Key Developments: June 2015 – May 2016

- In an attempt to curb cheating by high school students on their final-year exams, the government blocked WhatsApp, Instagram, and Viber for several hours across the country in June 2015 (see Restrictions on Connectivity).

- After Jordan’s telecommunications regulator rejected mobile providers’ attempt to charge for VoIP services, providers blocked calling features on communication apps (see Restrictions on Connectivity).

- In June 2015, amendments to the Cybercrime Law came into effect in June 2015 which set out prison sentences for online defamation. Authorities later ruled that the law supersedes a provision in the press law that forbids journalists from being jailed (see Legal Environment).

- Journalists like Jamal Ayoub, Osama Ramini, Hassan Safirah, Atef al-Joulani, Dhaigham Khreisat, Diyaa Khraisat, and Ramez Abo Yousef were detained, prosecuted, and in some cases sentenced to prison terms of three to four months for news articles that were deemed defamatory to public officials or harmful to Jordan’s foreign relations (see Prosecutions and Detentions for Online Activities).
Introduction

Internet freedom declined in Jordan over the past year due to restrictions on communication apps and arrests of journalists under the newly amended Cybercrime Law.

In June 2015, amendments to the Cybercrime Law came into effect, including a provision that undermines journalists’ immunity from imprisonment under the Press and Publication Law (PPL). Human rights groups have called on parliament to repeal Article 11 of the Cybercrime Law, which penalizes online defamation with a fine and prison sentence of at least three months.1 The Law Interpretation Bureau later ruled that the law could also be applied to journalists for articles that appeared on outlets’ websites, thereby contravening protections in the PPL. At least seven journalists were arrested for news articles that appeared online over the coverage period, while several others were detained for Facebook posts.

Observers see the new clampdown as sending mixed signals about the state’s stance on reform. After the regional uprisings of 2011, constitutional amendments were passed to calm public discontent, improving protections on freedom of expression and strengthening the independence of the judiciary, while parliamentary elections took place under a slightly improved electoral framework in January 2013. However, when amendments to the PPL came into force that June, nearly 300 websites were blocked for failing to register with the Media Commission. Although most of the sites eventually received licenses and were unblocked, the government continued to block unlicensed news websites during the coverage period. Amendments to the antiterrorism law passed in 2014 broadened the definition of terrorism to include acts that “could threaten the country’s relations to foreign states or expose the country or its citizens to retaliatory acts on them or their money.” Several Jordanian journalists and activists have been tried under this provision, in some cases leading to prison sentences.

While internet access has grown, certain social media platforms and communication apps have recently experienced restrictions in the country. In June 2015 (and again in 2016), authorities blocked Instagram, Viber, and WhatsApp in an effort to prevent students from cheating on secondary school exams. While the restrictions were temporary, lasting several hours at a time, they were nonetheless unnecessary and disproportionate. Millions of Jordanians who rely on the services to do business and communicate with one another were unable to access them. Furthermore, mobile providers permanently blocked Voice over Internet Protocol (VoIP) services offered by the likes of Viber, WhatsApp, and Skype during the coverage period, after the providers failed in their bid to charge customers more for making calls over the internet.

Obstacles to Access

Mobile broadband has soared in the country, boosted by the introduction of 4G LTE and new packages with more affordable pricing. However, the ICT market continues to be largely controlled by the influence of Jordan’s existing providers.

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1 “Jordan: Talking is Not a Crime.. A Campaign to Repeal Article 11 of Cybercrime Law,” Al Araby Al Jadeed [in Arabic], March 5, 2016 http://bit.ly/1T4jiTR.
Availability and Ease of Access

According to the International Telecommunication Union (ITU), a total of 53 percent of the Jordanian population had access to the internet by the end of 2015, up from 27 percent five years earlier. On the other hand, national figures from the Telecommunications Regulation Commission (TRC) estimated 7.9 million Jordanians had access to the internet, resulting in a penetration rate of 83 percent by the end of 2015. Similarly, the TRC estimated the number of mobile broadband subscriptions at 2.736 million by the end of 2015, while fixed-line ADSL subscriptions numbered far less at 219,752. Mobile phone usage has also expanded, as the number of subscriptions was slightly over 13.7 million by the end of 2015, representing a penetration rate of 145 percent.

According to Pew Research Center, there is a “real and pervasive” demographic digital divide among internet users in Jordan. While 75 percent of individuals from the ages of 18-34 were internet users, the percentage dropped to 57 percent among those aged 35 years and above. The contrast was even starker when looking at education levels. Ninety-six percent of people with “more education” used the internet, compared to only 41 percent of Jordanians with “less education.” The report also shed light on economic differences, as 80 percent of people with high incomes were internet users compared to 50 percent in low-income groups.

For several years, internet connection fees were considered high relative to neighboring countries and the cost of living. Prices have dropped, but complaints about the quality of service persist. Monthly fixed-line subscription prices currently range from JOD 19.9 (US$28) for speeds of 1 Mbps and an allowance of 10 Gigabytes (GB), to JOD 34.9 (US$59) for speeds of up to 24 Mbps and unlimited downloads. Orange Jordan also began offering a fiber-optic connection with speeds up to 80 Mbps and unlimited download allowance for JOD 74.9 per month (US$105.5). Postpaid monthly plans for Evolved High-Speed Packet Access (HSPA+) range from JOD 10 (US$14) to JOD 20 (US$28) per month, depending on speeds and data allowances. By comparison, gross national income per capita is US$4,950, or US$413 per month. Meanwhile, internet access in many of the country’s governorates and remote areas remains poor, as almost all companies concentrate their operations and promotions in major cities, particularly the capital Amman.

Restrictions on Connectivity

In June 2015, the Jordanian government ordered internet service providers to block access to WhatsApp, Instagram, and Viber for a couple of hours on days that secondary school students sat for their national exam (Tawhiji). An estimated six million Jordanians use WhatsApp. Observers criticized the move, intended to prevent cheating, as unnecessary and disproportionate.

In March 2016, Jordanian mobile operators attempted to impose fees on the use of VoIP services in
order to increase profits, but were later stopped by the TRC. However, the providers later blocked users from making free or cheap phone calls over services like WhatsApp and Viber. In a statement to news site 7iber, Yousef Mutawe, Chief Technology Officer (CTO) at Zain, admitted that “these services are not available” on 3G and 4G networks. Mutawe justified the move by stating that these applications reaped profits without incurring any licensing fees for using the internet network, which was built by the operators.

While no other restrictions on connectivity were seen in Jordan over the past year, the centralization of the internet backbone infrastructure in government hands remains a concern. The formerly state-owned Jordan Telecom controls the fixed-line network and provides access to all other ISPs, thereby centralizing most of the connection to the international internet. The government retains a degree of control over the country’s internet backbone, and all traffic within the country must flow through a government-controlled telecommunications hub.

**ICT Market**

The ICT sector is regulated under Law No. 13 of 1995 and its amendment, Law No. 8 of 2002. The law endorses free-market policies and governs licensing and quality assurance. Citizens and businesses can obtain internet access through privately owned service providers without state approval or registration. The market is dominated by Umniah (a subsidiary of Batelco Bahrain), Zain, and Jordan Telecom, in which France Telecom owns 51 percent of shares, with the remaining shares divided between Jordan’s Social Security Corporation, armed forces, and others.

3G services were first launched by Zain and Jordan Telecom (Orange) in mid-2010 and increased upon implementation of a tax exemption for the purchase of smartphones and the launch of mobile broadband by another provider, Umniah. A call from the TRC to introduce a fourth mobile operator in December 2012, however, was rejected by Zain and Jordan Telecom. No new providers have been introduced since then and the three companies have a similar share of the market. After rejecting two international operators, the Jordanian government awarded Zain Jordan the rights to introduce 4G/Long Term Evolution (LTE) services to the market, which it launched on February 14, 2014. In January 2015, Orange Jordan was awarded the second 4G license for US$100 million and launched LTE services in Amman in May 2015, with plans to expand the services nationwide.

**Regulatory Bodies**

The TRC is the independent agency responsible for regulating the ICT sector. It is governed by the

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14 Mai Barakat, “Jordan will be challenging, but a fourth operator might find elbow room as a mobile broadband provider,” Ovum, February 21, 2013, [bit.ly/1JBMhUg](http://bit.ly/1JBMhUg).

Telecommunications Law and defined as a “financially and administratively independent juridical personality.” Nonetheless, it is accountable to the Ministry of Information and Communication Technology (MoICT), which was created in April 2002 to drive the country’s ICT development. The TRC’s Board of Commissioners and its chairman, currently Ghazi Salem Al-Jobor (appointed in June 2015), are appointed by a resolution from the Council of Ministers based on a nomination from the prime minister. Although one of the TRC’s responsibilities is to monitor quality of service, it relies on self-evaluation reports submitted by the ISPs themselves, in which, for example, Orange Jordan claims that 99.9 percent of complaints are solved within 10 days of receipt. In March 2015, French telecoms company Orange brought a case before the International Centre for Settlement of Investment Disputes against Jordan for a lack of transparency in the procedure for renewing a 2G license.

**Limits on Content**

Jordan’s online media sphere has become increasingly censored since the amended Press and Publication Law came into force in 2013. Authorities have become more proactive in issuing and enforcing gag orders to news sites, often blocking them for failing to adhere to strict editorial guidelines. Self-censorship remains pervasive, particularly around the royal family and Islam, although digital activism has made many concrete gains over the past year.

**Blocking and Filtering**

Authorities block unlicensed local new sites and, occasionally, sites that fail to adhere to strict editorial guidelines or gag orders. On January 28, 2015, Jordanian authorities blocked the licensed local news website Saraya News after it published a report stating that an imprisoned Iraqi militant would be freed in a hostage negotiation deal with the “Islamic State” (IS) militant group. The website was unavailable for 40 days, during which two staff were detained (see “Prosecutions and Detentions for Online Activities”).

Amjad Al-Qadi, the head of the Media Commission, sent a memo on April 6, 2015 to all owners and editors of licensed news websites instructing them not to publish any news or information related to the military without a “clear and direct request to the authorized military sources.” The request was delivered through an email sent to website owners and editors.

During the period in question, several gag orders were issued on a variety of topics. For example:

- Amman’s prosecutor general issued a gag order in September, 2015 banning information concerning the case of a program on the local Roya TV channel, which contained explicit sexual content and led to controversy among Jordanians.

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21 Committee to Protect Journalists, “Jordan Arrests Two Journalists on Aiding Terrorism Charges,” January 29, 2015, [http://cpj.org/x/5ecf](http://cpj.org/x/5ecf).
22 The report author received a copy of the email.
In March 2016, Jordan Media Commission Director General Amjad Qadi ordered a ban on information related to a raid on a terrorist cell in Irbid, Jordan.24

Blocking of websites is currently carried out with respect to the Press and Publications Law (PPL), amended in 2012, which stipulated that news websites need to obtain a license from the Media Commission or face blocking. The law also requires any electronic publication that publishes domestic or international news, press releases, or comments to register with the Ministry of Commerce and Industry. One of the requirements for a general news website to obtain a license is to have an editor-in-chief who has been a member of the Jordan Press Association (JPA) for at least four years. The problematic situation eased in July 2014, when the JPA law was amended to enable journalists in online media to become members. Prior to that, journalists could only become members if they underwent a period of “training” in an “official” media organization. According to the Center to Defend Freedom of Journalists (CDFJ), around 500 journalists in Jordan are not members of the JPA.

For many observers, the law’s broad definition of a news website includes almost all Jordanian and international websites, blogs, portals, and social networks. According the amended PPL, an electronic publication is defined as “[a]ny website with a specific web address on the internet which provides publishing services, including news, reports, investigations, articles, and comments, and chooses to be listed in a special register maintained at the Department, pursuant to instructions issued by the Minister for this purpose.”25 Articles 48 and 49 enable the head of the Media Commission to block any website for failing to obtain a license or, more broadly, for violating Jordanian law.

Consequently, 291 news websites were blocked in June 2013 on instructions from the head of the Media Commission (then-named the Press and Publications Department) after a nine-month grace period. Most have since applied for a license to get unblocked. By June 2014, there were 160 licensed general news sites and 100 specialized websites. To obtain licenses, most general news websites hired new chief editors who were already JPA members, a concerning development for independent media given that 64 percent of JPA members work in government or government-related media outlets.26 Out of 160 licensed websites, 68 hired new editors-in-chief who have full time jobs at other media outlets, a violation of Article (23-A) of the PPL.27 As of October 2014, 112 websites were blocked, but only 15 of those were operational—the remaining had shut down.

Some unlicensed websites have resorted to using alternative domains in order to remain accessible in Jordan, such as JordaniansVoice.net and 7iber.com. But in June 2014, the newly appointed head of the Media Commission sent a request to the TRC to block the alternative domains, which in turn sent a decree to ISPs to implement the blocking. In addition, the head of the Media Commission pressed charges against 7iber two months later for operating an unlicensed media organization in violation of Article 48(B) of the PPL.

The Jordanian government claimed that the amendments were introduced “to regulate the work of news websites and in order to increase transparency and accountability.” Officials stated that the law was called for by professionals within the industry in order to preserve professionalism and protect the media from those “who have practiced embezzlement, defamation and blackmailing to a de-

grees that threatened social peace." On the other hand, local journalists, international human rights
groups, and a former Jordanian minister of media affairs and communication criticized the decision as a serious affront to freedom of the press and a decisive move to censor the internet in Jordan.

**Content Removal**

The 2012 amendments of the PPL increased the liability of intermediaries for content posted on their sites, placing readers’ comments under the same restrictions as normal news content. Clause 3 of Article 49 states that both the editors-in-chief and owners of online publications are legally responsible for all content posted to the site, including user comments. Moreover, websites must keep a record of all comments for six months after initial publication and refrain from publishing any “untruthful” or “irrelevant” comments. As a result, some news websites, such as JO24, stopped, for a limited period of time, allowing comments altogether as an expression of protest.

**Media, Diversity, and Content Manipulation**

The overwhelming majority of journalists continue to practice self-censorship, as the annual survey on media freedoms conducted by the Amman-based Center for Defending the Freedom of Journalists showed. According to the center’s surveys, a staggering 95.2 percent of journalists said they practiced self-censorship in 2014, compared to 91 percent and 85.8 percent, respectively, in 2013 and 2012. When asked about taboo topics, 93.3 percent said they avoided criticizing the armed forces, and 90.4 percent stated they feared criticizing the king, the royal court and members of the royal family. In previous years, more than three-quarters of journalists indicated they avoid publishing any material critical of the military, the judicial system, tribal leaders, and religion. In one incident, prominent journalist and writer Rana Sabbagh wrote on her Facebook profile that her bi-weekly column in Al-Ghad newspaper was banned by the editor, and that she would publish the column on Facebook and in another media outlet.

The online information landscape was also limited by direct bans on reporting on certain topics. For instance, after Jordanian security forces foiled a terror plot and arrested members of a terrorist cell in the northern city of Irbid in March 2016, the State Security Court issued a statement that banned...
all media from publishing information on the incident.  

On April 6, 2015, the head of the Media Commission sent a memo to all news websites stating that "websites should refrain from publishing or broadcasting any articles or military information without getting this news or information from official sources in the Armed Forces." Months earlier, on November 26, 2015, the Armed Forces appointed for the first time an official spokesperson, following increased media coverage of Jordan's participation in the U.S.-led coalition against IS militants. However, this did not result in increased transparency or access to information from the armed forces, as the number of comments and statements made by this spokesperson regarding the war on IS was only four, and he did not make any statements regarding Jordan's participation in the Saudi-led coalition against Yemen.

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**Spotlight on Marginalized Communities**

*Freedom on the Net 2016* asked researchers from India, Indonesia, Kenya, Kyrgyzstan, Jordan, Mexico, Nigeria, and Tunisia to examine threats marginalized groups face online in their countries. Based on their expertise, each researcher highlighted one community suffering discrimination, whether as a result of their religion, gender, sexuality, or disability, that prevents them using the internet freely.

In Jordan, Khalid Abdel-Hadi highlighted discrimination the LGBT community face online. The study found:

- Homosexuality is legal in Jordan, but the LGBT community remains subject to discrimination and prejudice. LGBT Jordanians are therefore often torn between their sexualities and their identities as Muslim Arabs. Although there are no official legal measures taken against LGBT bloggers or journalists who cover LGBT issues objectively, they face the same discrimination.

- Portrayals of LGBT people in the media often reflect misinformation, stereotypes, and sensationalism. Headlines can be particularly provocative online, since many websites deliberately use LGBT themes as clickbait to attract viewers and advertising revenue. Other online news portals will pick up the story, sharing inaccurate information and harmful stereotypes with thousands of people, and ultimately putting many LGBT individuals at risk.

- Jordanian officials will not incentivize local media to create LGBT positive content due to the prevailing anti-LGBT sentiment among their constituents. Changes in content will have to come from small, independent media that can be distributed online, like blog posts, comics, and short videos. Internet freedom is therefore central to the future of LGBT rights in Jordan.

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Facebook and YouTube are still among the top five visited websites in Jordan. As of April 2016, 89 percent of all social media users in Jordan used Facebook, while 71 percent used WhatsApp. State officials, including the Royal Hashemite Court, the Queen, the Crown Prince, and Prince Hassan,  

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39 The researcher obtained a copy of the official memo.  
44 Royal Hashemite Court Instagram Page, http://instagram.com/rhcjo  
have established social media accounts to communicate with the public. Queen Rania is by far the most popular of these accounts, with more than 5.3 million followers on Twitter and over 600,000 on Instagram.\textsuperscript{47} She was, in fact, referred by \textit{Forbes} Middle East magazine as “The Queen of Social Media.”\textsuperscript{48} Among government officials, Foreign Minister Nasser Judeh has 124,000 Twitter followers. \textsuperscript{49}

**Digital Activism**

In the past year, activists have used social media to advocate for a host of political, economic and social issues.

In late February 2016, students of the University of Jordan staged a sit-in against a decision to raise tuition fees at Jordan’s oldest university.\textsuperscript{50} Students used social media to mobilize their colleagues, share updates, and draw media attention to their cause. With the popular hashtag “Open Sit-In” (Al I’tesam Al Maftouh in Arabic), news of the protests went viral and thousands of Jordanians expressed their support.

Throughout 2015, a campaign titled “\textit{Ma’an Nasel}” (which literally translates into “Together We Arrive”) sought to advocate for better public transportation services. In addition to the campaign’s organized action on the ground, commuters were asked to send videos that captured their experiences with public transportation, which were later uploaded and shared on social media during peak hours. According to the organizers, these videos were part of a wider “electronic demonstration” that brought together voices from a diverse base of users and called for change.\textsuperscript{51}

On May 2, 2015, activist Reem Al-Jazi wrote an op-ed to protest the fact that hospitals require the approval of the father or a male guardian before admitting a child, even for emergency procedures, and do not acknowledge the mother.\textsuperscript{52} Her article went viral and sparked a social media campaign petitioning parliament to amend Article 123 of the Civil Law that only grants guardianship to the father or the paternal grandfather or uncle.\textsuperscript{53}

**Violations of User Rights**

\textit{The passage of a new cybercrime law led to a significant uptick in detentions and prosecutions of journalists. Generally, free speech is not protected online, with journalists, political activists, and ordinary users facing arrest and possible prosecution if they overstep the boundaries of acceptable speech. Strict penalties for criminal defamation against public authorities, both foreign and domestic, remain a prominent concern.}

\begin{itemize}
\item \textsuperscript{47} Queen Rania Al Abdullah Twitter Page, \url{https://twitter.com/QueenRania}; Queen Rania Al Abdullah Instagram, \url{http://bit.ly/1iVLx62}.
\item \textsuperscript{48} Abderrahim Etouil, “Queen of Social Media,” Forbes Middle East, July 1, 2011, \url{http://bit.ly/1KMPLy0}.
\item \textsuperscript{49} Nasser Judeh Twitter Page. \url{https://twitter.com/nasserjudeh?lang=en}.
\item \textsuperscript{50} “UJ protesters end protest after board slashes fees”, Jordan Times, April 7, 2016 \url{http://bit.ly/1V1fKkY}.
\item \textsuperscript{51} Phone Interview with the author in April, 2016.
\item \textsuperscript{53} Reem Al Jazi, “Petition my son’s life is my responsibility,” May 2015, \url{http://chn.ge/1SBn85R}.
\end{itemize}
Legal Environment

In June 2015, the amended Cybercrime Law No 27 came into effect with at least one provision that poses a serious threat to online freedom. According to Article 11 of the law, internet users can face a jail term of no less than three months and a maximum fine of JOD 2,000 (US$ 2,800), if they are found guilty of defamation on social media or online media outlets. In practical terms, this means journalists face harsher penalties online than in print media, since the Press and Publications Law prohibits the jailing of journalists. In 2015, the Law Interpretation Bureau issued a ruling that Article 11 supersedes other legislation, rendering journalists’ immunity that is safeguarded by the Press and Publications Law irrelevant. Thus, journalists may now be tried for print articles if those articles appear online.

In March 2016, a group of journalists and activists launched a campaign to repeal Article 11, titled “Talking Is Not a Crime,” which they perceive as “unconstitutional” as it undermines the freedom of expression safeguarded by the Jordanian constitution. According to the Center for Defending Freedom of Journalists, seven journalists and activists have been detained since the passage of the amendment.

In September 2011, responding to public discontent, constitutional amendments were introduced to strengthen checks and balances and ensure greater protections for human rights. Several constitutional amendments touched directly or indirectly on internet freedom. Specifically, terms such as “mass media” and “other means of communication,” which likely encompass online media, were added to provisions that protect freedom of expression and concomitantly allow for its limitation during states of emergency (Article 15). With regard to the right to privacy, judicial approval was added as a precondition for censorship or confiscation of private communications (Article 18). Despite the passage of an Access to Information Law in 2007, a number of restrictions remain on requesting sensitive social and religious content.

Beyond these constitutional protections, several laws that hinder freedom of expression and access to information remain on the books. These include the 1959 Contempt of Court Law, the 1960 penal code, the 1971 Protection of State Secrets and Classified Documents Law, the 1992 Defense Law, the 1998 Jordan Press Association Law, and the 1999 Press and Publications Law. Defamation remains a criminal offense under the penal code. Amendments to the press law enacted in 2010 abolished prison sentences for libel against private citizens (as opposed to public officials). However, the same bill increased fines and jail sentences for defaming government officials to up to JOD 10,000 (US$14,000) and 3 to 12 months imprisonment.

60 For example, the law bars public requests for information involving religious, racial, ethnic, or gender discrimination (Article 10), and allows officials to withhold all types of classified information, a very broad category (Article 13) see, Arab Archives Institute, “Summary of the Study on Access to Information Law in Jordan,” June 2005, http://www.alarcheef.com/reports/englishFiles/accessToInformation.pdf.
The Press and Publication Law, amended in 2012, bans the publication of “material that is inconsistent with the principles of freedom, national obligation, human rights, and Arab-Islamic values.” Article 38 of the PPL also prohibits any “contempt, slander, or defamation of or abuse of” religions or prophets. The same article prohibits the publication of any material that is defamatory or slanderous of individuals who are also protected by the same law against “rumors” and “anything that hinders their personal freedom.” Journalists, website owners, and editors-in-chief face a fine of JOD 5,000 (US$7,500) if found to violate the law. In addition, civil defamation suits against private individuals can result in fines of between JOD 500 to 1,000 (US$700 to 1,400).

In early 2014, a law was passed to limit the powers of the quasi-military State Security Court, before which citizens and journalists could be tried for crimes related to freedom of expression, to only terrorism, espionage, drug felonies, treason, and currency counterfeiting. Worryingly, amendments to the antiterrorism law passed in mid-2014 essentially reversed many of the advances made in the above-mentioned law by expanding the definition of “terrorism” to include broader offenses. In addition to more legitimate offenses such as attacking members of the royal court or provoking an “armed rebellion,” the definition of terrorist activities now includes any acts that “threaten the country’s relations to foreign states or expose the country or its citizens to retaliatory acts on them or their money,” an offense that had already been listed in the penal code. The law also explicitly penalizes the use of information and communication technologies (ICTs) to promote, support, or fund terrorist acts, or to subject “Jordanians or their property to danger of hostile acts or acts of revenge.”

Prosecutions and Detentions for Online Activities

Several journalists and activists have been detained because of their online activities. On April 22, 2015, journalist Jamal Ayoub, chief website editor Osama Ramini, and general manager Hassan Safirah of Al Balad were all arrested and charged with “disturbing relations with a foreign state” under the anti-terrorism law, among other charges. Ayoub had written an article criticizing Saudi Arabia’s intervention in Yemen. Charges were later changed to “insulting a foreign state and its army” and Ayoub was sentenced to four months in prison, while Ramini and Safirah were both sentenced to three months. Ramini was again detained in October 2015 after publishing news about a public school located in al-Tafileh governorate in which all students failed to pass the Tawjihi (national exam in Jordan).

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63 Law number (32) 2012: Amendments to The Press and Publications law for the Year 1998 (8), Article 38, clauses A, B, C & D.
64 The Press and Publications Law 1998 amended by Law No. 32.
On June 30, 2015, Jordanian authorities arrested activist Ali Malkawi, who in a Facebook post criticized the stance of Arab and Muslim leaders towards the plight of Muslims in Burma. Acquitted from “disturbing relations with a friendly state,” Malkawi was instead convicted of “lengthening the tongue” and sentenced to three months in prison, but was later released after paying a fine.73

In July 2015, columnist Jihad Muhaisen was detained over a Facebook post in which he said he criticized the democratic process in Jordan and joked he would become a Shiite. Muhaisen’s contract with Al-Ghad daily newspaper and the Ministry of Political Development were both terminated after the incident. He faced charges of undermining the regime and lèse majesté. In October 2015, the State Security Court acquitted Muhaisen from the first charge, but found him guilty of lèse majesté and sentenced him to three months in prison.74

On August 18, 2015, Atef al-Joulani, editor-in-chief of Assabeel newspaper, was detained over an article titled “Gas cylinders... Are we more careful than the Italians?” The article criticized Jordan’s Standards and Metrology Organization for rejecting a shipment of gas cylinders from India. Director General of the Organization, Haider Al-Zabin, filed a complaint against Joulani, who was detained over his opinion in accordance with the amended Cybercrime Law.75 Joulani was later released on bail, but the court had not ruled on his case.

In September 2015, satirist Omar Zorba, who is very popular on Jordanian social media, was detained over a Facebook post that criticized the lavish wedding of a former prime minister’s son.76 He was sued again in early 2016 for mocking a Jordanian TV presenter online under the Cybercrime Law.77 Zorba claimed that both the ex-premier and the TV presenter dropped the cases.

Shortly after this incident, television presenter Tareq Abu Al Ragheb was detained over a Facebook post in which he was accused of offending another religion and “threatening the peaceful co-existence in the Kingdom,” although according to him, the charge was for a post seen as “non-objective and full of libel and slander.”78 He was released from jail after a week.

Dhaigham Khreisat, Diyaa Khraisat, and Ramez Abo Yousef from Al Hayat weekly newspaper were detained in November 2015, after allegedly insulting the director of the Legislation and Opinion Bureau, Nufan Ajarmeh, in an article published on their website.79 Ajarmeh had caused controversy earlier when the Bureau ruled that the amended Cybercrime Law could be applied to online journalists. Ajarmeh was later accused of slander and defamation by Tareq Abu Al Ragheb (see above case) for a Facebook post in which Ajarmeh criticized those who opposed government moves to raise gas


www.freedomonthenet.org
cylinder prices and car licensing fees as “animals and their waste” without mentioning names.80

In December 2015, the State Security Court sentenced Iyad Qunaibi, a prominent Islamist activist, to two years in prison for several nonviolent Facebook posts. Qunaibi, a key figure in the Salafism movement in Jordan, criticized several acts that he deemed “un-Islamic” in Jordan, including a gathering of homosexuals attended by the American ambassador in Amman. The sentence was later reduced to one year.81

In June 2016, Muslim scholar Amjad Qourshah, who is a prominent and controversial figure in Jordan, was arrested over a YouTube video in which he questioned Jordan’s role in the war against the Islamic State (IS) militant group. Published in 2014, the video showed Qourshah in his private car criticizing Jordan’s policy and participation in the war against IS, claiming that Jordan should instead target drug dealers, who outnumbered terrorists in his opinion.82 Although many Jordanians strongly oppose Qourshah’s views, including his anti-Christian and anti-Shiite comments, many expressed disagreement over his detention.

Political tensions have also resulted in the prosecution of Jordanians affiliated with the Muslim Brotherhood. In February 2015, the deputy leader of the Muslim Brotherhood in Jordan, Zaki Bani Irshaid, was sentenced by the State Security Court to 1.5 years in prison with hard labor.83 The Court of Cessation upheld the ruling in April 2015.84 He had been charged with “harming Jordan’s ties with a friendly state” under the amended antiterrorism law after he published a post on his Facebook profile criticizing the UAE government and accusing it of sponsoring terrorism and supporting the “Zionist agenda.”85

Members of parliament (MPs) have also faced criticism for their online activities. In September, 2015, MP Raed Hjazin had to delete a post a few minutes after sharing it, which was deemed offensive to Khalid Bin Waleed, one of Prophet Muhammad’s companions. Consequently, lawyer Abdul Jabar Abu Qulah filed a lawsuit against him for “inciting sectarianism.”86

**Surveillance, Privacy, and Anonymity**

Since the passage of amendments to the antiterrorism law in 2014, a number of people have been arrested and put on trial at the State Security Court for private messages they posted on WhatsApp. While there is no concrete evidence that the government systematically monitors and intercepts private communications, defense lawyers say that material obtained from mobile phones or laptops is often obtained without a court order, which cannot be legally used as evidence.87 In October 2013, Ayman al-Bahrawi was accused of “lengthening the tongue” and “insulting” foreign heads of state in private WhatsApp messages found on his mobile phone.

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A recent report titled “Digital Privacy in Jordan: Perceptions and Implications among Human Rights Actors,”88 showed individuals still feared being blackmailed, using personal information that is available publicly or privately. In addition, the majority of participants in the research mentioned that the Intelligence Department was the entity most likely to threaten access to their private communications. Although participants seemed aware of surveillance, very few of them reported using technical tools to protect their data. Instead, they chose not to make their data public or share it electronically, and preferred to have face-to-face interaction with their sources if the information is sensitive or erased all traces of their names on their devices.89 Jordanians have a long-standing belief that “someone is listening in” when it comes to their phone calls. Expectedly, this attitude has passed naturally to the internet, where it is believed that security services closely monitor online comments, cataloging them by date, internet protocol (IP) address, and location.

Furthermore, clauses within mobile phone contracts give Jordanian companies the right to terminate services should customers use it in any way “threatening to public moral or national security.”90

Cybercafes, where users might otherwise write with relative anonymity, have been subjected to a growing set of regulations in recent years. Since mid-2010, operators have been obliged to install security cameras to monitor customers, who must supply personal identification information before they use the internet. Cafe owners are required to retain the browsing history of users for at least six months.91 Authorities claim these restrictions are necessary for security reasons. Although enforcement is somewhat lax, the once-thriving cybercafe business is now in decline due in part to the restrictions, as well as increased access to personal internet connections.

**Intimidation and Violence**

There were no reported instances of physical violence against internet users for their online activities during the coverage period. A climate of fear and intimidation remains, however, for those working in online media. The last reported incident occurred on July 17, 2012, when unknown perpetrators raided the offices of the online news site *Watan*, stealing documents and damaging equipment.92

On September 25, 2016, Jordanian writer Nahed Hattar was shot dead outside of a courthouse in Amman, where he was due to face trial for publishing a satirical cartoon deemed “offensive to Islam” on his Facebook page. The caricature depicted a bearded man in heaven, sleeping with women and giving orders to God to bring him wine and cashews.93 Hattar, a Christian who had expressed his support for the Syrian president Bashar al-Assad, explained the cartoon “mocks terrorists and their concept of God and heaven.”94 Thousands of Jordanians expressed their solidarity with Hattar’s family,

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demanding an end to hate speech and incitement online.

Technical Attacks

Over the past year, incidents of cyberattacks against bloggers and staff of online news websites decreased in severity compared to previous years. In 2012, the webpages of the news sites *Khaberni* and *Al Ain* were hacked; the site of the Jordanian rap group Ahat was also hacked on September 15, 2012. In February 2011, one of the country’s most popular news websites, *Ammon News*, was hacked and temporarily disabled after its editors refused to comply with security agents’ demands to remove a statement by 36 prominent Jordanian tribesmen, in which they called for democratic and economic reforms. Among other actions, the hackers deleted the joint statement, which were politically sensitive given the groups’ historic support for the monarchy.

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