Jordan’s Online Media Freedom at Stake

2015 IPI PRESS FREEDOM MISSION TO JORDAN
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Cover Photo: The headquarters of the Jordan Media Commission in Amman on May 20, 2015. Photo: IPI

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Jordan’s Parliament building in Amman on May 21, 2015. The IPI delegation met with MP Dr. Rula Al-Hroob at her offices in the building on May 21 to talk about the main challenges online media faces in the country. Photo: IPI
A news anchor on set in a studio at the headquarters of the Fact International satellite TV channel in Amman, where the IPI delegation met with MP Dr. Zakaria Al-Sheikh on May 20, 2015. Photo: IPI
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Media freedom in Jordan has, by all indications, decreased in recent years. This is particularly true in the online sphere, which was once seen as one of the few areas where journalists and activists could turn to freely express dissent.

In a May 2015 report by the Amman-based Center for Defending Freedom of Journalists (CDFJ), 95 percent of journalists surveyed said they censored themselves in 2014. The number was an increase from previous years: 91 percent and 85 percent, respectively, in 2013 and 2012. These figures can be viewed as a result of recently enacted or proposed legal amendments that have had a direct impact on free expression online.

The vague wording of many laws, and particularly of a number of those amendments, has a direct impact on journalists’ and activists’ ability to report and speak freely on certain topics. According to the CDFJ report, some 90 percent of media workers said they were scared of criticising the country’s king or members of the royal family, and 93 percent said they avoided covering issues related to the country’s military.

As noted by Richard Reid Hunt in “Moving Beyond Regulatory Mechanisms: A Typology of Internet Control Regimes”, governments worldwide are developing two fundamental mechanisms to control the Internet.

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2 Id.
Formal mechanisms consist of a set of national laws that aim at hampering media freedom through direct legal action against journalists.

Less-formalised control mechanisms include harassment and violence against journalists operating online, propaganda efforts to diminish their credibility, and technical attacks that hack social media accounts, deface websites or take down content critical of the government. Such actions are usually carried out by “Internet brigades”, “trolls” or hackers – who in many cases are employed by or at least operating with financial support from governments – whose actions are difficult, and sometimes impossible, to trace back to those governments.

A delegation from the International Press Institute (IPI) visited Amman, Jordan from May 19 to 21, 2015 to examine media freedom in the country, particularly the threats that online journalism faces. The visit was mounted both to gather facts related to the development of IPI’s On-line project – which aims to promote digital safety and protect media freedom online – and to engage in advocacy in favour of media freedom.

While in Jordan, IPI representatives met with journalists, bloggers, digital media experts and activists to hear their thoughts on laws and developments impacting media freedom. They also met with the head of the country’s Media Commission and members of Parliament to push for changes in the overall legislative framework regulating media.

The CDFJ report noted that some 51 percent of journalists in Jordan view this framework as a system which threatens freedom of the press. IPI delegates urged authorities to relax or eliminate legislative provisions that hinder media freedom and free expression, particularly provisions related to a licensing scheme for news websites. Several recent events in Jordan and the region have deeply affected the country’s political atmosphere, most notably the country’s involvement in the fight against the Islamic State group and its participation in a Saudi-led coalition engaged in air strikes in Yemen.

Coupled with several legal and constitutional amendments approved by Jordan’s Parliament, these developments have created a situation whereby journalists and others are afraid to speak openly about topics including:

- Terrorism and statements issued by terrorist groups – authorities consider the dissemination of those statements or reports on them to be an act intended to spread terrorist groups’ propaganda.
- Jordan’s king, the royal court and members of the royal family; heads of state and members of the royal families of states allied with Jordan; and national religious or tribal leaders.
- Actions by the military and the intelligence services, particularly actions related to the fight against the Islamic State group and the ongoing campaign in Yemen.

Given the importance of these issues and the role of the online sphere as, effectively, one of the few standing outlets for free expression, IPI maintains that it is vital to take steps to safeguard media freedom and free expression online, as IPI’s On-line project seeks to do.

4 See note 1, supra.
Traditional media – such as print, radio and television – has long been subject to government regulation, but online media was generally exempt from such regulation until 2011. In the preceding decade, Jordan’s government undertook efforts to modernise electronic communications in the country.

This resulted in the implementation of a set of policies to position the country as the information and communications technology (ICT) hub for the Middle East. Many of those policies aimed at boosting investments in the ICT sector and increasing Internet penetration. By 2015, Jordan ranked 52nd in the World Economic Forum’s Networks Readiness Index.5

The eruption of the Arab Spring in 2011 boosted the number of individuals in Jordan using social media platforms, specifically Facebook, and the increased Internet penetration rate led to a flourishing online environment in which news websites proliferated within a short period of time. As a result, by 2013, the number of Facebook users in Jordan increased from 2.6 million to 6.5 million, with some 400 news sites.6

The unregulated online sphere created a fertile environment for freedom of speech. But it also became a space for criminal acts and corruption. Some “news websites” were reportedly involved in alleged extortion or blackmail attempts in which public figures, as well as private companies and individuals, were targeted in smear campaigns or with the threat of publication of defamatory or embarrassing information.

According to the government narrative, such attacks led the administration to introduce measures aimed at regulating news websites. The move was also bolstered by calls for greater regulation of pornographic content online. In 2011, amendments to the current version of the Press and Publications Law (revised in 1998) officially adding news websites to the definition of press publications were approved.

Officials pledged during those meetings – and during the U.N. Human Rights Council’s Universal Periodic Review when it examined Jordan’s human rights situation in late 2013 – to consider moving toward a system that would require registration, rather than licensing.

In 2012, Jordan’s Parliament passed amendments to Arts. 48 and 49 extending requirements governing print media to electronic news sites, specifically mandating that:

- Jordanian-based news websites must employ a full-time editor-in-chief who has been a member of the Jordan Press Association for at least four years.
- All Internet news websites must obtain a licence from the Press and Publications Department, a division of the Prime Ministry.
- Editors and writers assume legal responsibility for an article’s content and for comments posted by readers, insofar as the law considers comments on a news article to be part of that article.7

The following year, shortly after IPI held its 2013 World Congress and General Assembly in Amman, Jordan’s Media Commission – the key regulator of online media – blocked hundreds of websites for failing to comply with the law’s requirements. As of March 2014, that number stood at more than 300 websites. Courts declined to allow media outlets to challenge the licensing scheme and by May 2015, most news websites had acceded to the requirements in order to continue operating.

8 The specific provisions of the Press and Publications Law regulating online media offer more-flexible registration requirements for specialised websites, as noted in 7iber’s 2015 report, “Enhancing Internet media Freedom in Jordan”. See note 5, supra.
IPI raised concerns about the licensing scheme during visits with Jordanian government officials in 2013 and 2014. Officials pledged during those meetings – and during the U.N. Human Rights Council’s Universal Periodic Review when it examined Jordan’s human rights situation in late 2013 – to consider moving toward a system that would require registration, rather than licensing, so that those who felt victimised by improper conduct could seek remedies under existing civil law.

However, no steps in that direction were taken, and IPI again objected to the licensing scheme during the 2015 visit to Amman. In response, the head of Jordan’s Media Commission, Dr. Amjad Al-Kadi, told delegates from IPI and the CDFJ that he was open to swapping the licensing scheme for a registration system and that he hoped a public discussion – including input from local online news sites, and local and international NGOs – could be held in October or November 2015, around the time that Parliament was expected to return to session.

Other MPs with whom IPI delegates met expressed support for such a move, including Dr. Zakaria Al-Sheikh, the head of Parliament’s National Guidance Committee; Jamil Nimri, the Committee’s media member; and opposition MP Dr. Rula Al-Hroob. Nonetheless, at the time of publication of this report, IPI is not aware that steps have been taken to initiate such a discussion.

Press Association Law

The Jordan Press Association (JPA) is an official professional association created in 1953 which operates pursuant to the Press Association Law. The law stipulates that only JPA members can be considered journalists eligible for a number of rights and protections, including:

- The right to access information – public institutions are obliged by law to provide information requested by a JPA member within a specific period of time, which varies depending on the nature of the request.
- The right to legal assistance in the event that a journalist is summoned to court to face accusations related to a charge of defamation.

The law was amended in recent years to allow online and broadcast journalists to join the JPA. But the association’s bylaws still restrict membership to journalists who are part of “news” departments. Journalists who report on politics or current affairs, for example, cannot join. The association also differentiates between “specialised” and “news” websites, with journalists working for the former being barred from joining the JPA.

Many observers with whom the delegation spoke complained that the JPA sometimes dragged its heels in terms of allowing new members to join. Some also alleged that journalists who criticise the government have been excluded from JPA membership.

Under Jordanian law, individuals may only join one association. For example, an individual who has joined the association representing pharmacists may not join the JPA in the event

9 Ibid.
he or she opts to engage in journalism. Moreover, Jordan allows only one association to represent journalists. Despite initial moves in 2011 toward allowing the free formation of associations and unions, forming a competing association in a field in which one association already exists remains prohibited.

Anti-Terrorism Law

Jordan's Anti-Terrorism Law (2006) criminalises any expression of support for terrorism or what may be deemed to be a terrorist act. Under amendments to the law approved by Parliament in May 2014 an act of terrorism is identified as:

“[U]se of information systems, or the information network, or any other publishing or media tool, or establishment of a website to facilitate the conduct of terrorist acts or support terrorist groups, or an organization or a charity that performs acts of terrorism or markets its ideas or funds it, or conducts any acts that subject Jordanians or their property to acts of hostility or reprisals.”

The amendments do not specifically define what kind of act may be considered to constitute “supporting” a terrorist act. Nor they do clearly define a “terrorist act”, broadly indicating that this is “any act that damages the environment or disrupt public life”.

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Observers with whom the delegation spoke noted that the 2014 changes to the Anti-Terrorism Law extended its coverage to include a number of non-violent offences, including using information networks to support, promote, or fund terrorism.10 The changes also made it an offence to harm Jordan’s relations with a foreign country, mirroring an offence already present in Art. 118 of the country’s Penal Code.11

Jordanian media freedom advocates said that reporting on terrorism has become particularly risky following the murder of Jordanian pilot Moaz al-Kasasbeh, whose burning death at

the hands of Islamic State group militants was depicted in a video released on Feb. 3, 2015. Following Kasasbeh’s death, observers reported to IPI, the military issued circulars to media outlets prohibiting them from publishing statements by the Islamic State group or quotes from interviews with members of the group.

Similarly, in recent years the head of the Media Commission reportedly directed media outlets that they were prohibited from writing about the military without permission from the military.

Penal Code

Jordan’s Penal Code contains provisions that make it difficult to criticise government officials or state institutions, members of the royal family of Jordan or neighbouring countries, and religion. The Code contains both lèse-majesté and criminal defamation and insult provisions, including protections for non-persons such as government institutions, symbols and religions.12

As noted above, it also provides a five-year prison term for “performing actions, writings or speeches without government authorization, resulting in exposing the Kingdom to the threat of aggression, undermining its relations with a foreign state or exposing Jordanians to retaliation directed against them and assets thereof.”

Further, the Penal Code in Art. 150 also contemplates penalties of six months to three years imprisonment and a fine of up to 50 dinars for “[a]ny writing or speech or action intended, or leading, to incite sectarian or racial hatred or encourage conflict between religions or different components of the nation”.

State Security Courts

Prior to the 2014 changes to the Anti-Terrorism Law, Jordan made changes to limit the jurisdiction of the military State Security Court to cases of treason, espionage and terrorism, drug-related crimes and currency counterfeiting. The changes also sought to ensure that in all other cases civilians would only be tried before a civilian court.

Nevertheless, some observers cited several instances in which cases against journalists were brought before the Court. Moreover, they noted that prosecutions of journalists often went unresolved. Journalists were arrested and charges were brought with wide publicity, observers said, causing a chilling effect on journalism in general. However those cases often never moved forward and instead ultimately disappeared.

Recent Developments

Art. 11 of the Cyber Crimes Law

Following the May 2015 mission, Jordan’s Cyber Crimes Law was amended on June 1 in a move to punish slander or insult on news websites with imprisonment, a change widely criticised as a step backwards for media freedom. A conviction for slander or insult normally carries a potential prison term under Jordan’s Code of Criminal Procedure. However, when such an accusation is raised against a journalist whose activities are regulated by the Press and Publications Law, the accusation is dealt with under provisions of that Law, which allows for civil penalties such as fines, but prohibits imprisonment.

That changed in June with the addition of a new Art. 11 to the Cyber Crimes Law. It contemplates at least three months imprisonment and a fine of 100 to 2,000 Jordanian dinars (€132 to €2,640) for “anyone who sends or resends or publishes statements or information purposefully by way of the Internet or a website or any other information platform that includes slander vilifying or contempt of another person”.

When the Press and Publications Law was amended in 2012 to require licensing of news websites, Jordan’s government sought to mollify critics by noting that websites that complied with the law would enjoy its protection against imprisonment. The question therefore arose following the addition of the new Art. 11 to the Cyber Crimes Law whether journalists working in the online sphere continued to enjoy that protection or whether Art. 11 stripped it from them.
Prime Minister Abdullah Ensour put that question to a Special Tribunal for Interpretation of Laws, which responded on Oct. 19\(^{13}\) that Art. 11 of the Cyber Crimes Law was controlling and that journalists could indeed face prison sentences under its terms. Noting that the Cyber Crimes Law was “a special law pertaining to crimes committed under the provisions of [the Press and Publications Law]”, the Tribunal explained:

“Since legal principles deem the intent of committing a criminal act a crime punishable by law, thereby requiring the correct understanding of the text adopted to define this crime, and since the Cyber Crimes Law is a special law which revisits certain rules pertaining to crimes of libel and slander, this law therefore is applicable upon it pursuant to Article 11 of the law and with the guidance of Article 2/57 of the Penal Code which stipulates that if a general description and a particular description is applicable to an act, the particular description for the same should be adopted.

“Based on aforesaid deliberations, we decide that crimes of libel and slander committed under Article 11 of the Cyber Crimes law through electronic websites and social media platforms shall be dealt with the application of the aforementioned Article of the law and Article 114 of the Code of Criminal Procedure and not Articles 42 and 45 of the Press and Publications Law.”

Media freedom organisations, news websites and journalists blasted the interpretation. Nidal Mansour, executive director of the Amman-based Center for Defending Freedom of Journalists (CDFJ), said in a statement: “The decision... did not take into consideration Article 42 of the Press and Publications Law which clearly says: ‘Notwithstanding the provisions of any other law' meaning that it confines the trial of journalists to the Press and Publications Law which is a special law passed for this very purpose.”

The Jordan Press Association (JPA) also protested the decision. JPA President Tareq Momani called it “a setback in the history of media in Jordan”, adding: “We reject the detention of journalists in cases of publications and we will take all legal measures to prevent it.” Momani pledged to push to rescind the decision and said the JPA would take the matter to Jordan’s Constitutional Court if necessary.

However, on Oct. 20, some 24 hours after the Tribunal’s decision was released, Jordan’s attorney general ordered the detention of Osama Al Ramini\(^{14}\), owner and chief editor of the Al Balad news website, over the website’s publication of an article that authorities reportedly alleged\(^{15}\) was “non-objective” and “full of slander”. The nature of the offending article was not immediately clear, but some local sources reported that the article led to a case against Ramini by an investor while others said it prompted a complaint by a local education department.

Despite criticism from across the country, the new Art. 11 was again invoked on Nov. 3. According to local media\(^{16}\), Amman Prosecutor General Rami Tarawneh sought the detention of Al Haqiqah TV presenter Tareq Abu Ragheb for having made “abusive” and “provocative” remarks against a religion that could promote hatred and threaten co-existence in the country.


\(^{14}\) The World Post (Nov. 5, 2015), "Return to Detaining Journalists in Jordan". Available at http://linkis.com/huffingtonpost.com/bB7Qj


As described by Hunt, informal or indirect control mechanisms take place at arms’ length from government, political parties, terrorist groups and drug-related criminal groups. In many cases, they consist of brigades of “trolls” who post propaganda or other material defaming journalists and bloggers in an aim to diminish their credibility.

Other efforts take the form of violent threats on social media, which usually leads to self-censorship, and the orchestration of coordinated attacks that seek to deny access to content published online.

During the course of IPI’s visit to Jordan, delegates were able to collect several accounts from journalists who were themselves victims or who knew online journalists, bloggers or social media activists who had been the targets of smear campaigns or violent threats, or who had been victims of blackmail attempts.

Currently, there is no systematic research on this topic in Jordan at the date of this publication. As a result, this is one of the main objectives of IPI’s OnLine project.
Jordan’s government should remove the news website licensing scheme and push forward a registration system. As part of the 2013 Universal Periodic Review of Jordan by the U.N. Human Rights Council in Geneva, the country’s government committed to review the Press and Publications Law and amend regulations governing online media to fully ensure protection of the right to freedom of expression.

IPI welcomed officials’ expressions of support for a process starting this fall whereby a multi-stakeholder public discussion on that process will be held. However, this commitment needs to be followed by concrete action. Given officials’ previous promises, IPI stresses the need to push officials to uphold this commitment and to subject it, as well as future pledges, to scrutiny until concrete action takes place. Jordan is also a signatory to several legally binding international treaties protecting media freedoms. They include the International Covenant on Civil and Political Rights (ICCPR), which was integrated into Jordanian national legislation on June 16, 2006. The ICCPR binds every state to respect the rights it recognises, including the right to freedom of expression and opinion set forth in Art. 19.

The ICCPR allows specific restrictions to fundamental rights as long as they are specifically codified in law and are necessary to protect the reputation of others, national security, public order, public health and morals, etc. However, the vague nature of the wording of many of Jordan’s laws impacting freedom of speech online – such as the definition of “terror act” or “insult” – as well as the steep penalties that they often carry, including the possibility of imprisonment introduced by the amended Cyber Crimes Act, have a chilling effect on the online media community.
To the Government

- Take immediate steps to reform Art. 11 of the Cyber Crimes Law to ensure that accusations of defamation or insult against journalists regulated by the Press and Publications Law are addressed under that law, and that journalists are not stripped of its explicit protection against imprisonment merely by virtue of the fact that they operate online.

- Repeal provisions of the Press and Publications Law that mandate the licensing of all news websites and, instead, adopt a simple registration scheme that would allow those who allege that they have been victimised by improper conduct to take steps to seek remedies under existing civil law.

- Similarly, repeal provisions of the Press and Publications Law requiring that the editor-in-chief of any news website must be a member of the Jordan Press Association for at least four years and ensure that owners/operators of websites – rather than the government – are allowed to determine who is to act as editor-in-chief of those websites.

- Further, repeal provisions of the Press and Publications Law imposing liability on both the writer and the editor for comments posted in the comments sections of respective articles. This provision has led many news website editors to remove comments sections entirely in order to avoid legal liability, chilling freedom of expression.
To the Editors of News Websites

- Establish self-regulatory mechanisms including a complaints process and non-statutory penalties, and an independent ombudsman to critique news coverage. As the Internet is global in scope, the complaints process should be open to those living outside Jordan as well as within. Additionally, work to develop a code of ethics for online journalism.

- Cooperate with traditional media and media organisations in Jordan to improve professionalism across platforms, and to provide a united front against government-imposed restrictions on press freedom and access to information.

- Develop a progressive regulatory framework from a multi-stakeholder perspective – including media watchdogs, Internet Service Providers, and both online and traditional media – as part of the overall process of moving to a registration scheme for news websites.

- Reform the Jordan Press Association law to allow association membership by journalists operating in the online sphere, including those who report for news sections and those who write or report for specialised online magazines. Moreover, draft new regulations to allow journalists to form alternative unions or associations to represent them.

- Ensure that terms such “terror act”, “terrorism” and “insult” are clearly and narrowly defined in the Anti-Terrorism Law and in other laws in order to ensure that journalists have the freedom to report on national security and that the right of legitimate dissent is not restrained. Further, ensure that any such laws balance the duty of political powers to ensure safety while also protecting the public’s right to be informed about political dissent and threats to national security.

- Ensure that all laws, including laws on insult or defamation, that inhibit criticism of government officials or state institutions, members of the royal family of Jordan or neighbouring countries, the military or religion are reformed to comply with international standards on free expression, particularly the growing international consensus that prison is not an appropriate sanction. Further, ensure that such offences are addressed under civil, rather than criminal, law.

- Repeal provisions of anti-terror law that allow journalists to be tried in a military court, such as the State Security Court.

- Publicly affirm support for the fundamental human rights of free expression and media freedom, and for the vital role they play in any healthy democracy, by publicly calling on everyone in Jordan to refrain from intimidation or harassment of journalists or others who exercise the right to free expression. Moreover, end all support, financial or otherwise, for Internet sites, columnists or other voices who engage in such conduct.

- Promote digital safety and the use of encryption tools to protect the safety of journalists and the anonymity of journalists’ sources and consumers of online media in order to encourage the free flow of information.
IPI: Protecting Press Freedom for 65 years

The International Press Institute (IPI), the world’s oldest global press freedom advocacy organisation, is a world-wide network of editors, media executives and leading journalists dedicated to furthering and safeguarding press freedom, promoting the free flow of news and information, and improving the practices of journalism. Based in Vienna, IPI is a politically neutral organisation and holds consultative status before a number of intergovernmental bodies.

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