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JORDAN: NEW CYBERCRIMES LAW STIFLES FREEDOM OF EXPRESSION

INTRODUCTION

One year ago today, on 13 August 2023, Jordan enacted Law No. 17, introducing major amendments to its existing Cybercrimes Law of 2015. The new law expanded the scope of criminal offenses with new provisions which unduly restrict the right to freedom of expression and contravene Jordan's obligations under international human rights law. The amendments included the introduction of overly broad and vague "crimes" such as "spreading fake news," "inciting immorality," "online assassination of personality," "provoking strife," "threatening societal peace," and "contempt for religions."

The Jordanian authorities announced that their goal of amending the Cybercrimes Law was to "enhanc[e] privacy of online users" and combat "misinformation and disinformation pertaining to national security and economy," while ensuring that "Jordanian journalists are protected by press and publication law and other laws."¹

However, Amnesty International's analysis shows that the new Cybercrimes Law unduly restricts forms of expression that are protected under international law. Over the past year, it has been weaponized by the authorities to harass, punish and intimidate those expressing opinions online that are critical of the authorities amid an escalating assault on the rights to freedom of expression, association and peaceful assembly in the country. Between August 2023 and August 2024, hundreds have been charged under the Cybercrimes Law for social media posts that merely expressed pro-Palestinian sentiment, criticized the authorities' peace deal with Israel, or called for peaceful protests and public strikes.

Since the October 2023 Israeli offensive in Gaza, many activists, journalists, political party members and other Jordanian residents have expressed solidarity with Palestinians and criticized Jordan's economic and political ties to Israel. In response, the authorities ramped up their repression and arbitrarily arrested thousands of pro-Palestine protesters, many of whom have since been released. The authorities also ramped up their crackdown on individuals who had criticized the government's policies towards Israel, many of whom are now facing prosecutions under the Cybercrimes Law.²

Ali Amoush, a lawyer who has long followed cases of individuals detained for exercising their freedom of expression told Amnesty International:

"The authorities' crackdown on the right to freedom of expression since the start of the war in Gaza in October 2023 is the most sustained in recent years. The number of cases tried under the new Cybercrimes Law has drastically increased in the past year and represents a significant backsliding for human rights in the country."³

Activists, journalists and lawyers have told Amnesty International that these prosecutions have had a chilling effect on free speech across the country, with many people choosing to self-censor to avoid being arbitrarily arrested, imprisoned, and charged, resulting in the stifling of the few remaining spaces for public discourse in Jordan.

Prior to the 2023 amendment of the Cybercrimes Law, the authorities used the 2015 law as a tool to crack down on journalists, members of political parties and civil society activists, most notably through charging individuals with "defamation" for social media posts and news articles critical of the authorities, in addition to vague provisions in other laws.⁴ Other laws with problematic provisions used to intimidate critics, human rights defenders and civil society organizations into silence include the Anti-Terrorism Law of 2006, Penal Code of 1960 and the Crime Prevention Law of

¹ Arab News, "Controversy over cybercrimes bill before Jordan parliament," 17 July 2023, <https://www.arabnews.com/node/2338982/middle-east>

² Amnesty International, "Jordan: End draconian crackdown against pro-Palestinian activism", 6 February 2024, <https://www.amnesty.org/en/latest/news/2024/02/jordan-end-draconian-crackdown-against-pro-palestinian-activism/>

³ Interview with lawyer Ali Amoush (messages on encrypted app), 1 August 2024

⁴ Human Rights Watch, "Jordan: Government Crushes Civic Space", 18 September 2022, <https://www.hrw.org/news/2022/09/18/jordan-government-crushes-civic-space>

1954.⁵ However, since August 2023, the amended Cybercrimes Law appears to have become the authorities go-to tool for crackdown on dissent.

Amnesty International has investigated the cases of 15 individuals who were prosecuted under the Cybercrimes Law between August 2023 and August 2024 on charges that are solely related to the exercise of their right to freedom of expression. Amnesty International also interviewed 14 lawyers, as well as representatives from civil society organizations in Jordan and reviewed charge sheets, court documents and defendants' social media posts.

In all the cases documented by Amnesty International, the authorities violated the defendants' due process rights, including by arresting them without a warrant, failing to inform them of the reasons for their summons or the charges against them, questioning them in the absence of a lawyer, using psychological coercion and intimidating tactics during their interrogation or trial. In all cases documented by Amnesty International, the forms of expression for which the individuals were targeted are protected under international human rights law and none of them amount to recognizable offenses under international law that could warrant a prosecution. Guaranteeing the right to freedom of expression is a necessary condition for ensuring transparency and accountability in a society based on the rule of law.

Amnesty International is calling on the Jordanian authorities to end their sweeping crackdown on the rights to freedom of expression, association and peaceful assembly, and amend the Cybercrimes Law to bring it in line with Jordan's obligations under international human rights law, including by decriminalizing acts of expression that are protected under international law.

Criminal penalties are always disproportionate punishments for reputational harm and should be abolished. Civil defamation and criminal incitement laws are sufficient to protect people's reputations and maintain public order, and they can be framed and implemented in ways that provide appropriate protection for freedom of expression.

THE CYBERCRIMES LAW

Jordan's new Cybercrimes Law (Law 17 of 2023), replacing the Cybercrimes Law of 2015, was presented to the Jordanian Parliament on 15 July 2023, passed on 2 August 2023 and approved by the King on 12 August 2023.

Jordanian lawyers and civil society groups expressed to Amnesty International serious concerns about the speed with which the law was passed and the lack of transparency and adequate consultation throughout the legislative process, which circumvented the public discourse around the law and the input of civil society organizations. Ministries in Jordan individually run consultations on draft laws on social media or in-person (Opinion Bureau).⁶ Jordan is a participant in the Open Government Partnership Initiative and as part of that, it has committed to plan for a portal for concerned individuals to comment on draft laws and bylaws in an effort to systemize consultation practices. However, this portal has not yet been launched for members of the public.⁷

Under international human rights law and standards, states have an obligation to foster a safe and enabling environment in which people can freely express their views and opinions without fear of reprisals, underscoring the importance of enabling public and civil society scrutiny of draft laws and proposed changes to existing laws. As international human rights mechanisms have noted, the burden is on the authorities to publicly share the draft and to conduct transparent and meaningful consultations with civil society organizations, academics and legal experts.⁸ In drafting legislation that may have an impact on the right to freedom of expression, authorities should address legitimate concerns around the spread of advocacy of hatred and disinformation, but this must be done with utmost care to avoid unlawfully restricting the right to freedom of expression.

⁵ Penal Code of 1960, accessible at: <https://www.wipo.int/wipolex/en/text/515536> ; Crime Prevention Law of 1954, accessible at: <https://psd.gov.jo/media/tj4eu34m/4-1.pdf>

⁶ Open Government Partnership, *Jordan Action Plan Review 2021-2025*, 18 January 2023, https://www.opengovpartnership.org/documents/jordan-action-plan-review-2021-2025/#_ftn10

⁷ Interview with lawyer Mohammed al-Nasser (on email), 1 August 2024.

⁸ Declaration by the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression and Access to Information, "Joint declaration on freedom of expression and "fake news", disinformation and propaganda," 3 March 2017, <http://www.osce.org/fom/302796> ; United Nations High Commissioner for Human Rights (OHCHR), *Guidelines on the effective implementation on the right to participate in public affairs*, 20 July 2018, https://www.ohchr.org/sites/default/files/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs_web.pdf

The Cybercrimes Law criminalizes various forms of expression that are protected under international human rights law. Among other concerns, the law introduces harsh penalties for overly broad and vaguely defined offenses such as “spreading fake news,” “promoting, instigating, aiding or inciting immorality,” “online assassination of personality,” “provoking strife,” “threatening societal peace,” and “contempt for religions.”⁹

As one Jordanian lawyer told Amnesty International:

“The elasticity of the law means that there is no limit to which speech could be criminalized. If they [security agencies] open my phone now, they’ll accuse me of cybercrimes, though I’m cautious, and a lawyer who knows the law.”¹⁰

In the 15 prosecutions that Amnesty documented since the new Cybercrimes Law was adopted, the authorities relied on Articles 15 and 17 of the law to prosecute people for criticism of the authorities.

Article 15 of the Cybercrimes Law punishes anyone who “intentionally sends, resends, or publishes data or information through an information network, information technology, information system, website, or social media platforms that includes fake news targeting the national security and community peace” or “defames or insults an individual” with a minimum of three months in prison and/or a fine between 5,000 JOD (around USD 7,000) and 20,000 JOD (around USD 28,200). Under the 2015 law, the fines for the same offences ranged from 100 to 2,000 JOD (around USD 140 to 2,800). Article 15 also expanded prosecutorial powers, allowing the public prosecutor to initiate the prosecution of individuals “without the need for a personal complaint” if the aforementioned offences “are directed at a state authority, an official body or a public administration”.

The criminalization of defamation and “insult”, both private and public, has been instrumentalized by Jordanian authorities to crack down on freedom of expression and dissent. Such provisions contravene international human rights law which considers that public figures are legitimately subject to criticism and political opposition and that establish that States should treat defamation as a civil matter.

Article 17 of the Law punishes online expression that would “provoke strife or sedition, threaten societal peace, incite hatred, calls for or justifies violence, or insults religions” with prison sentences ranging between one year and three years and/or a fine ranging between 5,000 JOD (around USD 7,000) and 20,000 JOD (around USD 28,200). While the 2015 Cybercrimes Law did not include such provisions, these acts are already criminalized in Jordan’s Penal Code.

Article 24 introduces a new crime, punishing anyone who “publishes the names or pictures of law enforcement officials online, or any information or news about them that may offend or harm them”, with a minimum prison sentence of three months and a fine ranging between 5,000 JOD (around USD 7,000) and 25,000 JOD (about USD 35,270).

Article 33 of the Law allows the public prosecutor or court to order any website, social media platform, or person responsible for a public account to remove or block content deemed to have violated the law, to temporarily ban the user or publisher, and to hand over relevant information, including users’ personal data. If they fail to comply, authorities can block the websites, social media platforms, or services from the national network, or block access to the violating content. Non-compliance or violation of orders can also result in fines ranging between 15,000 JOD (around USD 21,160) and 30,000 JOD (around USD 42,325).

The law also contains other new problematic provisions that infringe upon the right to anonymity and introduce new controls over social media companies.

Article 12 of the law punishes anyone “circumvent[ing] the IP address by using a fictitious address or an address belonging to a third party, or by any other means, with the intent of committing a crime or preventing its discovery” possibly through the use of VPNs, proxies, and Tor with a penalty of at least six months in prison or a fine ranging between 2,500 JODs (around USD 3,527) to 25,000 JODs (around USD 35,270). This article would force individuals to choose between keeping their identity secure and being able to express their opinions freely online.

⁹ Articles 14, 15, 16, 17, and 19 of the August 2023 Cybercrimes Law

¹⁰ Interview in person with lawyer, 24 June 2024 (anonymized for security reasons).

Article 37 requires social media companies with more than 100,000 subscribers in Jordan to have offices in the country, in order to respond to requests and notices by judicial authorities and government officials. The penalty for non-compliance would include banning advertisements on the platform and gradually restricting bandwidth via internet throttling to make the platform slow or unusable.

Amnesty International's analysis of the law shows that the changes made to the 2015 Cybercrimes Law only increased the restrictions on the right to freedom of expression and is further away from complying with Jordan's obligations under international human rights law. The new law has already exacerbated the crackdown on freedom of expression, expanding the scope of the offenses covered under the law and imposing drastically harsher fines that can reach up to 25,000 JOD (around 35,270 USD) for expressions that are protected under international law. Lawyers told Amnesty International that at a time when courts in the country are shifting towards alternative penalties,¹¹ the new law goes against the country's justice sector strategy by introducing prison terms of no less than three months for several vaguely worded articles that criminalize conduct by individuals who express themselves freely. In Jordan, prison terms exceeding three months cannot be replaced by alternative penalties such as community service.

INTERNATIONAL STANDARDS ON THE RIGHT TO FREEDOM OF EXPRESSION

Under Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which Jordan acceded to in 1975, everyone has a right to seek, receive, and impart information and ideas of all kinds. While the ICCPR permits certain restrictions on the right to freedom of expression, such restrictions must be narrowly defined in law and must be necessary and proportionate for the accomplishment of a specific objective as indicated in Article 19 (3). Restrictions on freedom of expression are permissible only in limited instances to protect the rights or reputations of others, to protect national security, public order, public health or morals.¹² In addition, States have an obligation to prohibit advocacy of hatred that constitutes incitement to discrimination, hostility or violence.¹³ However, any restrictions aimed at protecting these legitimate aims must meet the requirements of legality, necessity and proportionality through predictable, transparent, and precise formulations that enable both the individual and those charged with its execution to conform their conduct to the law.¹⁴ The burden is on the state to demonstrate the legal basis, and the necessity and proportionality of the specific action taken in pursuance of a legitimate aim.

The UN Human Rights Committee, an independent expert body tasked with monitoring compliance with the ICCPR, has stated that "the value placed by the Covenant upon uninhibited expression is particularly high" and that the scope of the right to freedom of expression "embraces even expression that may be regarded as deeply offensive."¹⁵ In addition, the Committee deems that imprisonment is never an appropriate penalty for defamation.¹⁶

The use of defamation laws with the purpose or effect of inhibiting legitimate criticism of government or public officials violates the right to freedom of expression. When seeking to protect the honour and reputation of individuals, civil damages are widely seen to be sufficient to redress harm.

The Human Rights Council has further called upon states to ensure that they "address security concerns on the Internet in accordance with their international human rights obligations", including the protection of the right to freedom of expression.¹⁷

To comply with the obligation to prohibit advocacy of hatred, states must ensure that such laws are set forth in law and formulated precisely, and that its application also complies with the provisions on freedom of expression, particularly meeting the requirements of necessity and proportionality. Advocacy of hatred is more than just the ideas or opinions that are hateful towards members of a particular group. Advocacy of hatred requires a clear showing of intent to incite others to discriminate, be hostile towards, or commit violence against the group in question; there must be a likelihood that others will commit

¹¹ Arab Renaissance for Democracy and Development, "Jordan Embraces Alternative Punishments to Imprisonment," 25 November 2023, <https://ardd-jo.org/blogs/jordan-embraces-alternative-punishments-to-imprisonment/>

¹² International Covenant on Civil and Political Rights, Article 19 (3).

¹³ International Covenant on Civil and Political Rights, Article 20 (2).

¹⁴ UN Human Rights Committee (HRC), General Comment No. 34, 12 September 2011, UN Doc. CCPR/C/GC/34, para 22.

¹⁵ UN Human Rights Committee (HRC), General Comment No. 34, 12 September 2011, UN Doc. CCPR/C/GC/34, paras 11-38.

¹⁶ UN Human Rights Committee (HRC), General Comment No. 34, 12 September 2011, UN Doc. CCPR/C/GC/34.

¹⁷ UN Human Rights Council, *The promotion, protection and enjoyment of human rights on the Internet: resolution adopted by the Human Rights Council*, A/HRC/RES/32/13, 18 July 2016, <https://www.refworld.org/legal/resolution/unhrc/2016/en/112398>

such violence or other harm; and there must be a clear and direct link between the expression and that violence or other harm.¹⁸

Further, the Human Rights Committee has determined that: “Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant [ICCPR]” except in specific circumstances where ‘any propaganda for war’ and ‘advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law’.¹⁹

International human rights mechanisms have also emphasized the need for states to refrain from criminalizing or otherwise obstructing anonymity, as these tools are important in protecting the safe exercise of the right to freedom of expression. In particular, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stated that “Encryption and anonymity provide individuals and groups with a zone of privacy online to hold opinions and exercise freedom of expression without arbitrary and unlawful interference or attacks.”²⁰

THE CYBERCRIMES LAW USED TO SILENCE AND PUNISH CRITICS IN PROCEEDINGS MARRED BY DUE PROCESS VIOLATIONS

Amnesty International documented the cases of 15 individuals prosecuted between August 2023 and August 2024 under the new Cybercrimes Law as a result of their criticism of the authorities online.

In all these cases, the authorities failed to respect fair trial guarantees and/or engaged in intimidating behaviour or punitive treatment. In four cases, individuals were summoned by phone, without formal follow up in writing. In all four of these cases, the individuals were not informed of the reason for their summons or charges against them in breach of their right to be informed. In two of the cases, individuals described being lied to about the reason of the summons. In all the other 11 cases, authorities arrested the individuals without summons or prior notice of charges against them. In the cases examined, security officers questioned individuals in the absence of a lawyer.

On 17 July 2023, General Security officers arrested activist **Rani al-Zawahra** while in his brother’s shop in the city of al-Zarqa, north of Amman. According to his lawyer, they questioned him in relation to a Facebook post in which he criticized the Jordanian Intelligence Department and accused them of “intimidating people.”²¹ Rani was not granted access to his lawyer during his interrogation, in violation of his due process rights. According to court documents reviewed by Amnesty International, on 30 October 2023, a criminal court sentenced Rani al-Zawahra to 3 months in prison on charges of “defaming an official body” under Article 15 of the Cybercrimes Law.

In January 2024, General Security officers called the father of a **young woman**²² and requested that she appear for interrogation, but refused to inform him of the reasons behind the summons. When she did not respond to the unofficial summons, security officers called her father and threatened him with arrest if she failed to present herself for interrogation. When the young woman went to the office of the Public Prosecutor, she was told her case had already been referred to a criminal court, in clear violation of her right to defense. It was only when her lawyer appeared in court on 8 February 2024 that he learnt that she was being prosecuted under the Cybercrimes Law in relation to posts on X, formerly Twitter. When she appeared before the court on 12 February 2024, the judge questioned her in relation to tweets in which she criticized the heavy presence of law enforcement officers during pro-Palestine protests, another a re-tweet of another user’s tweet calling on people to join the protests, and a third in which she criticized Jordanian air strikes on southern Syria that killed children and women.²³

¹⁸ UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred*, A/HRC/22/17/Add.4, 11 January 2013.

¹⁹ International Covenant on Civil and Political Rights, Article 20.

²⁰ UN Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on the use of encryption and anonymity in digital communications*, A/HRC/29/32, 22 May 2015; UN Human Rights Council, *Report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, A/HRC/23/40, 17 April 2013, at para 47; See ARTICLE 19, *The Right to Online Anonymity*, June 2015.

²¹ Interview in person with lawyer Ali Amoush, 24 June 2024, Amman.

²² Interview by voice call with individual (name withheld for security reasons), 22 March 2024.

²³ Interview by phone call with individual (name withheld for security reasons), 22 March 2024.

She told Amnesty International:

“The judge was not neutral. When I appeared before him, he asked me questions like “How can you talk like that about [your country’s] army?” A judge is not supposed to scold me for something I wrote. He was very rude.”²⁴

In April, a criminal court sentenced her to three months in prison, suspended for three years, under article 15 of the Cybercrimes Law for “fake news or defaming or insulting a state authority or public administration or official body.”

On 9 February 2024, General Security officers called lawyer and activist, **Moutaz Awwad**, and told him to come to Al-Rashid security center to collect “his family book and an amount of money that he had reported missing.” Awwad told Amnesty International that he had not reported a missing family book, so he suspected that he was being set up by the security forces. His brother went to the security center instead. Security officers arrested his brother without any charge and only released him hours later when Awwad came to the security centre. Only then did security officers inform Awwad that he was being detained for investigation on cybercrimes-related charges. The Cybercrimes Unit of the Criminal Investigations Department, a unit within General Security, questioned Awwad in relation to three posts on X, formerly Twitter, in which he criticized the policies of Arab countries towards Israel and expressed pro-Palestine sentiment. Awwad told Amnesty International that security officers in the Cybercrime Unit inspected his mobile phone and extracted all data from it. The next day, Awwad was referred to the public prosecutor who released him on bail pending trial. On 22 July 2024, a criminal court convicted Awwad of “provoking sedition or strife” under Article 17 of the Cybercrimes Law and fined him 5000 Jordanian Dinars (around 7000 USD).

Awwad told Amnesty International:

“These high fines are a strategy to exhaust and tire people out and force them to work from morning to night, thus distancing them from political and human rights activities. This is a type of systematic punishment.”²⁵

In April 2024, the Cybercrimes Unit in Amman detained another **woman**²⁶ who was repeatedly interrogated by security officers over several days without the presence of her lawyer. She said that interrogators refused to explain why she was being subjected to several interrogations. Despite the public prosecutor ordering her release two days following her arrest, she said she was sent back to the detention center without being informed of the reason. The next day, when she was brought before a criminal judge, she found out that she was being prosecuted on two separate charges - one in relation to crimes under the Press and Publications Law for covering protests and one in relation to cybercrimes. She was released after five days, and continues to face trial under Article 15 of the Cybercrimes Law.²⁷

On 13 May 2024, General Security officers arrested freelance journalist **Hiba Abu Taha** while she was driving her car in Ain al-Bacha in Amman based on a complaint from Jordan’s Media Commission, a governmental body in charge of enforcing press and media laws and regulations, without prior notice and without explaining the reason for the arrest. The next day, she was referred to the public prosecutor and questioned, without the presence of a lawyer, in relation to an article she wrote in “Sahat al-Tahrir”, a digital news website, titled “Jordan’s role in defending the enemy entity”, in which she criticized Jordan’s interception of Iranian missiles headed to Israel in April 2024.

According to court documents reviewed by Amnesty International, on 11 June 2024, a criminal court sentenced Abu-Taha to one year in prison, under article 15 of the Cybercrimes Law for “using the information technology and information network or social media platforms to spread false news, or insult or defame a governmental authority or official body”, as well as under Article 17 of the Law for “inciting strife or sedition or threatening societal peace or inciting hatred or violence”. The one-year prison term handed down to Abu-Taha is the longest prison term documented by Amnesty International under the new law.

On 23 June 2024, Abu Taha’s lawyer, Rami Awadallah, appealed the verdict. He told Amnesty International that the appeals court confirmed the verdict and sentence on the same day without holding a hearing session.

²⁴ Interview by phone call with individual (name withheld for security reasons), 22 March 2024.

²⁵ Interview by phone call with lawyer Moutaz Awwad, 23 July 2024.

²⁶ Interview in person with individual (name withheld for security reasons), 9 July 2024, Amman.

²⁷ Interview in person with individual (name withheld for security reasons), 9 July 2024, Amman.

“This is proof that the judge’s decision has been interfered in and a decision to punish Abu Taha for her anti-government expression was made well in advance,” her lawyer said.²⁸

Hiba Abu Taha is currently serving her sentence in al-Juwaida Correction and Rehabilitation Center in South of Amman.

In a similarly striking development, on 2 July 2024, security forces arrested **Ahmad Hassan al-Zoubi**, a prominent journalist, playwright and satirist who has written for a range of Jordanian and regional media outlets. According to court documents reviewed by Amnesty International, he was sentenced in July 2023 to one year in prison for “provoking strife” under the 2015 Cybercrimes Law over a Facebook post criticizing the authorities’ response to transportation strikes in the southern governorate of Ma’an.²⁹ Public support of al-Zoubi had deterred Jordanian authorities from implementing his sentence at the time. However, emboldened by the climate of fear and intimidation following the sweeping arrests and prosecutions over the past year, and in light of Ahmad Hassan al-Zoubi’s continued critical stance on Jordan’s relations with Israel,³⁰ he was only taken into custody to start serving his sentence this year.

According to his lawyer, Ahmad Hassan al-Zoubi’s trial under the 2015 Cybercrimes Law was riddled with violations of fair trial guarantees. An appeals court on 27 July 2023 increased his sentence from two months to one year in prison and a fine of JD 200 (around US\$282) without holding court sessions, denying him and his lawyer the opportunity to present a defense. The Minister of Justice further refused three requests by al-Zoubi’s lawyer for the case to be referred to the Court of Cassation for a final judgment, despite the presentation to the judge of a memorandum detailing procedural errors and the incorrect application of the law in al-Zoubi’s initial trial and appeal.³¹

Under the country’s Code of Criminal Procedure, judgments of the Court of Appeals in misdemeanour cases are final.³² However, the code allows for special appeal requests before the Cassation Court on an exceptional basis, including for procedural violations or errors in applying or interpreting the law.³³

The absence of legal representation during interrogations effectively leaves individuals at the mercy of the prosecution to extract statements under coercion, depriving them of a fundamental safeguard against self-incrimination and often using these confessions as the primary basis for conviction. These practices further violate the right to be presumed innocent until proved guilty according to law as well as the right to be entitled, in full equality, to adequate time and facilities for the preparation of a defence and to communicate with counsel of their own choosing.³⁴

A TOOL TO CRACKDOWN ON PRO-PALESTINE PROTESTS

The Jordanian authorities have used the Cybercrimes Law to suppress pro-Palestine protests across the country when other means of quashing these protests fell short.

Amnesty International documented cases of activists and journalists who were questioned and/or prosecuted due to their coverage of protests on social media,³⁵ re-sharing tweets calling for protests, sharing videos or appearing in videos showing the authorities preventing and suppressing protestors and being interrogated about the names of individuals who have called for protests.

On 25 March 2024, journalist and podcast host **Khair Eddine al-Jabri** received several consecutive calls from unknown numbers, which he did not answer. He said that his family members then received calls from individuals who identified themselves as security officers asking about his home address or his wife’s phone number, each time under different

²⁸ Interview in person with lawyer Ramy Awadallah, 27 June 2024, Amman.

²⁹ Amnesty International, “Jordan: Authorities must release journalist Hassan al-Zoubi imprisoned over social media post,” 5 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/jordan-authorities-must-release-journalist-ahmad-hassan-al-zoubi-imprisoned-over-social-media-post/>

³⁰ Sawaleif, “شخصيات وطنية اردنية تطالب بدعم المقاومة والافراج عن المعتقلين ووقف الجسر البري – اسماء”, 13 May 2024, <https://sawaleif.com/%d8%b4%d8%ae%d8%b5%d9%8a%d8%a7%d8%aa-%d9%88%d8%b7%d9%86%d9%8a%d8%a9-%d8%a7%d8%b1%d8%af%d9%86%d9%8a%d8%a9-%d8%aa%d8%b7%d8%a7%d9%84%d8%a8-%d8%a8%d8%af%d8%b9%d9%85-%d8%a7%d9%84%d9%85%d9%82%d8%a7%d9%88-878644/>

³¹ Interview with lawyer Luay Obeidat (messages on encrypted app) 5 July 2024.

³² Code of Criminal Procedure, Article 258.

³³ Code of Criminal Procedure, Article 274.

³⁴ Arab Charter on Human Rights, Article 16; ICCPR, Article 14.

³⁵ Interview by voice call with Khair Eddine al-Jabri, 2 April 2024.

pretexts, such as that he had been in a car accident. Al-Jabri eventually went to a police station with his lawyer, but security forces prevented the latter's entry. Al-Jabri told Amnesty International that he was then taken out of the building through a different exit and transferred in a fully tinted car to the Cybercrimes Unit of the Criminal Investigations Department. Despite their persistent attempts, the security officers refused to inform al-Jabri's lawyer and family about his whereabouts that night.

At the Cybercrimes Unit, al-Jabri said interrogators questioned him about his online activity as well as his coverage of the pro-Palestine protests.

"They told me you incite people to go to the streets [for protests]. Of course they also took my phone, inspected it and took screenshots of posts which they added to my file" he told Amnesty International.³⁶

The next day, al-Jabri was referred to the public prosecutor.

"My casefile from the Cybercrimes Unit stated that I should be placed under very tight security and have my hands tied behind my back, which security officers did. They treated me like a criminal," he added.

Al-Jabri's lawyer was not allowed to speak to him privately. According to court documents reviewed by Amnesty International, the public prosecutor charged al-Jabri with using social media platforms to "defame an official body" and "provoke strife, sedition and hatred and threaten societal peace" under articles 15 and 17 of the Cybercrimes Law and requested his detention for 7 days in Marka Reform and Rehabilitation Centre, north-east of Amman.

Al-Jabri told Amnesty International he was placed in a small cell with over 50 other prisoners. Unlike other detainees, he said that his family was not allowed to deliver clothes and other personal items, such as soap, to him in prison. "I believe this to be intentional punitive treatment to punish my activity," he told Amnesty International. On 30 March, Khair Eddine al-Jabri was released on bail but placed under a travel ban pending trial. On 6 May 2024, a criminal court acquitted him of all charges.

On 17 April 2024, security forces arrested **Fatima Shubeilat**, an activist, while she was at a shopping mall in Amman without prior notice after a video circulated on social media of her participating in a pro-Gaza sit-in near the Israeli embassy in Amman on 30 March 2024.³⁷ Fatima Shubeilat was initially taken to the Central Amman Police Directorate, then transferred to the Cybercrime Unit in Amman where her lawyer he was questioned in the absence of a lawyer and then taken into custody at the Hussein Security Center, a police station in Amman.

The next day, on 18 April 2024, Shubeilat was presented before the Public Prosecutor. According to her lawyer, she was charged with "unlawful gathering" resulting in the assault of a public official under article 165(4) of the Penal Code, "resisting security personnel" under article 185 of the Penal Code and "insulting a public official" under article 196(2) of the Penal Code.³⁸ The public prosecutor initially agreed to release her on bail but then reneged, saying that the Cybercrime Unit had initiated another separate case against her under articles 15 and 17 of the Cybercrimes Law, returning her to the Hussein Security Center. On 19 April 2024, Shubeilat was presented before the Public Prosecutor again, who decided to transfer her to al-Juwaida Correction and Rehabilitation Center for a week. The Prosecutor again denied Shubeilat's request for bail twice, on 21 April and 23 April 2024. On 30 April 2024, the public prosecutor agreed to release Fatima Shubeilat pending trial. She remains on trial for both cases under the Penal Code and Cybercrimes Law.

ADMINISTRATIVE DETENTION AS A PUNITIVE MEASURE

Under the country's Crime Prevention Law of 1954, governors are allowed to detain people "under their jurisdiction"³⁹ by administrative order with limited judicial review, circumventing the fair trial safeguards normally afforded in criminal proceedings under the country's Law of Criminal Procedure.

Lawyers told Amnesty International that governors have used this law to arrest individuals despite judicial orders for their release. For example, even when the public prosecutor has released someone on bail pending their prosecution under the

³⁶ Interview by voice call with Khair Eddine al-Jabri, 2 April 2024.

³⁷ See Fatima Shubeilat's family's statement about her arrest, accessible here: Laith Shubeilat Facebook account, 22 April 2024, https://www.facebook.com/laith.shubeilat/posts/975572030600611?ref=embed_post (accessed 29 July 2024)

³⁸ Interview with lawyer Hala Ahed (messages on encrypted app), 6 August 2024.

³⁹ Crime Prevention Law, Article 3.

Cybercrimes Law or a court acquits an individual on charges under the Cybercrimes Law, the governor resorts to administrative detention to re-arrest individuals as a way to punish and intimidate critics and activists.

Amnesty International considers that all arrests, detentions and travel bans imposed under the Crime Prevention Law and without judicial oversight are arbitrary and therefore unlawful.

In December 2023, security officers summoned activist and member of the Jordanian Democratic Popular Unity Party (Wihda), **Majd al-Farraj**, for interrogation at the Cybercrimes Unit without informing him the reason for the summons. His lawyer was not allowed to attend his questioning. Al-Farraj told Amnesty International that his interrogators questioned him in relation to slogans that he posted on his social media account and then chanted during pro-Palestine protests.⁴⁰ The public prosecutor charged him under article 15 of the Cybercrimes Law. He was detained for four days in Marka prison, after which he was released on bail pending trial. A criminal court eventually acquitted him. On 19 March 2024, security forces re-arrested Al-Farraj again during a pro-Palestine protest in front of the Ministry of Agriculture in Amman at the request of the governor. He was held in administrative detention in Al-Tafilah prison, about 300 km away from Amman, without being charged or referred to a judicial body. He was released 40 days later and is currently under an administrative travel ban.

On 24 April 2024, General Security officers arrested online activist **Samer al-Qassem** as he was returning to his house around 1 am, without prior notice. The cybercrimes unit interrogated him, without the presence of a lawyer, in relation to a Tik Tok video in which he said that “Palestinian refugees in the Gaza refugee camp in Jarach [in the north of Jordan] have not come out in pro-Gaza protests because they do not have Jordanian identification papers or rights and so fear persecution as they are not legal citizens”. Samer al-Qassem said he was asked to unlock his phone for inspection during the interrogation. “They took my phone and asked me to give them the password so they release me. So I did,” he told Amnesty International.⁴¹

The authorities released al-Qassem on bail on 14 May 2024. However, the Amman governor requested his administrative detention for one month. On 30 June 2024, a criminal court sentenced al-Qassem to three months in prison and a fine of 5000 JOD (around 7000 USD) on charges of “using social media platforms to provoke sedition and threaten societal peace” under article 17 of the cybercrimes law. Al-Qassem appealed the sentence, but a decision is still pending.

CHILLING EFFECT ON FREEDOM OF EXPRESSION

The authorities’ increasing reliance on the Cybercrimes Law to target and harass journalists, activists and other individuals critical of government policies and practices is having a wider chilling effect on the right to freedom of expression in Jordan. Lawyers and activists that spoke to Amnesty International cited the fear of prosecution and imprisonment, as well as the threat of protracted legal proceedings and financially burdensome fines as the reasons for a mounting environment of self-censorship in Jordan.

Lawyers and activists said that people in Jordan are increasingly cautious about voicing their opinions on social media or other digital platforms, with some even closing their channels altogether wary of potential repercussions.

“I shut down all my social media accounts despite the fact that they’re my source of income,” Samer al-Qassem told Amnesty International.⁴²

The fear of reprisals has also extended to media outlets. According to lawyer Mohammad Quteishat, a lawyer specialized in litigation on behalf of media outlets, many have adopted more stringent censorship practices, including restricting the authorities of the editors-in-chief and the executive committees and avoiding publishing content that could be deemed controversial or critical of the government.

“This law has made the government immune against media and journalism. It has resulted in a media blackout,” the lawyer told Amnesty International.⁴³

⁴⁰ Interview by voice call with Majd al-Farraj, 24 July 2024.

⁴¹ Interview in person with Samer al-Qassem, 1 July 2024, Amman.

⁴² Interview in person with Samer al-Qassem, 1 July 2024, Amman.

⁴³ Interview in person with lawyer Mohammad Quteishat, 2 July 2024, Amman.

The extended self-censorship practiced by many individuals and media outlets is resulting in a more subdued investigative press and a compromised scope of public debate about issues that affect people in Jordan and undermines the principles of transparency, accountability and the public's right to information.

RECOMMENDATIONS

Amnesty International addresses the following recommendations to the:

Jordanian Parliament to:

- Repeal or substantially amend the Cybercrimes Law and other laws that unduly restrict the right to freedom of expression to bring them in line with international human rights law and ensure that the draft is shared with civil society for meaningful consultation, including through:
 - Ensuring that “insult” or disrespect of heads of state or public figures, the military or other public institutions or flags or symbols are no longer considered a criminal offence.
 - De-criminalizing defamation (libel and slander), whether of public figures or private individuals, and ensuring that defamation is solely treated as a matter of civil litigation.
 - Reviewing laws on advocacy of hatred to ensure that their formulation is precise and in accordance with international law, using the Rabat Plan of Action as a guide, to only prohibit statements that amount to advocacy of hatred that constitute incitement to discrimination, hostility or violence.
 - Refraining from imposing blanket bans on the dissemination of information, including those based on vague and ambiguous concepts such as “false news” or “spreading misinformation”.
- Amend the Crime Prevention Law to end the practice of administrative detention and ensure that every person deprived of their liberty are afforded all fair trial guarantees, including the right to be informed promptly of the reasons of arrest and access to a lawyer from the time of arrest.

Ministry of Justice to:

- Ensure all judicial authorities uphold and respect the right to a fair trial and commit to protect all individuals from arbitrary detention, torture and other ill-treatment in accordance with international law and standards. To guarantee fair trials, courts and associated institutions must:
 - Respect the rights to liberty and security of person, to a fair and public hearing and the presumption of innocence.
 - Ensure that anyone arrested is told the reasons for their arrest at the time of arrest and promptly informed of any charges, promptly brought before a judge, and can challenge the lawfulness of their detention before a court with the authority to order their release.
 - Provide adequate time and facilities for defendants to prepare their defence and to communicate privately with a lawyer of their choosing.
 - Provide a meaningful review of convictions and sentences, which should be conducted in the presence of the defendant and their lawyer.
- Oversee fair hearings aimed at affording appropriate reparation to all victims of torture and other human rights violations by state officials or those acting on their behalf. Reparations should include compensation, rehabilitation, measures of satisfaction and guarantees of non-repetition. At a minimum, the authorities should provide a formal apology, financial compensation for loss of earnings and personal distress, and such medical treatment and psychological support as may be necessary in individual cases to address injuries or other trauma sustained in custody without cost.
- Ensure that any measure to restrict the right to freedom of expression for the purpose of protecting national security and public order are strictly necessary and proportionate.

State security agencies to:

- Respect all fair trial guarantees, including during summons and interrogation, by ensuring that anyone summoned for interrogation is informed of the reason for the summons, that lawyers are present for the entire interrogation, that individuals are not compelled to testify against themselves or confess guilt, that there is no measures of coercion used to elicit statements, and that phones are not searched without a judicial warrant.
- Refrain from engaging in torture or other forms of ill-treatment during interrogations.
- Conduct prompt, impartial and independent investigations into allegations of torture and other ill-treatment, and ensure that any member of the security forces found to be responsible for such violations is held accountable in fair criminal proceedings.

Public Prosecution Office to:

- Refrain from initiating criminal cases against individuals solely for exercising their rights to freedom of expression or peaceful assembly, even if the content may be considered offensive, shocking or disturbing.
- Ensure that pretrial detention is used only as an exceptional measure based on an individualized determination that it is reasonable and necessary only when there is a substantial risk of flight, harm to others or interference with the evidence or investigation that cannot be allayed by other means. Pretrial detention for so-called “speech crimes” should never be allowed.
- Ensure that all those against whom there is sufficient admissible evidence of responsibility for torture or other ill-treatment are promptly prosecuted on criminal charges in fair trials and, if convicted, given sentences commensurate with the gravity of the offence. In no case should anyone be sentenced to death or other punishments that violate the absolute prohibition of torture and other cruel, inhuman or degrading punishment.

Jordanian authorities to:

- Put an end to the sweeping crackdown on freedom of expression in the country.
- Immediately drop all charges against individuals being investigated or prosecuted solely for their peaceful exercise of the right to freedom of expression.
- Respect, protect, promote and fulfil human rights for everyone in the country and without discrimination, including the right to freedom of expression.