Qur'an, but accidentally left out quotation marks.

³²The amended Article 40 (a) states: "The publication will be banned from printing news, articles, analyses, information, reports, drawings or pictures, or any other form of publication if that: 1. abuses the king or the royal household. 2. pertains to the Jordanian armed forces or the security services, unless such material has been cleared for publication by the appropriate authority

suspension and closure of publications for violating content bans.³⁵ By the end of July, authorities employed the new amendments to initiate at least a dozen cases involving six newspapers.³⁶ The first such case to come to a conclusion was against the weekly *al-Bilad*. On September 2, the Court of First Instance in Amman imposed a JD15,000 fine on the paper for publishing news about the security forces.³⁷ Other cases are pending against the weeklies *al-Mithaq*³⁸ and *al-Hadath*, the Arabic dailies *al-Arab al-Yawm*³⁹ and *al-Raʿi*, and the English-language daily *Jordan Times*.⁴⁰

or the government's official spokesman. 3. contains disparaging remarks about the religions and creeds whose freedom is provided for in the constitution. 4. harms national unity or incites criminal action or sows grudges and hatred or divisions and mutual alienation in society. 5. offends the dignity or personal liberties of individuals or harms their reputation. 6. involves derogatory, libellous, or abusive remarks about Arab, Islamic, or friendly heads of state, or sours the kingdom's relations with other nations, with the proviso that the principle is reciprocated. 7. promotes perversion or leads to moral corruption. 8. features untruths or rumours detrimental to the public interest or state agencies or their personnel. 9. features the House of Representatives secret sessions. 10. prints state documents of a classified nature.@

³³Article 7 of the amendments states: AThe texts of Paragraphs (a) and (b) are to be removed from Article 24 of the original law and replaced by the following text: (a) A minimum capital of 600,000 Jordanian dinars [\$845,500] is a requirement for licensing a daily publication. (b) A minimum 300,000 Jordanian dinars [\$422,750] capital is a requirement for licensing other than daily publications.@

³⁴The amended Article 50/1 (C) states: AA violator of the provisions of Paragraph A of Article 40 of this law will be fined between 15,000 Jordanian dinars [\$21,135] and 25,000 Jordanian dinars [\$35,225.]@

³⁵Article 50/1 (e) states: AA suspension of a publication will be ordered by the court of law in cases where there has been a violation of the provisions of Paragraph A of Articles 40 and 42 of this law. The minister may allow the lifting of the suspension once the fine fixed by the court has been paid and in accordance with a set of assurances and conditions to be decided by him@ Article 50/2 (a) states: AIf a repeat of the offence described in Items (a), (c) and (d) of Paragraph 1 of this article occurs within five years, the court hearing the case will order the publication to be suspended for a minimum three-month period or up to a maximum of six months. This is in addition to the penalty provided for in this law.@50/2 (b) states: AIf a further repeat occurs of the violation defined in Items (a), (c) and (d) of Paragraph 1 of this article within a five-year span, the court will decide to revoke the publication's licence.@

³⁶*Star* (Amman), July 31, 1997.

³⁷*Jordan Times*(Amman), September 4, 1997. The offending article, based on an Associated Press report, alleged that Jordan handed over to Israel a member of the Popular Front for the Liberation of Palestine who had shot an Israeli soldier at a border crossing between Jordan and Palestinian National Authority-controlled territories. According to Nayef Tawarah, *al-Bilad*'s editor, there are four additional cases, based on the amendments, pending against the paper.

³⁸There are three court cases, based on the press amendments, pending against *al-Mithaq*. Nahid Hattar, the paper's editor, was arrested in September in connection with one of these cases, after his paper published an article detailing provisions of an agreement on water sharing between Israel and Jordan. Hattar was released on bail after one day. As of this writing, this case had not yet been heard.

³⁹*Al-Arab al-Yawm* has been charged with Aarming national security@for a report, which appeared in its June 22 issue, about the arrest by security forces of fifty-four infiltrators from abroad who were allegedly planning to carry out terrorist acts in Jordan. The case, which is being tried by the Court of First Instance, was not yet concluded at the time of this writing. Charges were filed when the paper refused the government's order to publish a retraction. The paper published the government's denial of the arrests, but stood by its story (which was subsequently substantiated.) The managing editor of *al-Arab al-Yawm* told Human Rights Watch that, in order to further penalize the paper, the prime minister in September ordered the managers of television, radio, and the official news agency to stop carrying the paper's reports.

⁴⁰The offending article in the *Jordan Times*, published in June, criticized Yasser Arafat for being too close to the Israelis. The paper is being prosecuted for slandering the head of an Arab state.

Even more important than the actual prosecutions is the effect of the amendments on media coverage. In June the satirical weekly newspaper *Abed Rabbo* closed down. Its irreverent, sarcastic articles and cartoons made it virtually unique in the Arab world. *Abed Rabbo* closed in anticipation of the crippling fines it was likely to incur and because the law offers no protection for articles of a satirical nature.

Journalists and editors told Human Rights Watch that in the wake of the amendments they are practicing self-censorship more frequently for fear of being subjected to heavy fines. One columnist with the daily *ad-Dustour* complained that he has been barred by his editor from writing about any sensitive political topic,⁴¹ while Member of Parliament Toujan Faysal told Human Rights Watch that the last three columns she had submitted to the same paper were rejected by the editor as too *Arisky*. She added that she was later told by editors at the paper that, due to government pressure, they would no longer be able to publish her articles. Faysal's sister Layla, an independent candidate for parliament who had been a regular contributor to *Shihan*, the largest circulation weekly, told Human Rights Watch that her editors informed her that they could no longer publish her articles because the paper was coming under too much government pressure.⁴²

Even for newspapers that have had no cases brought against them under the amended law, self-censorship has become imperative. The *Star*, one of Jordan's oldest weeklies, has enjoyed more leeway. Because we are in English we have a very limited impact on domestic public opinion. The government likes to use the *Star* to show [to a foreign audience] that there is press freedom in the country, a reporter for the paper explained. But the steep fines mandated by the new amendments have given the weekly's editors pause. We can't afford to take on the really hot issues. It's too risky. [The new law] has shackled us for the time being, he told Human Rights Watch.

Some journalists pointed to the law's provisions prohibiting publishing government documents of a classified nature as having had a chilling effect on the weekly papers. Some weeklies had been in the habit of publishing government documents that demonstrated official corruption, but since the passage of the amendments, they have stopped doing this. The al-Majalli government, formed in April 1997, has also resumed banning the foreign media -- a practice that had been suspended by the previous government. *Al-Hayat*, a leading London-based Arabic daily, was confiscated twice within one week in August and once again in September.⁴³ The *Jordan Times* reported that two other issues of *al-Hayat* were confiscated in October, as well as several issues of the London-based dailies *al-Quds al-Arabi* and *Asharq al-Awsat*, and of the independent Lebanese daily *an-Nahar*.⁴⁴

The amendment to the press law that raised the capital requirement for weekly newspapers to JD300,000 (\$422,700) from JD15,000 (\$21,135) has in practice proved among the most effective means the government has devised to close down the smaller, critical papers it has also targeted through other forms of censorship. At first, it appeared that the most weeklies would be able to use a loophole to meet the requirements of the law.⁴⁵ But the

⁴¹The temporary law canceled a provision of the 1993 Press Law that would have forced the government to sell its shares in the two major dailies *al-Ra'i* and *ad-Dustour* by May 1997.

⁴²Layla Faysal had recently been writing articles that criticized the pro-government National Constitutional Party (NCP), whose leader, Abd al-Hadi al-Majalli, is the brother of the prime minister.

⁴³*Al-Hayat* was confiscated on August 10 for undisclosed reasons; and it was seized again on August 16, because of an article by a Kuwaiti columnist who alleged that Jordan's Rotary Club, whose president is Crown Prince Hassan, is a front for the Freemasons. *Al-Hayat* was also confiscated on September 17. No official reason was given for the banning, but it appears that an article which analyzed the issue of succession to King Hussein triggered the ban.

⁴⁴"Government Confiscates Arab Papers -- Press," *Jordan Times*, October 20, 1997.

⁴⁵The law did not specify that the newspapers had to have paid-up capital (cash in the bank). So most weeklies registered with the Ministry of Industry and Trade by asserting that their total assets met the requirement, in compliance with the Companies

government, insisting on a strict interpretation of the amendments, suspended thirteen weekly newspapers on September 24.⁴⁶ Khaled al-Rimawi, publisher and editor of *al-Majd*, said that he had gathered together about two-thirds of the required capital. *They've shut us down before we could get the rest.*⁴⁷

Official letters from the Press and Publications Department of the Ministry of Information informed the papers that their suspension, effective September 23, was in accordance with Articles 24 and 51 of the amended law.⁴⁸ Although the length of the suspensions was not mentioned in the letter, news accounts suggested that the suspended papers would have three months to comply with the requirements. After this period their licenses will be revoked. This measure left only five weekly newspapers still publishing in Jordan: *Shihan*, *The Star*, *al-Sabeel*, *al-Liwa*, and *Akhbar al-Ushbu*. Of these only *al-Sabeel*, which is close to the Muslim Brotherhood, can be considered an opposition paper. Al-Rimawi, editor of *al-Majd*, also stressed the human toll of the closures. *Thirteen closed newspapers--that's 200 people who no longer have jobs,* he told the *Star*.⁴⁹

Government officials have asserted that these measures against the press were necessary because of the unethical and exploitative content of the sensationalist weekly tabloids. In an official statement, broadcast on state radio on July 14, the government dismissed demands for the repeal of the press law amendments. The government said that the measures had been passed in response to *A state of deterioration in the work of the press.* The statement continued:

Had the defect not been addressed, there would have been a collapse in the community's values, sensitivities would have been triggered, and the prestige of the state and its institutions would have been undermined....[T]he government does not agree that this temporary law muffles freedoms. On the contrary, the only effect of this law is to upgrade the press, and, consequently, to preserve responsible freedom. The government is convinced that the overwhelming majority of the Jordanian people do not want their values violated, or the Jordanian community being depicted as one that lacks morals, or their country's foreign relations being harmed for the sake of material profits for a few beneficiaries.⁵⁰

Some journalists conceded to Human Rights Watch that there were newspapers that published scurrilous and offensive stories, and thereby handed the government an excuse to crack down on the press as a whole. Mahmoud al-

Law which permits companies to have only a fraction of the required capital in cash.

⁴⁶*Al-Majd, al-Mithaq, al-Hadath, Sawt al-Mara, al-Sayad, al-Bilad, Hawadeth al-Sa, al-Urdun, Tareeq al-Mustaqbal, Fares, al-Najem al-Arabi, al-Umma, and al-Hadaf.*

⁴⁷Yannik Laine, *Sale temps pour les journalistes,* *Star*, October 2, 1997.

⁴⁸Letter from the Press and Publications Department of the Ministry of Information to *al-Hadath* newspaper, September 24, 1997. Article 24 stipulated that weekly newspapers are required to raise their registered capital to JD300,000. Article 51 states: *1. Natural persons and legal personalities to whom the provisions of this law apply must undertake whatever adaptations are necessary for conforming with these provisions within a maximum period of three months of the date of the law coming into force. 2 (a) Any publication that has failed to make the necessary adaptations as called for in Paragraph (a) of this article and should that remain the case for another three months, that publication will be deemed to have forfeited its licence. (b) Any natural person who has not made the necessary adaptations as called for in Paragraph 1 of this article of the law will be banned from practicing the profession.*

⁴⁹*Star*, October 2, 1997.

⁵⁰Radio Jordan Network (Amman), July 14, 1997, full text of statement issued by the Jordanian government on July 14, FBIS-NES-97-195, July 14, 1997.

Sharif, editor-in-chief of *ad-Dustour* daily and former minister of information, believes that, while the government's measures against the press have been too harsh, it is the weekly papers that are to blame for the crackdown. By constantly publishing stories that affront the morals of our conservative society, these papers created too many enemies among the people and in parliament, al-Sharif told Human Rights Watch. But other Jordanian journalists have pointed out that an examination of the cases brought against newspapers shows a clear pattern of penalizing publishers, editors, and reporters for political coverage and commentary on controversial issues. The government was not taking these papers to court for violating journalistic ethics, they argue, but for writing about sensitive topics such as official corruption, normalization with Israel, the social costs of economic restructuring, the August 1996 bread riots, and human rights violations.⁵¹

Intimidation by Security Forces

In late September 1997, Abdallah Abu Rouman, a writer for the recently closed opposition weekly *al-Mithaq*, was summoned to General Intelligence Department headquarters. He refused to go. The following day, GID officers showed up at the school where Abu Roman teaches and asked him to come in for questioning the following morning. At GID headquarters he was questioned for several hours about his political views and some articles he had written. Abu Rouman told Human Rights Watch that before he was released he was told to refrain from writing anything critical of the peace process. Abu Rouman added that shortly before he was summoned for questioning, Muqataa University informed him that he could not enroll in the university's masters degree program in Arabic literature to which he had already been accepted. The university offered no explanation. Abu Rouman believes the university was pressured by security services to rescind his enrollment. Abu Rouman had previously been prosecuted in the state security court in 1996 for insulting the dignity of King Hussein (see *Silencing Other Voices*, below).

One publisher told Human Rights Watch that intelligence officers interfered with his ability to raise the capital required to keep his newspaper in compliance with the press law requirements. Nayef Tawarah, publisher of *al-Bilad*, said that in August he had managed to find seventeen investors for his weekly. But after he had gone to register the company with the Ministry of Trade and Industry he learned that nine of the investors were pulling out, leaving him short of the required amount. These investors told him that they had been contacted by members of the security services who warned them against investing in *al-Bilad*. Tawarah, who was outside Jordan when he learned that his and the other newspaper were suspended on September 24, alleged that his family has been intimidated by security forces. On October 9, police came to Tawarah's home and arrested his wife. She was taken away in handcuffs in the middle of the afternoon, Tawarah said. My wife was brought to the Jebel Husayn police station and put in a cell where she was held for three hours. Tawarah's wife was released without charge, but her passport was confiscated. Tawarah believes that his wife's detention was meant to pressure him to return to Jordan, where his paper faces four cases based on the new amendments. He fears that he will be arrested when he returns.

The Reaction in Jordan

The most vociferous reaction to the press amendments came from the opposition political parties. In July 1997, the parties boycotting the parliamentary elections cited the amendments as a catalyst for their decision to boycott.⁵² The coordinating committee of the boycotting groups in September 1997 explained that they were boycotting in order to sound an alarm, so that the voices of the people and the nation, which are being stifled by

⁵¹Reporting on allegations of torture is especially sensitive. Hilmi al-Asmar, editor of the Islamist weekly *As-Sabeel*, was arrested by authorities on September 18, 1996 after his paper published an article that described the alleged torture of an Islamic activist while in the custody of Jordanian security forces. Al-Asmar was released without charge on September 29, 1996. See Committee to Protect Journalists, *Attacks on the Press in 1996* (New York: Committee to Protect Journalists, 1997), p.296.

⁵²For early reactions to the amendments see Human Rights Watch/Middle East, *Jordan: A Death Knell for Free Expression?*

government policies...that are strangling freedom of speech, expression, assembly and the press (the worst of these policies being the amended press law), may be heard.⁵³ By suspending thirteen weekly newspapers in September, it appears that the government closed the door to any hope that the boycotting parties would reverse their decision and participate in the November 4 elections.

After the suspensions, the twelve opposition parties (including three parties that had not joined the election boycott) issued a statement condemning the measure: "This oppressive measure is a political decision made by the government to prepare for the upcoming parliamentary elections. With these [suspensions] the government wants to suppress opinions other than its own, and so it is smashing pens and gagging mouths."⁵⁴ The statement announced that the opposition parties would hold a rally on October 1, to demonstrate their support of the closed papers. The event was prohibited by authorities.⁵⁵

Some opposition parliamentary candidates outlined to Human Rights Watch the negative impact of the suspensions on their campaigns. "We are at a serious disadvantage vis a vis the pro-government candidates," said Nazih Ammarin, an independent MP running for reelection in Kerak. "For months the official media -- television, radio, and print -- have been giving a lot of favorable coverage to the [pro-government] National Constitutional Party. The press amendments and the weeklies' suspensions have severely limited our ability to express our point of view." Toujan Faysal, an outspoken MP running for reelection in Amman, said that the closure of the weeklies and self-censorship of the remaining press were exactly what the government intended the new amendments to accomplish. "Now the election campaign will be held in the total absence of opposition media," Faysal told Human Rights Watch.

Former minister of information Ibrahim Izzeddin, one of the architects of the 1993 press and publications law, also criticized the decision to suspend the newspapers. "I think that the government should have been much more patient," he said. "You cannot solve the problems of freedom of the press by imposing new laws."⁵⁶ George Hawatmeh, the editor-in-chief of the English-language *Jordan Times*, concurred. Although he believes that many weekly tabloids have practiced irresponsible journalism, he opposes the government's decision. "We all know that there are problems, but I think the advantages that we had in having weekly newspapers, even the tabloid ones, were much bigger than the disadvantages," Hawatmeh said. "You cannot isolate freedom of the press from the general political and economic problems that we are facing. The government should understand that although there are problems that accompany democratic growth and development, the best way to handle them is to look at the positive results that have been achieved and not to focus on the negative aspects."⁵⁷

Journalists at the suspended weeklies were not surprised by the government's decision. "The government's action is political in nature, to prevent us from [having a voice] in the upcoming election campaign," said Nidal Mansour, editor of *al-Hadath*. "And it is also financial. They want to deny us the advertising revenue we would have

⁵³A Political Statement from the Groups for National Reform and Boycotting the 1997 Parliamentary Elections, September 20, 1997; signed by the Muslim Brotherhood, nine political parties (including the Islamic Action front), the thirteen professional associations, and representatives of a group of prominent independent national figures.

⁵⁴Statement by the Higher Coordinating Committee of the Opposition Political Parties, September 26, 1997. It was signed by the twelve opposition parties: the Islamic Action Front, the Jordanian Arab Partisans Party, the Jordanian Constitutional Arab Front Party, the Pan-Arab Action Front Party, the National Democratic Popular Party, the Jordanian People's Democratic Party-Hashd, the National Action Party, Al-Mustaqbal Party, the Jordanian Democratic Popular Unity Party, the Jordan Communist Party, the Jordanian Ba'ath Arab Socialist Party, and the Arab Ba'ath Progressive Party.

⁵⁵See "Restrictions on Freedom of Assembly," below.

⁵⁶Raed al-Abed, "Weekly newspapers take their case to court, political parties lash out at suspension decision," *Star*, October 2, 1997.

⁵⁷*Ibid.*

received from political advertising for the elections.⁵⁸ Nayef Tawarah, publisher of *al-Bilad*, echoed that analysis: "The government wants to prevent us from commenting on the elections, and they want to ensure that we don't profit [in terms of revenue from candidates' advertisements] from the election campaign."

On September 29, seven newspapers filed a law suit against the government with the High Court of Justice, charging that the government had exceeded its powers in closing the papers and requested a stay of the suspension orders pending a final ruling by the court. But on September 30, the court rejected the motion to lift the suspensions while it considered the case. The High Court is not likely to rule on the legality of the suspensions until well after the elections. A similar case, brought before the High Court in July by five weeklies, still has not been heard. That law suit claims the press amendments violate Article 15 of Jordan's Constitution, which guarantees freedom of expression. The papers also argued that the government failed to meet the conditions set out in Article 94 of the Constitution for enacting temporary laws.⁵⁹ Even if the court eventually rules in favor of the weeklies, the newspapers will have suffered major dislocation. Their employees will have moved on to other jobs, their financial position will have worsened, and investors will have been scared away. As Nayef Tawarah told Human Rights Watch in October 1997: "Who will want to invest in a weekly newspaper, when they see what the government can do? Who will invest their money when writing about almost anything can lead to a \$35,000 fine?"

Silencing Other Voices

There are various provisions in the Jordanian penal code that criminalize the exercise of free expression, particularly expression deemed to be an affront to public officials and King Hussein.⁶⁰ The immunity of the King from criticism is a particularly important issue in that he serves as more than a figurehead monarch. Under the Jordanian constitution, the king is empowered to appoint and dismiss the prime minister and the cabinet,⁶¹ appoint the members of the upper house of parliament,⁶² and dissolve both branches of parliament, including the elected lower house.⁶³ He has the power to promulgate and ratify laws,⁶⁴ and also serves as the supreme commander of all military forces.⁶⁵ Given the King's wide-ranging powers over so many aspects of Jordanian public affairs, he should not be immune from public criticism of his policies. Yet, broadly worded language in Article 195 of the penal code makes it a criminal offense to

⁵⁸Yannik Laine, "Sale temps pour les journalistes," *Star*, October 2, 1997.

⁵⁹Amy Henderson, "Government asks Higher Court of Justice to reject weeklies' law suit," *Jordan Times*, September 24, 1997. Article 94 (I) of the Constitution stipulates: "In cases where the National Assembly is not sitting or is dissolved, the Council of Minister has, with the approval of the King, the power to issue provisional laws covering matters which require necessary measures which admit of no delay or which necessitate expenditures incapable of postponement. Such provisional laws, which shall not be contrary to the provisions of the Constitution, shall have the force of law, provided that they are placed before the Assembly at the beginning of its next session." Emphasis added by Human Rights Watch. The plaintiffs argued that the laws were neither urgently required nor consistent with the Constitution's protection of freedom of expression.

⁶⁰For a detailed description of these penal code provisions, see Article 19, "Freedom of Expression and Information in Jordan," London: Article 19, July 1991.

⁶¹Article 35.

⁶²Article 36.

⁶³Article 34(iii) and Article 34(iv).

⁶⁴Article 31.

⁶⁵Article 32.

use any form of expression that authorities view as insulting the dignity of King Hussein (known by the French term *lèse majesté*).⁶⁶

According to a February 1997 report of the Jordanian branch of the Arab Organization for Human Rights, Article 195 was the law most abused by the authorities in 1996.⁶⁷ It said that seven Jordanians were serving prison sentences of up to three years for this offense, and that throughout Jordan's history there has never been such a large number of cases of *lèse majesté*.⁶⁸ The most highly publicized prosecution of a Jordanian under Article 195 was the case of Laith Shubeilat, a prominent independent Islamist, former member of parliament, and president of the independent, nongovernmental Jordanian Engineers Association, one of the largest of the country's professional associations. Shubeilat, an outspoken critic of Jordan's peace treaty with Israel and the government's economic policies, among other issues, was arrested on December 9, 1995.

Shubeilat's trial in the state security court began in January 1996.⁶⁹ Evidence presented against him included copies and recordings of controversial speeches that he had made in 1995 in Ajlun, Irbid and other cities. The prosecution also entered into evidence a copy of a speech that was seized during a search of Shubeilat's home. The speech was written in 1994 but never delivered.⁷⁰ A speech of Shubeilat's on November 7, 1995, also was of particular concern to authorities.⁷¹ During the trial, Shubeilat's wife Reema sent a letter to Prime Minister Bin Shakir. She argued that her husband, and any other citizen for that matter, have the natural, legal and constitutional right to free expression. She added: "Our government is denying this right to the people."⁷² Shubeilat was convicted by the security court on March 17, 1996, and sentenced to three years in prison. "His Majesty the King cannot be in a position of accountability," said security court judge Muhammed Faleh al-Shara at the sentencing.⁷³ Although

⁶⁶Article 195(a) of the penal code states: "Anyone who insults the dignity of His Majesty the King shall be punished by a sentence of one to three years in prison."

⁶⁷ Maria Bizri, AAOHR Accuses Government of Human Rights Violations, *Jordan Times*, February 27-28, 1997.

⁶⁸ Dominic Evans, Jordan Human Rights Group Says Abuses Rose in 1996, *Reuter*, February 26, 1997.

⁶⁹The 1959 Law on the State Security Court, amended in 1993 and 1997, empowers the prime minister to establish one or more State Security Courts in special circumstances required by the public interest. Each security court is composed of three civilian and/or military judges. Civilian judges are appointed by the prime minister on the recommendation of the minister of justice. Military judges are appointed on the recommendation of the chief of staff of the armed forces. Jordanian lawyers told Human Rights Watch that, since the reintroduction of the State Security Court in 1991, it has always been composed of military judges. It has tried all major political cases. Its jurisdiction includes political violence, as well as drug-related cases. See Amnesty International, *Jordan: Human Rights Reforms: Achievements and Obstacles*, March 1994, AI Index: MDE 16/02/94.

The U.S. State Department, in its report on human rights conditions in Jordan in 1996, noted: "Defendants tried in the State Security Court are often held in pretrial detention without access to lawyers, although they are visited by representatives of the ICRC."

⁷⁰ Human Rights Watch included this information in a February 6, 1996, letter to then-Prime Minister Abdel Karim al-Kabari about Shubeilat's case. The information was based on information provided to Human Rights Watch by Shubeilat's lawyer Jawad Yunis.

⁷¹ Amnesty International reported: "The particular accusations against Leith Shubeilat stem from a speech he made at Irbid in Jordan on 7 November 1995 during which he repeated his outspoken criticisms of the Jordanian monarchy and government for making peace and moving to closer relations with Israel. He condemned, in very strong language, King Hussein's words of praise and expressions of friendship for Yitzhak Rabin, the Prime Minister of Israel assassinated on 4 November." Amnesty expressed concern that Shubeilat may be detained solely on account of his non-violent opposition to government policies. See Amnesty International Urgent Action, December 29, 1995, AI Index: MDE 16/05/95.

⁷² Letter from Reema Laith Shubeilat, dated January 20, 1996, on file at Human Rights Watch.

⁷³ Dominic Evans, King Hussein Releases Jordan's Leading Dissident, *Reuter*, November 8, 1996.

Shubeilat was ordered released by King Hussein on November 8, 1996, Article 195 of the penal code continues to be used to target Jordanians for the exercise of free expression, most recently in October 1997.

Harassment and Criminal Prosecution of Young Political Activists

Students who spoke out on political matters were also among those who faced pressure from authorities. On September 12, 1996, security forces arrested Ayman al-ʻUtum, a civil engineering student at Jordan University of Science and Technology. On October 6, 1996 the State Security Court convicted al-ʻUtum of violating Article 195 of the penal code, insulting the dignity of the King, and sentenced him to one year in prison. The prosecution was based on a recital of political poetry given by al-ʻUtum in August 1996 in Ajloun castle. The court commuted the sentence to eight months imprisonment because he is a young student and he must have a second chance.⁷⁴ Al-ʻUtum served his full sentence.

In July 1997, Abdallah Abu Rouman, a reporter for the weekly *al-Mithaq* newspaper, was acquitted by the state security court, where he was prosecuted under Article 195 of the Penal Code for insulting the dignity of King Hussein. The charge was based on unpublished articles found in his office by police that criticized the government's decision to lift food subsidies which sparked the August 1996 bread riots. The prosecutor is appealing the court's decision.

On September 14, 1997, Muhannad Kasaji, a student at the University of Jordan, was arrested at his home in Amman by members of the General Intelligence Department. He was taken to GID headquarters and interrogated about a lecture he gave at the university two weeks earlier. In his lecture, on the political system in Jordan, Kasaji called for constitutional reforms. During his interrogation, he was also repeatedly asked about this association with Laith Shubeilat. His interrogators wanted to know why he visited Shubeilat, and asked for information about Shubeilat's plans with other university students. Kasaji was held for one week and then released without charge.⁷⁵ Upon his release, he was warned to refrain from giving any similar political lectures. Authorities never informed his family that he was in custody of the GID, but he was visited by representatives of the International Committee of the Red Cross who informed his parents of his whereabouts.

On September 26, 1997, police arrested Ali Sneid, a twenty-five-year-old Jordanian writer from a village near Madaba, at the bus station in Madaba as he was boarding a bus for the village of Ziban, carrying a plastic bag. Sneid had recently written an article that criticized a local tribal leader. Newspapers declined to publish the article, so Sneid made copies of it and planned to circulate it himself. Prior to his arrest, he had provided a copy of the article to a member of parliament, who told Human Rights Watch that Sneid was carrying copies in a plastic bag when he made this visit.

Sneid initially was held incommunicado and his family was not informed of his whereabouts. Human Rights Watch sent a private letter to the minister of interior on September 30 inquiring if Sneid was in the custody of the General Intelligence Department or any other state security apparatus. On October 2, he was transferred to Jwaideh Prison, in southern Amman, where he was allowed visits. As of this writing, Sneid was under investigation by military prosecutors for insulting the dignity of the King, a violation of Article 195 of the penal code -- the same charge for

⁷⁴ Rana al-Husayni, "Student Sentenced to Eight Months for Lèse Majesté," *Jordan Times*, October 7, 1996.

⁷⁵ The Code of Criminal Procedure allows prosecutors to renew indefinitely the detention of suspects for periods up to fifteen days at a time. Article 66 (1) allows prosecutors to forbid all contacts with detainees for renewable periods of ten days. Article 66 (2) specifies that (1) does not apply to attorneys unless the public prosecutor determines otherwise. See Amnesty International, *Jordan: Human Rights Reforms: Achievements and Obstacles*, March 1994, AI Index: MDE 16/02/94.

The U.S. State Department, in its report on human rights conditions in Jordan in 1996, noted: "In cases involving state security, the authorities frequently hold defendants in lengthy pretrial detention, do not provide written charges, and do not allow defendants to meet with their lawyers until shortly before the trial."

which Shubeilat was tried, convicted and sentenced to three years in prison.⁷⁶ On October 7, the State Security Court rejected the application by Sneid's lawyer, Zayid Radaydeh, for his client's release on bail. Sneid informed Radaydeh that he fears for his safety because he is imprisoned in a cell with violent criminals. His head was shaved by prison guards, a practice usually reserved for common criminal prisoners. On October 10, Human Rights Watch, having received no response to its initial letter, sent an open letter to Prime Minister Abd al-Salam al-Majalli, calling for Sneid's release unless he was charged with a recognizable criminal offense. As of this writing, there has been no official response to either letter.

Sneid's arrest, which coincided with the suspension of thirteen weekly newspapers, received no coverage in the local media. One Jordanian human rights activist, referring to Sneid's imprisonment, joked bitterly: "Now we need to call New York to find out what is happening in Jordan." Two short items were written about Human Rights Watch's open letter and press release about Sneid's case -- in the privately owned daily *al-Arab al-Yawm* and the English-language weekly the *Star*.⁷⁷ In the current climate, journalists are more surprised when a story like Sneid's is covered than when it is not.

Ali Sneid's imprisonment and prosecution for *lèse majesté* highlight the chilling effect of restrictions on freedom of expression in Jordan. When an aspiring writer is arrested and faces a three-year prison sentence simply for peacefully expressing a point of view, it is bound to have an effect on anyone who has thought of tackling controversial subjects. Moreover, in Sneid's case the basis for prosecution was an unpublished article. Given the press law amendments and the pervasive self-censorship that they have generated, it was highly unlikely any Jordanian newspaper would publish such an article. Yet the authorities were not satisfied with preventing publication. In the case of Ali Sneid, they appear to be sending a signal that they intend to stop the circulation, and not only the publication, of any written criticism and to punish such authors.

Although he is not well-known, it was inevitable that news of Sneid's arrest would circulate among human rights activists and opposition figures because Jordan is a small country and news gets around by word of mouth. The media's silence about Sneid's case sends a deafening message: if you speak out, you may be prosecuted and there will be no publicity about your case. In addition to detention and criminal prosecution, job loss and blacklisting is a consideration as well.⁷⁸ Opposition politicians and human rights activists claim that even individuals working in the private sector are vetted by the intelligence service.

⁷⁶This was not Sneid's first encounter with the security forces. In 1996, he wrote a play about the trial of Laith Shubeilat. Just prior to Shubeilat's release in November 1996, Sneid had been circulating copies of his play. He was arrested by security forces and detained for several days.

⁷⁷Haytham al-Sadek, "Human Rights Watch Protests the Continued Detention of Ali Sneid," *al-Arab al-Yawm* (Amman), October 12, 1997, and *Star*, October 16, 1997.

⁷⁸Job-related sanctions are a particularly sensitive issue for politically active Jordanians. In the 1980s, the GID actively intervened in vetoing both public and private sector employment for perceived political opponents of the state. In 1988, for example, the Court of Cassation heard a case brought in 1987 by Ayman Farhan Kharisat, an engineer who had been appointed on July 5, 1987 to work on a project by the Ministry of Higher Education. His appointment was revoked on July 22, 1987 because of GID's objection and Kharisat challenged the decision. The cassation court ruled in his favor in April 1988 and nullified the education ministry's cancellation of his appointment, finding it illegal: "We find that there is no provision in the civil service law that requires that the General Intelligence Bureau must authorize the appointment of public employees in this country. The work of the General Intelligence Bureau was defined by Law 24 of 1964 and it is not among the Bureau's tasks to sanction the appointment of public employees." (*Kharisat v. The Ministry of Higher Education*, Lawsuit No. 180 of 1987, Court of Cassation Decision No. 16.) The prime minister then used his martial law powers to block the engineer's reappointment to his post. Information provided by lawyer Hani Dahleh, who represented Kharisat, to Virginia N. Sherry, Amman, February 1989.

Targeting Professionals

The 1997 case of Suheir al-Tal, a writer who heads the Ministry of Culture's conferences and exhibitions department, suggests that state sector employees are not immune to pressures and sanctions when they express their political views. Although al-Tal has received very good performance evaluations throughout her seven-year tenure at the ministry, she found that her job was at risk after she advised against Jordanian participation in an exhibition on Jerusalem that was to be attended by Israeli officials.⁷⁹ She was overruled by her superiors. Al-Tal discovered that the minister was taking disciplinary action against her which she feared was going to lead to her dismissal. Al-Tal initiated a law suit against the minister with the High Court of Justice. The court began hearing the case in September 1997. On September 20, the Council of Ministers, at the request of the minister of culture, issued an order banning al-Tal from writing for publication. Al-Tal, who has published short stories and sociological studies, is defiant. "They can't stop me from writing," she told Human Rights Watch. She said that she has requested a meeting with the prime minister to try to get an explanation of why this measure has been taken against her, but has received no reply. Al-Tal believes that she has been targeted because of her advocacy of freedom of expression and women's rights. She is considering taking the case of her writing ban to the High Court of Justice.

In another case involving a state employee, Fuad Hussein, a reporter for the official Petra news agency, was driven from his job when he was ordered transferred to a remote office. Hussein, who is a member of the Jordanian Ba'ath Arab Socialist Party and a human rights activist, was warned by his employers to stop his extra-curricular activities. "They told me, 'if you would like to continue to work here, you must stop your political activities,'" Hussein told Human Rights Watch. When he persisted in his activism and advocacy for the release of Laith Shubeilat, he was assigned in December 1995 to Petra's office in Ma'an, 300 kilometers south of Amman. Hussein lives in Amman with his wife and children and could not relocate. He filed a case against the news agency with the High Court of Justice, but did not succeed. Hussein believes his transfer may also have stemmed from his writing a book on a controversial topic. Earlier in 1995, the Press and Publication Department (PPD) of the Ministry of Information denied Hussein a license to publish a book he wrote about the Freemasons in Jordan.⁸⁰ He said that his book named government officials who he claimed were members of the Freemasons and that the PPD maintained that the book violated their right to privacy. His problems did not end with the loss of his job at the agency. In August 1996, Hussein, who was working part-time for the financial daily *al-Aswaq*, wrote a column that criticized the government's decision to lift bread subsidies (a move that precipitated rioting in several cities in southern Jordan). On August 16, 1996, GID officers arrested Hussein at his home. He was taken to GID headquarters in Amman, where he was held for one week. During his interrogation he was questioned about political conversations he had had on the telephone. He was transferred to Jwaideh Prison for three weeks and then to Sawaqah Prison, where he was held an additional five weeks and then released without charge. Hussein now works for the privately owned daily *al-Arab al-Yawm*.

Other professionals also believe that job-related difficulties are related to the fact that they spoke out on controversial issues. In 1993, Abdulrahman Qatarnah, a researcher at the quasi-independent Royal Scientific Society, took a leave-of-absence from his job in order to run for parliament. He campaigned on a platform advocating constitutional reform, support for the Palestinian cause, and opposition to economic privatization. His candidacy was

⁷⁹Jordan, Egypt, Israel, and the Palestinian National Authority were invited to participate in the exhibition on Jerusalem, which was to take place in Paris in September 1997 and was organized by the municipality. Al-Tal argued that participating was against the Jordanian government's interest because Israel would exploit the occasion to legitimize its sovereignty over all of Jerusalem.

⁸⁰According to Random House's Unabridged Dictionary, "The Freemasons are a widely distributed secret order, having for its object mutual assistance and the promotion of brotherly love among its members." Allegations that top Jordanian officials and members of the royal family belong to this secret international society are considered very sensitive.

unsuccessful. When he tried to return to his job he was told by the his employers that they could not reinstate him due to orders that came from a high-level government official.

Qatarneh told Human Rights Watch that he was arrested on August 16, 1996, during the bread riots. Officers from General Intelligence came to my house at night and took me away blindfolded, he recounted. Qatarneh did not know where he was being taken and was held incommunicado in an isolated, dark cell for fifteen days. He was never interrogated during his incarceration, nor did anyone explain why he had been arrested.⁸¹ He said that neither his family, nor the ICRC were informed of his whereabouts. After he was released without charge, he discovered that he had been jailed in the old headquarters of the GID in Amman. Qatarneh has remained unemployed since 1993. He has been unable to obtain a job in the private sector, because, he told Human Rights Watch, I have been blacklisted by the intelligence people...even my relatives do not want to visit me. They fear for their own jobs.

The government has also used financial pressure to try to limit academic freedom. In 1996, Mustapha Hamarneh, director of the Center for Strategic Studies at the University of Jordan, initiated a research project on unemployment in Jordan. The findings of the study, which was funded by the Ministry of Planning, contradicted the figures of the ministry's Department of Statistics. By Hamarneh's account, in March 1997, before the study was published, the head of the ministry blocked further funding for the project. The ministry cited an old law, according to which no one can publish the results of a survey without the prior approval of the head of the Department of Statistics.⁸² Hamarneh decided to go public when it appeared that quiet diplomacy was not going to be effective. I wanted the news to get out. I went to the newspapers and said, This is outrageous. The executive branch has no moral or political right to interfere in academic research, Hamarneh told Human Rights Watch. In October, after months of wrangling with the ministry and mobilizing press interest in the case, Hamarneh prevailed. The funds were released and the survey will reportedly be published shortly.

In a few reported cases, prominent government critics have faced extremely disturbing forms of intimidation. In January, Majed al-Majalli, a well-known blind poet who was been critical of the government's human rights record and the peace treaty with Israel, was kidnapped from his home in Amman. He later told friends that he was taken to an unknown location where he was held for several hours. During his captivity his abductors beat him, and repeatedly asked him why he speaks out against the government, and warned him to keep quiet. Al-Majalli told colleagues that he was not certain of the identity of his abductors, but that he suspects government security service personnel may have been behind the attack. A few days before he was abducted, al-Majalli spoke at a protest rally held in front of Amman's International Fair Hall, the site of an Israeli trade fair. At the anti-trade fair demonstration, he recited a poem that strongly condemned the government's policy of normalizing relations with Israel.

In another disturbing incident, the most prominent opponent of normalization with Israel was threatened indirectly by authorities. Laith Shubeilat told Human Rights Watch that in May 1997 an acquaintance told him that a security service official had said Tell Shubeilat that we can eliminate him. Shubeilat interpreted the words as a death threat and told Human Rights Watch that he brought the incident to King Hussein's attention.

International Human Rights Standards

⁸¹Although Qatarneh told Human Rights Watch that he does not know why he was arrested, Laith Shubeilat told us that he believes it was because of Qatarneh's advocacy of Shubeilat's cause (Shubeilat was serving a prison term for lèse majesté at the time.)

⁸²Hamarneh said that the 1950 law on the department of statistics has not been enforced in years. If this were in force, we'd need permission before publishing any opinion poll, he said.

Jordan has been a state party to the International Covenant on Civil and Political Rights (ICCPR) since 1975. Article 19 of the ICCPR guarantees the right of everyone to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.⁸³ The United Nations Human Rights Committee has noted that the manner in which a state defines and restricts expression determines the extent to which individuals enjoy the right to freedom of expression:

It is the interplay between the principle of freedom of expression and such limitations and restrictions which determine the actual scope of the individual's right....[W]hen a State party imposes certain restrictions on the exercise of freedom of expression, these may *not* put in jeopardy the right itself.⁸⁴

In terms of press freedom specifically, governments have a duty to both publishers and readers to ensure that the freedom to seek, receive and impart information and ideas of all kinds, as required by article 19 of the ICCPR, is protected. Media and publishing pluralism therefore entails both access to newspapers and other publications by all segments of the community and the freedom to disseminate diverse views, even if these views are opposed to or critical of prevailing state policies. The Jordanian government, in regulating newspapers and other publications, is obligated under international human rights law to do so in such a manner that protects the expression of diverse views and does not unnecessarily inhibit the free exchange of ideas and information, including the reporting of news, political analysis, and other issues related to domestic and foreign affairs.

The May 1997 amendments to the press and publications law raise conflicts with Jordan's obligations under the ICCPR, which permits only limited restrictions on the right of free expression. Article 19(3) of the ICCPR permits restriction only when three elements are met: the restriction must be first, provided by law; second, in the interests of the rights or reputations of others, national security, public order (*ordre public*), or public health or morals; and third, necessary for such purposes. The press law amendments exceed these bounds and create an unacceptable burden on this basic political right.

To be provided by law a restriction must not only be codified, but codified with sufficient precision to give ordinary persons a clear idea of what is prohibited behavior and what is not. A restriction is necessary not when it is merely useful or even desirable, but when it is proportionate to the specific threat posed to the interest that the government seeks to protect, and narrowly tailored so as to produce the least burden on freedom of expression. The sweeping and vaguely formulated content bans in Jordanian law violate both these principles. The prohibition of information that pertains to the Jordanian armed forces or the security forces, that offends the king, or that features rumors detrimental to the public interest or state agencies or their personnel could be interpreted to eliminate virtually any critical reporting about government officials and institutions, and the conduct of domestic and foreign policy, and not merely information that would endanger national security or public order. Similarly, the ban on material that contains disparaging remarks about religions, that harms national unity, or that foments disharmony among members of society are so vague as to leave editors and journalists guessing as to what material is prohibited. Such vagueness invites arbitrary enforcement of the law by government officials as well.

⁸³ The Jordanian constitution guarantees freedom of opinion in article 15 (I), and freedom of the press. Article 15(ii) states: Freedom of the press and publications shall be ensured within the limits of the law. Article 15(iv) specifically notes the requirements for imposing censorship of the press and other publications: In the event of the declaration of martial law or a state of emergency, a limited censorship on newspapers, publications, books and broadcasts in matters affecting public safety and national defence may be imposed by law.

⁸⁴ United Nations, Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, HRI/GEN/1/Rev.2, 29 March 1996, p. 11. Emphasis added by Human Rights Watch.

Jordanian government officials have consistently defended the amendments as measures designed to address tabloid weeklies that have practiced irresponsible or sensationalistic journalism. Yet, the remedy taken which imposes broad and harsh restrictions on *all* newspapers and other publications in Jordan is wholly disproportionate to the perceived problem. Human Rights Watch has documented that the sweeping content bans have affected editorial decisions and journalists' reporting and commentary on a wide range of issues of importance to the public, an outcome made more serious because of the upcoming quadrennial parliamentary elections. Further, the imposition of prior censorship of all news and other material related to the military and security forces is an unjustifiable restriction on the print media's right to seek and impart, and the public's right to receive, information and ideas.

The steep fines that may be imposed for violations of the content bans -- as high as \$35,000, and well beyond the financial means of the majority of journalists in Jordan -- also appeared clearly intended as a deterrent which will influence journalists and what editors decide to cover and publish. As former information minister al-Sharif has noted, such provisions will serve as a permanent threat to journalists in carrying out their duties.

Although the Jordanian government has used the law to curtail sharply media pluralism, the impact on individual lives has been even more drastic. The prosecution of individuals under the criminal code for the peaceful expression of their views is a particularly alarming development. Prosecutions of prominent government critics such as Laith Shubeilat, young writers such as Ali Sneid, and university students such as Ayman al-Utum send a signal that divergent views will not be tolerated and cast a pall over the right of all Jordanians to free expression.

Article 19 of the ICCPR also guarantees the right of individuals to express freely their opinions about public affairs, and to communicate such opinions to others. If individuals are afraid to express their views -- due to the possibility of interrogation by internal security forces, the threat of arrest, detention, and criminal prosecution, or the prospect of job loss -- freedom of expression has been relegated to an empty slogan. As the cases discussed above suggest, Jordanian authorities are in clear breach of Jordan's responsibilities under the ICCPR by employing a variety of measures to sanction citizens who are peacefully expressing opinions, or conveying ideas and information, that are at odds with what the state considers politically acceptable.

STATE PRESSURE ON POLITICAL PARTIES AND INDEPENDENT ORGANIZATIONS

Jordan has a wide range of institutions in its civil society -- including political parties, professional associations, and other nongovernmental organizations. According to the minister of interior, since the political parties law was enacted in 1992, the government granted licenses to twenty-eight political parties.⁸⁵ With subsequent mergers the number of political parties stood at eighteen by June 1997.⁸⁶ Jordanian lawyers, doctors, journalists, and other professionals are organized into thirteen professional associations, and a council of presidents of these associations serves as a coordinating body for joint statements and actions.⁸⁷ There are also numerous clubs, societies,

⁸⁵Article 21(b) of the political parties law requires parties to adhere to the principle of political pluralism in thought, opinion and organization. It also requires parties to adhere to the preservation of the independence and security of the Homeland and protection of national unity. These broadly formulated terms are not defined in the law.

⁸⁶Interior Minister on Political Parties, Associations, *Jordan Times*, June 11, 1997. Several new parties have subsequently received licenses.

⁸⁷The professional associations are: the Jordan Press Association, Bar Association, Dentists Association, Doctors Association, Engineers Association, Nurses Association, Agricultural Engineers Association, Pharmacists Association, Writers Association, Veterinarians Association, Contractors Association, Accountants Association, and Geologists Association.

and social welfare organizations. The minister of social affairs estimated in October 1997 that there were 2,920 nongovernmental organizations and societies in the kingdom.⁸⁸

Some of these groups -- most notably the opposition political parties and professional associations -- have outspokenly expressed dissatisfaction with the government's economic policies, the erosion of civil and political rights, and the 1994 peace treaty with Israel and normalization of relations with that country in the face of continuing occupation of Palestinian territories. King Hussein and government officials have expressed displeasure that ostensibly nonpolitical organizations such as professional associations and cultural clubs have engaged in discourse and activities of a clearly political nature. As noted below, these officials have used a variety of tools, including public warnings and formal complaints, in attempts to intimidate such groups to narrow their focus and restrict their activities to issues deemed acceptable to the state.

Human Rights Watch has documented direct state interference in the activities of these institutions of civil society. In 1997, meetings and lectures have been banned, and peaceful assembly within the premises of independent, nongovernmental organizations has been prohibited by authorities. Leading figures -- including heads of professional associations, a member of the outgoing parliament, and the leader of an opposition political party -- have been prevented from speaking before public audiences. In addition, both political parties and the politically active professional associations have been threatened by government ministers. On at least two occasions in 1997, King Hussein himself singled out the professional associations for public censure, and strongly indicated his preference that these organizations halt their involvement in political discussions and other activities that are critical of the government and his own rule.

Restrictions on Freedom of Assembly

The constitution does not specifically guarantee freedom of assembly, but does provide that Jordanians shall have the right to hold meetings within the limits of the law.⁸⁹ Under Jordanian law, groups must notify the governor of a province in advance of their intention to hold a public gathering at a location in that province.⁹⁰ Opposition politicians and activists told Human Rights Watch that authorities have routinely prevented the holding of peaceful public meetings and rallies, and noted that political meetings held by cultural clubs and professional associations have been routinely banned over the last year.⁹¹

For example, in the three months prior to the elections at least twenty meetings and lectures had been prohibited in Irbid, Zarqa and Jerash. On October 3, the governor of Irbid denied permission for a meeting at the professional associations' joint headquarters in Irbid. The president of the Dentists Association was scheduled to speak about the election boycott and the fallout from Israel's attempted assassination on September 25 of Khaled Meshal. Ten days earlier, the governor of Irbid canceled a meeting at a cultural center in the northern town of Kafr Sawm, at which Hussein Majalli, president of the Jordan Bar Association, was to give a speech about the elections. And on October 8, a lecture at the associations' headquarters in Irbid by member of parliament Toujan Faysal was

⁸⁸Star, October 16, 1997.

⁸⁹ Article 16(I).

⁹⁰The Law on Public Meetings No. 60 of 1953, Article 3 states: "The holding of a public meeting shall be legal provided that notice to that effect is given 48 hours before the holding of the meeting." Article 4 states: "Notice of the holding of a public meeting shall be given to the Governor. It must be signed by at least five persons (of standing) and should specify the place, the day, and the hour at which the meeting will be held and the matter for which it is to be held."

⁹¹ The U.S. State Department, in its report on human rights conditions in Jordan in 1996, noted that the government indirectly limits conferences, workshops, and seminars by requiring that the organizers obtain Government approval for any such gathering. The State Department added, however, that the government has not refused such permission in 1996.

canceled after the governor sent the sponsors a letter warning them that the talk should be postponed due to the special conditions prevalent in Jordan.

Representatives of the Islamic Action Front and the leftist Hashd Party told Human Rights Watch in September that they know that if they apply for permission to hold political rallies they will be denied, because the election law prohibits holding any election-related rallies until twenty-five days before the vote. However, this law reportedly has been selectively enforced. According to an opposition candidate in the southern city of Kerak, candidates running in that city on the pro-government National Constitutional Party ticket held rallies before October 10, the official beginning of the campaign, while opposition candidates were prohibited from holding large meetings with their supporters.

Other public meetings, not related to the elections, have also routinely been banned by the government. Today I was to give a lecture about the [peace] agreement with Israel. I was just told that the meeting [to be held at IAF headquarters] has been canceled by order of the police. This sort of thing happens almost every day, Salim Nahhas, the Secretary General of the opposition Hashd Party told Human Rights Watch.

On October 21, a lecture that was to be given by Laith Shubeilat the following day in Suseifa, a town north of Amman, was canceled by order of the governor. Subhi Yusef, who heads the local committee against normalization with Israel -- the group that invited Shubeilat to speak -- was reportedly told by the governor that the instruction to ban the meeting came from a high government official.

In January 1997, then-minister of culture Ahmad al-Qudah, sent a directive to cultural clubs throughout the country forbidding them from holding any meeting without first obtaining permission from the Cultural Manager of their governorate. A recent speech by Laith Shubeilat at a cultural center in Kerak was believed to have prompted the directive.⁹² The directive, which generated an outcry from intellectuals and members of professional associations, was later withdrawn by the ministry.

In July, a lecture about the temporary press law by Nahid Hattar, editor of the now-suspended opposition weekly *al-Mithaq*, was canceled by the governor of Kerak. In March, also in Kerak, a lecture on the economic situation by Dr. Munir Hamarneh, a professor at the University of Jordan, was prohibited by the governor. On October 1, the governor of Amman prohibited a rally by opposition parties that was to take place at the headquarters of the professional associations in Amman. The purpose of the aborted demonstration was to rally support for the thirteen weekly newspapers that had been closed the previous week for failing to comply with the capital requirements mandated by the press law amendments.

On October 22, riot police prevented students at the University of Jordan from marching from the campus to the headquarters of the Ministry of the Interior to demand the establishment of a national union of university students. Mahmoud Daqour, the president of the students' council, told the *Jordan Times* that the students had applied to the governor for permission to hold the march and were denied. Organizers of the march called it off after riot police prevented the students from leaving the campus. The students dispersed peacefully. The *Jordan Times* added that police prevented journalists and television crews from entering the campus to cover the demonstration.⁹³

As the November 4 elections approached, authorities began taking firm action against supporters of the boycott. On October 18, 1997, Shehadeh Abu Sharif, a member of the Movement in Support of the Election Boycott, went to the headquarters of the Irbid governorate to give notification about a public meeting concerning the parliamentary elections. The governor asked Abu Sharif to sign a pledge not to advocate the boycott at the meeting.

⁹²"Minister of Culture Bans Public Meetings, Qudah Under Hammer from Intellectuals," *Star*, January 23, 1997.

⁹³Tareq Ayyoub, "Anti-Riot Police Prevent Students from Marching in Demand of Student Union," *Jordan Times*, October 23, 1997.

When Abu Sharif refused, the governor ordered his arrest on suspicion of obstructing the electoral process. The opposition parties, on October 19, denounced Shehadeh's arrest, which they described as an example of the government's determination to impose its opinion on others and to stifle any voice that opposes its policies.⁹⁴

Harassment and Threats by Government Officials

In 1997, Jordanian officials increased the pressure on opposition political parties, professional associations, and cultural clubs, threatening to invoke broadly written provisions in existing laws to restrict their activities. The situation was exacerbated after professional associations vocally criticized the press law amendments. First, King Hussein publicly questioned the patriotism of the associations. Then, in an ominous warning, the interior minister attacked the associations' political role. Undeterred, the professional associations subsequently decided on July 19 to support the boycott of the parliamentary elections.⁹⁵ In September, the minister of culture threatened Jordan's 240 cultural clubs with possible dissolution if these groups did not abandon political activities.

As early as January 1997, the minister of culture targeted cultural clubs for involvement in activities related to political issues. He ordered the steering committee of the Kerak Cultural Forum to dissolve and hold new elections on the grounds that it was not properly constituted. But local opposition figures told Human Rights Watch that the cultural center was being punished for having hosted an event in December 1996 at which Laith Shubeilat spoke. Shubeilat had just been released from prison for *lèse majesté*. The ministry's order was preceded by a directive sent to all cultural clubs ordering them to obtain permission from the cultural manager of each governorate before holding any cultural meetings.⁹⁶

In June, the professional associations were targeted. There were press reports that the government was drafting new legislation regulating professional associations that would restrict these groups' political activities.⁹⁷ King Hussein himself made his anger with the associations amply clear after these groups emerged as leading critics of the press law amendments.⁹⁸ In a public speech in June, the king appeared to question the loyalty of the professional associations: "I hope the word professional will be dropped so as to find another explanation for such organizations in our country, [such as] political. There are still some people who are not loyal to this country, on party, ideological and other levels."⁹⁹ In the wake of the king's speech, the presidents of the professional associations withdrew their threat to resign en masse to protest the press law amendments.

After King Hussein's speech, the interior minister was even more threatening, and suggested that professional associations were not explicitly permitted under the Jordanian constitution. "The professional associations have not only taken over the role of the political parties and overlooked their basic mission of serving their members' professional interests," he told the *Jordan Times*. "They have gone beyond that to infringe on the powers of the government, and this is totally unacceptable. The associations must remember that, according to the constitution (Article 23), only labor unions are allowed to form and operate in Jordan. Unlike Syria and Egypt, whose

⁹⁴Press Statement of the Higher Coordinating Committee of the Opposition Parties, October 19, 1997.

⁹⁵ Following a two-hour meeting of the Council of Presidents of Professional Associations on July 19, 1997, the presidents and representatives of eleven associations unanimously decided to boycott the election. The press association and the accountants association reportedly did not attend the meeting. *Al-Ra'i* (Amman), July 20, 1997, FBIS-NES-97-201, July 20, 1997.

⁹⁶"Minister of Culture Bans Public Meetings, Qudah Under Hammer from Intellectuals," *Star*, January 23, 1997.

⁹⁷Reuters, June 11, 1997 citing *al-Arab al-Yawm*.

⁹⁸Speech by King Hussein, June 6, 1997, Hashemite Kingdom of Jordan Radio, as monitored by the BBC.

⁹⁹Ibid.

constitutions allow for the formation of such associations, our constitution does not explicitly permit their existence.¹⁰⁰ The minister threatened that if the associations continued their political work, we have to resort to the constitution which clearly stipulates that... they cannot be set up and permitted in the first place.¹⁰¹

Even before most opposition political parties decided in July 1997 to boycott the elections, the government began turning up the pressure on them. In June, Interior Minister Rashid told the *Jordan Times* that the government was in the process of investigating the parties' compliance with the 1992 political parties law, and went on to suggest that the parties might be destabilizing Jordan: Now is the time to ensure that those political parties we have licensed are doing their job and not leading us again to political chaos as the case was in the fifties, Rashid said.¹⁰¹ The Ministry of Interior had been leaking stories to the press that opposition parties were receiving money from abroad, a technique sometimes used in the region to discredit both political parties and independent NGOs.¹⁰² In August, the *Jordan Times* reported that the government intends to file cases against political parties for failure to comply with the Political Parties Law. Minister of Interior Nadhir Rashid stated that the majority of Jordanian political parties...are not complying with that law.¹⁰³ A top Islamic Action Front official told Human Rights Watch that in August the ministry ordered an audit of his party's accounts.¹⁰⁴ In September, the ministry sent notification to sixteen political parties that it said were in violation of the Political Parties Law of 1992. The parties were given a deadline of December 31, 1997, to conform to the requirements of the law after which time they will face legal action.¹⁰⁵

In late July 1997, Interior Minister Nadhir Rashid warned opposition parties that they may be taken to court for publicly advocating boycotting the election on grounds that such advocacy represents coercive interference with the citizens' right to vote, which would constitute a clear infringement of the right to free expression guaranteed under Article 19 of the International Covenant on Civil and Political Rights (see below). At least one opposition party, the Hashd, was sent an official letter by the minister of interior which conveyed that message. In the letter the minister wrote: It has been confirmed to me that your party has undertaken an inciting role in calling upon parties to boycott the parliamentary elections. This constitutes a clear violation of Article 66, Paragraph E of the Law of Election to the House of Deputies (Law No.22 of 1986) and its amendments.¹⁰⁶ I hope that you will cease this violation and will not repeat such activities.¹⁰⁷ That warning was echoed by Prime Minister Abd al-Salam al-Majali in September. The [election] law says that those opposing or trying to influence the freedom of the elections will be punished by court. Such a law exists (and it could be applied against) people who use indirect approaches (to influence) the voters, the prime minister told the official Jordan News Agency, Petra.¹⁰⁸

¹⁰⁰Interior Minister on Political Parties, Associations, *Jordan Times*, June 11, 1997.

¹⁰¹Ibid.

¹⁰²Article 19A (1) of the Political Parties Law (Law No. 32 of 1992) states: In its financial resources the Party shall fully depend on Jordanian, local known, declared and specified sources.

¹⁰³Sanctions to be Levied Against Parties Found Violating Law, *Jordan Times*, August 16, 1997.

¹⁰⁴The auditor sent by the government was an accountant from the private sector, which, according to this IAF official, is a violation of the Political Parties Law. The IAF refused to submit to the audit.

¹⁰⁵Ministry Sends Notifications to Parties said to be in Violation of Law, *Jordan Times*, September 15, 1997.

¹⁰⁶Article 66 (e) of the election law states: A Court of First Instance shall punish with a prison term of not less than three months and not more than one year, or a penalty of not less than JD200 and not more than JD500, or both penalties, anyone convicted of influencing the freedom of the election or hindering the election procedures in any way whatsoever.

¹⁰⁷Letter from Nadhir Rashid, Minister of Interior of the Hashemite Kingdom of Jordan, to Salim Nahhas, Secretary General of the Jordanian People Democratic Party (Hashd), July 31, 1997. A copy of the letter is on file at Human Rights Watch.

¹⁰⁸Francesca Ciriaci, AAl-Majali Threatens to take Opposition to Court for Boycott, *Jordan Times*, September 4, 1997.

In September 1997, Minister of Culture Qasem Abu Ein sent a directive to 240 cultural clubs and centers throughout Jordan, warning them to refrain from engaging in political activities or face possible closure. "I would like to bring your attention to the necessity of abiding by the Law on Associations No. 33 of 1966, which your organization is registered under, which requires that you confine your activities to the cultural realm and not undertake activities which have political, tribal, or sectarian ends," wrote Minister Abu Ein. The letter goes on to warn that noncompliance will force the minister to take "stronger measures, including dissolving [your] association."¹⁰⁹

Fakhri Ka-war, the president of the Jordan Writers Association, one of the groups that received the directive, wrote a passionate response to the minister in which he defended the right of his group to tackle political issues. "We consider all literary, intellectual, philosophical, social, economic or political endeavors to be cultural activities which we are interested in participating in," wrote Ka-war, a veteran journalist and prominent opponent of normalization with Israel. Following this exchange, the minister of culture filed a formal complaint against the Jordanian Writers Association with the ministry of interior, accusing the group of inviting "unlicensed" organizations to hold seminars on its premises. The ministry asked Amman Governor Tal-at Nawaysheh to investigate the complaint.¹¹⁰

The head of at least one professional association has experienced continued harassment by security forces. Laith Shubeilat, long-time president of the engineers association, told Human Rights Watch that internal security forces interfere actively in his life. He noted that his visitors have been subjected to harassment by security forces, and said that several of his employees have resigned due to intimidation by intelligence officers. Shubeilat added that security operatives regularly questioned his colleagues about him, and said that two of his secretaries resigned because intelligence had tried to recruit them to provide information about his activities and they had refused.

International Human Rights Standards

As the information cited above demonstrates, Jordanian authorities have unreasonably restricted freedom of assembly, preventing members of nongovernmental organizations from sharing views among themselves and with others. In addition, the right of freedom of association has been called into question by senior government officials, ranging from threats to dissolve cultural groups to questioning whether professional associations have legal status under the constitution.

The ICCPR recognizes the right of peaceful assembly, and permits restrictions on this right only in narrow circumstances that parallel the restrictions on freedom of expression.¹¹¹ Restrictions must be "in conformity with the law, for the purpose of national security, public safety, public order (*ordre public*), the protection of public health or morals, or the protection of the rights and freedoms of others." Moreover, such restrictions must be "necessary in a democratic society, that is, strictly proportionate to the specific interest to be protected and narrowly tailored to produce no undue burden on the right. The prior prohibition of assemblies must always be a measure of last resort where no alternate means of protecting one of the listed public interests is possible. Prohibition of peaceful assemblies because of content can never be justified in a democratic society as a means of silencing dissident views on politics, state policies, or public affairs.

¹⁰⁹Letter from Minister of Culture Qasem Abu Ein. Article 2 of the Law of Social Societies and Organizations (Law 33 of 1966) states: "A social organization is any organization of seven or more individuals that provides social services be they educational, cultural, training, charitable, or artistic. This designation includes social centers, artistic and theater groups, and musical and cultural institutes...whose goal is to serve society...and does not advance any political goals."

¹¹⁰"Writers Association, Minister Still at Odds over 'Cultural Activity,'" *Jordan Times*, September 20, 1997.

¹¹¹Article 21 states: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others."

The Jordanian constitution also provides for the establishment of voluntary associations.¹¹² The ability of individuals to exercise the internationally recognized right to freedom of association is an important guarantor of a thriving, independent civil society.¹¹³ For freedom of association to have full meaning, however, it must be complemented by the ability of individual members of groups to exercise the full scope of free expression rights outlined in Article 19 of the ICCPR, namely, the freedom to seek, receive and impart information and ideas of all kinds. In the context of organizations, free expression includes the right to hold meetings, seminars and conferences in order to convey and exchange information on issues of concern to the organizations and their memberships. In 1997, Jordanian authorities have regularly prevented meetings and lectures from being held, in clear violation of the right of peaceful assembly. Such actions constituted arbitrary interference in the exercise of the right of peaceful assembly.

The record of Jordanian authorities thus far in 1997 indicates a clear intent to discourage Jordanians from organizing and participating in public discussion of political issues that segments of civil society deem to be of national importance.

¹¹² Article 16(ii) states: *Jordanians are entitled to establish societies and political parties provided that the objects of such societies and parties are lawful, their methods peaceful, and their by-laws not contrary to the provisions of the Constitution.* Article 16 (iii) further states: *The establishment of societies and political parties and the control of their resources shall be regulated by law.*

¹¹³ Article 22(1) of the ICCPR states: *Everyone has the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.*

Human Rights Watch/Middle East

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