



JORDAN

# PRESENTATION

This review is part of a larger two-part study on **freedom of assembly in the Euro-Mediterranean region**.

Following an overview of the international standards relating to the freedom of assembly, [Part I](#) examines the legal frameworks in 11 countries of the Mediterranean and in the European Union and their compliance with international human rights standards. Part II examines the implementation of laws and the exercise of the freedom of assembly and demonstration in practice.

In order to assess the compliance of national legislations with international standards relating to the exercise of freedom of assembly, objective indicators were used as a reference throughout this study. A gender-sensitive approach was incorporated to determine whether women enjoy freedom of assembly to the same extent as men or face more restrictions.

This study was conducted in consultation with members of the Euro-Mediterranean Human Rights Network (EMHRN), which includes 80 human rights organizations in 30 countries. It thus reflects the active involvement of EMHRN's working group members on freedom of association and assembly, as well as other civil society organizations and experts.

The study is meant to provide human rights defenders, civil society organizations, international organizations, and state institutions with an analysis that allows them to compare national laws and policies with those of other countries and assess their conformity with international conventions, with a view to advocating for reforms and guaranteeing freedom of assembly across Euro-Mediterranean area.

The chapters are also available separately: [Algeria](#), [Egypt](#), [Israel](#), [Jordan](#), [Lebanon](#), [Libya](#), [Morocco](#) and Western Sahara, [Palestine](#), [Syria](#), [Tunisia](#), [Turkey](#), and [the EU](#).

## Introduction

Although the reforms adopted by the regime are insufficient to meet the demands of social movements that have emerged in Jordan since 2011, the drive for action has somewhat slackened off. Changes to the regional context with Syria bogged down in crisis and the risks of destabilization in Jordan as well as the developments in Egyptian internal politics after the Muslim Brotherhood was stripped of power by the military have had a restraining effect on the different parties engaged in opposition and have also created much division.

The political reforms adopted from 2011 onwards have not changed the authoritarian nature of the regime, or the balance of power. The king still holds vast executive powers, such as the dismissal of ministers and dissolution of the National Assembly at his discretion. Neither have the 2012 amendments to the electoral law overturned the fundamentals of a system that favours the tribal and rural areas (cradle of the Hashemite monarchy) to the detriment of large cities, such as Amman and Irbid, where the Jordanians of Palestinian origin are concentrated.

Since the wave of protests during the autumn of 2012, triggered by the government's decision to withdraw subsidies on fuel prices, there has been no more widely generalised protest movement. Demonstrations and public rallies have assumed an ad hoc and localised nature involving disparate demands: improvements to economic and social conditions, the Palestinian question, or the rights of refugees. Rallies calling for political reforms have largely decreased due to the repression and control exercised by the authorities which seriously limit the capacity of opposition groups to mobilise.

### 1. Restrictions Imposed on Freedom of Assembly

The amendment of Act no.7 on public meetings adopted in 2011 ([see the first part of the Study](#)) does away with authorization by the administration for the holding of public meetings, marches, demonstrations or sit-ins and replaces it with notification.

However, the administration may prohibit a meeting or a rally without any justification, if it is considered that these might disturb public order.

Other restrictions continue to impede the exercise of the right of assembly. For example, civil society organizations, when they organize seminars in hotels, must supply the hotel management with information about the participants.<sup>1</sup> The authorities send representatives to monitor work meetings and assemblies of organizations, especially when political matters are on the agenda.

In addition, the government has maintained and even strengthened measures restricting freedom of association and expression.

The law governing the right of association includes many legal obstacles that impose tight control over the activities of associations. For example, the law prohibits associations from pursuing "political objectives" and activities which violate "public order" and permits restrictions on funds to which they may lay claim and the type of activities they can initiate.<sup>2</sup> Some associations have been denied legal status.<sup>3</sup>

Any criticism of the monarchy is a red line not to be crossed. Public criticism of the king is punishable by up to three years in prison. These articles from the Penal Code, the wording of which is very vague, have been repeatedly used to criminalize and prosecute demonstrators and then refer them to the State Security Court (SSC). The decree of 18 September 2012, which amends the law on the Press and

1 A practice described by the Centre for Defending Freedom of Journalists (CDFJ), interview with Fateh Mansour, 23/3/2014.

2 Interview with Linda Alkalash, Tamkeen, 28 February 2014 and Hisham Boustani, activist and blogger, 19 February 2014.

3 Example of an organisation for Jordanian women married to foreigners who demand citizenship rights for their children but whose registration was refused in July 2011 on the pretext that "the issue of citizenship is a political matter governed by the law on citizenship and cannot be regulated by Society".

publications, significantly restricts freedom of information.<sup>4</sup> This measure is part of a policy restricting freedom of expression and is exercised through threats, aggression and, in several dozen cases, the arrest and prosecution of journalists and opponents who have criticized the regime.<sup>5</sup>

### ***Participation of women in demonstrations***

Women are present at demonstrations and there are no legal restrictions on their participation, but many obstacles of a social and cultural nature prevent women from participating fully in public life. The absence of a State policy for the promotion of equality between women and men, in spite of the measures adopted by the government, has not helped to reduce inequality in the public and political spheres.<sup>6</sup>

In general, women are respected and cases of harassment or physical assault are uncommon. However, activists fighting for women's rights have been subject to threats, insults and defamatory campaigns on the internet.

### ***Refugees and migrants***

The UNHCR reckons there are nearly 600,000 Syrian refugees mainly in the north of the country, which represents one-tenth of the Jordanian population. The majority of them are located in the towns, the rest, i.e. nearly 30 %, are forced to settle in the camps at Zaatari in the north close to the Syrian and Iraqi borders.<sup>7</sup> Foreigners in Jordan do not have the right to demonstrate. Protests by Syrian refugees from the camp at Zaatari demanding better living conditions are savagely put down by the police. The same is true for foreign workers in Jordan whose rights are not recognized and the organizations working with these groups have to confront many administrative obstacles.<sup>8</sup>

## **2. Facilitation of Assemblies by the Authorities**

During the 2011 protests in Jordan, the violent behaviour of pro-regime demonstrators who hit the protesters in the street, with truncheons, sticks and stones<sup>9</sup> were not contained by the authorities and no protective measures were taken.

As regards journalists, since 2011 a large number have been attacked and physically assaulted by the security forces at various demonstrations. Journalists do not enjoy any legal protection which ensures that those responsible for the attacks are prosecuted by the justice system and punished.<sup>10</sup> In practice, the reform of the law on public meetings in 2011 has helped to make demonstrating easier and demonstrations have become more frequent. However, repression and the use of force remain common practice. The authorities justify this by the fact that illegal demonstrations or ones which threaten public order are involved. The authorities adopt a different attitude depending on the nature of the demands being made and the type of organization behind them. If the protesters are supporters of the government they are allowed to demonstrate where they want. If it is a matter of gatherings which oppose government policy, many restrictions are imposed and the authorities seek reasons to declare the demonstration illegal.

4 On 2 June 2013, more than 260 Internet information sites were blocked by order of the Department of press and publication because they refused to carry out the steps for registration required after the reform of the law as a sign of protest and to preserve their independence.

5 Human Rights Watch, press release of 26 February 2012, <http://www.hrw.org/news/2012/04/25/jordan-publisher-journalist-charged-state-security-court>

6 The new electoral law set up a quota and 15 seats in the lower house of Parliament are reserved for women as well as 20% of seats on municipal councils. The upper house (the Senate) has 7 female senators.

7 *Les clefs du Moyen Orient*, « La Jordanie face à la crise syrienne », Ilham Younes, 10 February 2014, <http://www.lesclesdumoyenorient.com/La-Jordanie-face-a-la-crise.html>

8 In 2012 the Tamkeen Centre was denied authorization for the funding of its assistance programmes for foreign workers in the country, Amnesty International, 31 October 2013, <http://www.amnesty.org/en/region/jordan/report-2011>

9 Amnesty International, press release of 1 April 2011, <http://www.amnesty.org/ar/library/asset/mde16/001/2011/ar/26c5fdf3-d3d4-4db7-89d7-7267bcf8ab3a/mde160012011en.pdf>

10 Interview with Fateh Mansour, CDFJ, 23/3/2014, <http://www.cdfj.org>



At election times, demonstrations have not been subject to more active repression. Those organized in January 2013 before the legislative elections were held without particular incident both in the capital and in other localities.

### 3. The Use of Force and Detention

The 2012 report of the Jordanian National Centre for Human Rights<sup>11</sup> has brought together many incidents caused by the use of force by security officials when breaking up rallies, such as the sit-in of 12 February 2012 at the Kaloti mosque or the sit-in of 1 April 2012 in front of the government offices in Amman regarding the release of the detainees of the Herak movement. In November 2012, the government's decision to discontinue subsidies on products derived from oil and gas provoked a wave of protests in every province of the Kingdom and this gave rise to clashes between demonstrators and security forces.

The sit-in of the 25 November 2012 of workers at the port of Aqaba was also subject to repression: one of the workers of the electricity company in Mafraq was arrested and released the same day on 12 December 2012. Another sit-in was broken up on 15 December 2012 in Irbid. The number of demonstrations about economic and social rights has increased significantly in recent years: 2473 protests about improvements to working conditions have been recorded between 2010 and 2013.<sup>12</sup> The use of force against these protests seems to be linked to whether the sectors affected by the demonstrations are or are not of a strategic nature.<sup>13</sup>

The demonstrations of 18 and 19 March 2014 in front of the Parliament to protest against the refusal of the Government to expel the ambassador of Israel after the assassination of the Palestinian Judge Raed Zuaier by the Israeli army, and the demonstration organised to seek the release of the soldier, Ahmed Dagamseh, occasioned an excessive use of force by gendarmes who beat up the demonstrators with batons. At least 11 people needed medical attention.<sup>14</sup>

In most cases, the security officers who intervene (gendarmes and police forces) use batons and sometimes water cannon as well as tear gas to disperse the demonstrations.

Many arrests have accompanied the break-up of demonstrations. During the November 2012 demonstration, more than 250 people were arrested and 89 were subsequently brought before the State Security Court, accused of illegal assembly and activities directed against the State. About twenty protesters were released immediately, and others were released in December 2012 (116).<sup>15</sup> 13 were kept in detention (mainly Herak movement activists).

Arbitrary detention has been condemned by human rights organizations. Local governors have continued to use the provisions of the 1954 law concerning the prevention of crime in order to place individuals in administrative detention. This law allows them to order the detention of individuals suspected of endangering security.

Among those who were arrested, the NHRC has indicated that some of them had not participated in protests. Several people were arrested after the demonstrations (at their home, place of work or in the vicinity of the place where the event took place). Many people (66 according to the NHRC report) have stated that

11 The National Centre for Human Rights (NHRC) in Jordan is an independent institution that enjoys "A-status" relating to national institutions for human rights in compliance with the Paris principles. See *Human Rights Situation in The Hashemite Kingdom of Jordan for 2012*, 2012, 196 pages, p. 10 (in Arabic).

12 Labor Watch 2013 *Report of the Phenix Center for Economic and Informatics Studies*, [http://www.labor-watch.net/uploads/en\\_labor-watch.net\\_635449776796111668.pdf](http://www.labor-watch.net/uploads/en_labor-watch.net_635449776796111668.pdf)

13 Interview with Fateh Mansour, CDFJ, 23/3/2014.

14 Arab Network for Human Rights Information (AHNRI), press release of 21 March 2014, [https://www.ifex.org/jordan/2014/03/21/protest\\_forcefully\\_dispersed/](https://www.ifex.org/jordan/2014/03/21/protest_forcefully_dispersed/) and also the video made by Alwakeelnews, <https://www.youtube.com/watch?v=meyAfZKxE9Y> (in Arabic)

15 Amnesty International, press release of 11 December 2012, <http://www.amnesty.org/en/for-media/press-releases/jordan-release-detainees-too-little-too-late-2012-12-11>

they had been beaten or humiliated, or had been subjected to ill-treatment during their arrest. 53 people stated they were tortured or beaten, or suffered humiliation and ill-treatment during their detention in security centres.

In March 2013, 6 members of the pro-reform movement “Free Tafilah Movement” were arrested and kept in detention for a month for “insulting the King”. One of them, Majdi Qableen, stated he was beaten during an interrogation conducted by the officers of the General Department of Information.<sup>16</sup> At the end of 2013, three activists were arrested for having made the 4 raised fingers sign of the supporters of Mohamed Morsi, the deposed Egyptian President and member of the Muslim Brotherhood.<sup>17</sup>

According to the NHRC, women have also been subjected to ill-treatment, in particular women detained at the Juwaideh Centre who stated they were beaten during their detention. Arrested in November 2012 for intervening between a protester and a security officer, Ola Saif was detained for three days at the Directorate of security and has reported being ill-treated. She was subsequently transferred to Juwaideh prison, charged, and then finally released in December 2012.

#### 4. Accountability of Law Enforcement Forces

The mechanisms provided for in the legal framework in force do not allow the victims of violation of human rights to see a successful conclusion to their complaints. According to the 1965 law on public safety, if a victim files a complaint with the prosecutor in respect of acts of torture committed by the police, the latter will refer the complaint to the special prosecutor attached to the Directorate of public security, who is a police officer appointed by the Director of public security. If he finds the complaint admissible, the special prosecutor will refer to the police tribunal, composed of a civil judge and two judges who are police officers, also appointed by the Director of public security. Therefore, those responsible for investigating allegations of torture and ill-treatment and trying the perpetrators are part of the same administration as the accused. The fact of going to the police station to lodge a complaint also presents a risk of retaliation against those who do so. The police in Jordan therefore enjoy virtually total impunity in the use of force against demonstrators.

#### 5. Judicial Sanctions against Organisers and Participants in Assemblies

The suppression of demonstrations has given rise to numerous lawsuits against demonstrators. Most of the detainees have been charged for offences under articles 164 and 165 of the Penal Code which prohibit gatherings whose purpose is to disturb public order. Others have been charged with taking part in activities aimed at overthrowing the political system (article 149 of the Penal Code).

Those prosecuted have not enjoyed fair trials. They were deprived of the assistance of a lawyer to help them understand the nature of the charges brought against them, and those who were injured following intervention by the police or their arrest were denied medical assistance. Thus, according to the NHRC 2013 report, 52 people were only informed of the charges by the public prosecutor when they appeared before the State Security Court (SSC).

This is the case of three activists belonging to the Herak movement who were arrested on 30 September 2013, Humam Qufaisha, Ayman al-Bahrawi and Diyya’ al-Din al-Shalabi, and who were brought before the SSC for “disruption of Jordan’s external relations” for having distributed leaflets on the bloody dispersal of the Muslim Brotherhood sit-ins in Cairo, Egypt, on 14 August.<sup>18</sup>

16 Amnesty International 2013 Report, *The situation on human rights in the world*, <http://www.amnesty.org/fr/region/jordan/report-2013>

17 ANHRI, press release of 19 March 2014, <http://anhri.net/?p=106413&lang=en>

18 Human Rights Watch, <http://www.hrw.org/news/2013/10/29/jordan-end-trials-protesters-undermining-regime>

Apart from punishments handed down by the courts, other forms of reprisal have been identified, such as the expulsion of some students from the University of Yarmouk in May 2012 because of their involvement in rallies demanding the adoption of reforms.<sup>19</sup>

### ***The prosecution of civilians by the State Security Court***

The amendment of the law on the SSC adopted in January 2014 limits its jurisdiction over civilians without completely eliminating this possibility. This reform is intended to adapt the law and bring it in line with article 101 of the Constitution, which stipulates that “no civilian may be tried in a criminal case by judges who are not civilians, except in the case of treason, espionage, terrorism, drugs related crime and the counterfeiting of currency”. Crimes coming under article 195 of the Penal Code (criticism of the monarchy) will no longer be subject to trial by the SSC.

These possible situations are nevertheless open to a wide margin of interpretation, and the SSC continues to try civilians. Demonstrators who had been referred to the SSC have been sentenced under the provisions set out in the law against terrorism. The SSC does not offer any guarantee of a fair trial because this Court is composed mainly of military men, its procedures do not comply with international standards, and there is no possibility of appeal.

Since 2011, many demonstrators or political opponents have been brought before the SSC. In 2014, dozens of demonstrators detained during the 2012 protests are still awaiting trial before the SSC, amongst them 11 members of the Herak movement. Included activist Hisham al-Heesa, accused of having chanted “Oh Abdullah, son of Hussein, where has the people’s money gone? Oh Abdullah, son of Hussein, look at what happened to Mubarak”. In many cases, prosecutors have charged the accused with “subversion of the system of governance”, or “incitement to opposition” by using article 149 of the Criminal Code,<sup>20</sup> or even of participation in “illegal gatherings”, “insulting the King”, dissemination of information aimed at “undermining national sentiment or inciting religious and racial discord”, and “attempts to amend the Constitution of the State”.

## **6. Civil Society Initiatives and Good Practices**

Some fifty civil society organisations formed a coalition in November 2013, the National Alliance of NGOS, an initiative launched with a view to amending the various laws that govern the formation and activities of civil society organisations.

Between 2011 and 2013, within the context of the campaign, “My mother is Jordanian and her nationality is my right”, a dozen sit-ins and demonstrations were organized in front of the Parliament building and government offices. This campaign is supported by a coalition that brings together activists for women’s rights, lawyers, journalists, academics and other professional figures. This group demands amendments to the law, and the right of Jordanian women to pass on their nationality to their children and their husbands, on the same basis that men can. Demonstrations have allowed this issue to enter the realm of public debate.

19 ENP progress report 2013, Solidar, [http://www.solidar.org/IMG/pdf/jordan\\_v23.10.13.pdf](http://www.solidar.org/IMG/pdf/jordan_v23.10.13.pdf).

20 World Report 2014 - Human Rights Watch, <http://www.hrw.org/world-report/2014>



1. Guarantee that the freedoms of assembly, expression and association can be exercised by any individual or group without any discrimination based on opinions, origins, sex, religion etc.;
2. Bring legislation on meetings, rallies, and demonstrations into line with international law and commitments made by Jordan; put an end to criminalising the holding of an opinion (Penal Code) (see first part of the Study);
3. Ensure that the notification procedure provided for by law is transparent, accessible, and not unduly onerous, and that the administrative authorities do comply with the law when it is implemented;
4. Make sure that restrictions applied comply with the law, respect the principles of necessity and proportionality and are communicated in writing to the organizers within a time frame that allows for an appeal before an independent tribunal or court before the scheduled date of the event;
5. Ensure that the authorities are always open to dialogue with the organisers (before and during the gatherings), and when such dialogue occurs, that its purpose is to better facilitate the right of peaceful assembly;
6. Put an end to arbitrary arrests during peaceful demonstrations as well as to judicial proceedings at the State Security Court against civilians demanding their right to demonstrate peacefully;
7. Guarantee the security of journalists and facilitate their access to peaceful gatherings;
8. Adopt clear, detailed, and binding regulations governing the use of force against protesters, in accordance with the United Nations Basic Principles on the use of force and firearms by law enforcement officials; train law enforcement authorities in the use of force and anti-riot weapons accordingly;
9. Act upon the State's responsibility to protect peaceful demonstrators; ensure that any use of force by law enforcement officers follows the principles of last resort, necessity, progressiveness and proportionality; ensure that lethal force is only a last resort and used as a defence against an imminent threat endangering human lives;
10. Expedite prompt, independent and impartial investigations in the event of a complaint or information about possible breaches or violations of human rights committed by law enforcement authorities during any operations to maintain order, especially into the suppression of demonstrations in autumn 2012; punish those responsible and enable victims to obtain redress as well as be given guarantees of non-repetition; and to this end, establish an independent mechanism for monitoring and investigating the behaviour of the security forces.