



Press Freedoms in Jordan

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PRESS FREEDOMS IN JORDAN

Part I

INTRODUCTION

This is the second report the Euro-Mediterranean Human Rights Network (EMHRN) adopts on press freedoms in Jordan. The report attempts to evaluate the status of the press and freedom of expression in the Kingdom of Jordan since 1998 and until 2001. It also hopes to constitute a basis for the pursuit of dialogue with the Jordanian government which was initiated in 1999 following EMHRN's first report "Black Year for Democracy". The report, written by Ms. Sa'eda Kilani, human rights activist and director of the Arab Archives Institute, and supported by seven international human rights organisations, was the basis for a motion for a resolution at the European Parliament late 1998.

ARTICLE 19, the Committee to Protect Journalists, Human Rights Watch, International Federation of Human Rights (FIDH), Reporters sans Frontières, and Centre for Media Freedom in the Middle East and North Africa and EMHRN all supported the report which criticised Jordan for not upholding its national and international human rights commitments when it promulgated the Press and Publications Law in September 1998.

The 1998 report induced public debate in Jordan, in the international press and in the EU institutions after which EMHRN, which adopted and published the report, received an invitation by the Jordanian government to visit the country.

The invitation was welcomed by EMHRN as a step towards reforming the press and publications law and the strengthening of dialogue between governments and civil society in the region.

EMHRN's delegation was composed of Abdelaziz Bennani, the network's President (at the time also president of the Moroccan Organisation for Human Rights) and Morten Kjaerum, member of the Network's Executive Committee, (also Director of the Danish Centre for Human Rights).

During the three-day visit, the delegation met with representatives of Jordanian human rights organisations (NGOs), the press, representatives of the Jordan Press Association (JPA), Speakers of the Lower House and the Senate, Director of the Press and Publications Department, and (then) Prime Minister Abdul Raouf Rawabdeh.

The meetings were conducted in an open atmosphere. Particularly promising was Rawabdeh's commitment to publish international covenants and treaties ratified by Jordan in the Official Gazette- a first step towards bringing national legislation into conformity with Jordan's international commitments.

At the conclusion of the official visit, both parties agreed to continue dialogue on press freedoms. Subsequently, EMHRN asked Ms. Sa'eda Kilani to write a new comprehensive report on press freedoms in the country upon which further dialogue could be pursued.

Report Summary

The purpose of this report is to present main issues related to the situation of press freedoms in Jordan. The aim is to further dialogue on how to promote and protect press freedoms in Jordan on the basis of international human rights principles to which the country has committed itself. In particular:

- * The International Covenant on Civil and Political Rights, which includes free expression guarantees enshrined in Article 19;

- * The Barcelona Declaration of November 1995 which aims at fostering dialogue, peace, stability and prosperity in the Mediterranean region by respecting human rights and fundamental freedoms including freedom of expression; and

- * The Association Agreement with the EU (of November 1997), article 2 which states that its provisions shall be based on the respect of democratic principles and the fundamentals of human rights as set out in the Universal Declaration of Human Rights.

This second report projects a critical picture of the press situation in Jordan:

The first chapter outlines the events that led to the Jordanian government's invitation to EMHRN, i.e. the publication of the 1998 report: "Black year for Democracy in Jordan"; the presentation of the report at the European Parliament by EMHRN; and the ensued debate.

The second chapter gives an overview of the development of press freedoms in Jordan since the beginning of the liberalisation process in 1989. It highlights the flourishing era of the Jordanian press between 1993 and 1997, the rise of private publications and the unprecedented free debates on controversial issues in Jordan. Finally, it describes the ensuing downfall period that followed and prevailed until today.

The third chapter describes how the 1997 draft law was enacted and the subsequent adoption of the 1998 Press and Publications Law. The highly-criticised 1997 and 1998 press laws imposed a growing regime of censorship, granted government extensive control over independent newspapers, allowed the closure of newspapers for a variety of broadly-worded infringements and restricted the work of foreign and local research institutes and centres.

The chapter describes the circumstances that prevailed in 1999 and the amendments introduced to the law in September that year. It also embarks on government strategies towards the press with regard to appointments in the information sector; intimidation, harassment and pressures against journalists and organised government campaigns against the press.

The report also reviews the articles of the 1999 law that remain contrary to international human rights standards, such as: government licensing of publications, government ownership of newspapers, mandatory membership of the Jordanian Press Association, prior censorship of books and publications, and restrictions on research centres as well as pre-trial detention that exists in the Fundamentals of

Criminal Trials Code.

The report welcomes the removal of the content bans that existed in previous press laws but at the same time it shows how attacks and censorship still prevail on press freedom when it comes to sensitive issues considered as related to the security of the state; and the protection of 'traditional values'. It also describes how authorities use information black-out, and other types of pressure to co-opt journalists.

In the final chapter, the report describes further mechanisms for silencing the press by analysing three case stories: the suspension of the weekly Al Majd in February 1999; the harassment of the private daily, Al Arab Al Yawm; and finally the abortion of plans to create a free media zone in the country.

It also embarks on the harsh amendments to the penal code that were introduced by Ali Abul Ragheb government and its plans to abolish the information ministry.

FINDINGS AND RECOMMENDATIONS

Based on the findings of the report, EMHRN wishes to present the following conclusions:

There are several laws governing the journalism profession and impeding the development of free press. In addition to the Press and Publications Law and the Jordan Press Association law, journalists are also prosecuted on several other restrictive laws, mainly, the Penal Code, Contempt of Courts Law, Protection of State Secrets and documents.

All five laws contain provisions that restrict the work of journalists. In particular, the government is the party that licenses publications; censorship on books and foreign publications are allowed by law; conditions on who may become a journalist are enforced. In addition, access to information is almost non-existent except for mainly the material provided by government sources.

EMHRN's main recommendations with regard to the reform of the laws- and in co-operation with several international and national human rights NGOs ⁱ⁽¹⁾ - are the following:

- Restrictions on who may practise journalism, own a newspaper or be an editor be removed from the law and that mandatory membership requirements be abolished.
- Content bans in other legislation such as the Penal Code and the Law on the Protection of State Secrets and Documents be abolished.
- Paid-up capital requirements, licensing provisions, all prior censorship provisions, restrictions on research centres and other bodies receiving funding be removed from the law.
- The government divests itself of newspaper ownership within a set time frame.
- Pre-trial detention of journalists for their professional activities be abolished and

that practices aimed at intimidating journalists and other media workers by government officials and other public figures should cease.

With regard to the reform process

With an average life-span of less than a year since independence in 1946, governments in Jordan have had little time to plan and implement long-term policies in terms of press freedoms nor to build on accumulative work. Each government adopted more or less different policies from its predecessor mostly depending on international and regional changes as well as Jordan's changing relations with its neighbouring Arab countries.

Since May 17, 1997 when the government imposed restrictions on press freedoms through the introduction of a temporary press law, the press corps passed through a tumultuous period. It ranged from total suspension of weekly newspapers to imposing a regime of self-censorship in addition to the recurrent harassment of journalists. However, the battle for press freedoms also reflected the contradiction within the journalistic milieu in its attempt to interpret the basic principles of press freedoms.

The present report indicates that the Jordanian society and its political regime failed to come up with defined set of criteria for press freedoms and remained unclear about what they expect or even what they need from the media.

EMHRN believes this is partly due to the absence of an umbrella for the different groupings in the society to meet and discuss the needed role of the press.

Now, as King Abdullah II is pushing for Jordan to embrace change of the media, and as the government has proven willing to dialogue with human rights organisations, EMHRN proposes that:

- The parties concerned with press freedoms initiate a process of dialogue about the role of the press in the country in order to reach consensus over the basic principles of press freedoms. This process should be integrated in the ongoing work to develop a National Human Rights Plan, in consultation with civil society representatives as recommended by the World Conference in Vienna 1993.
- That this process be supported by the MEDA Programmes within the framework of the Euro-Mediterranean Partnership.

Finally, the EMHRN believes that immediate steps should be taken to follow-up on Prime Minister's pledge at a meeting with the EMHRN on January 26, 2000 to publish the international covenants and treaties related to human rights, and which Jordan signed, in the Official Gazette as a first move towards their integration in international law.

BACKGROUND TO THE REPORT

EMHRN took its first initiative regarding press freedoms when Jordanian Parliament was discussing the restrictive 1998 Press and Publications Law.

Despite mounting local and international criticism, Jordan enacted the press law on

September 1, 1998, that imposed a growing regime of censorship, granted government extensive control over independent newspapers, allowed the closure of newspapers for a variety of broadly-worded infringements and restricted the work of foreign and local research institutes and centres.

The law was not only in contradiction with the International Covenant on Civil and Political Rights, but also with the human rights provisions of the Barcelona Declaration of November 1995 and the recently signed association agreement between the EU and Jordan.

Several local and international organisations had already drafted reports on the issue and sent protest letters, others offered consultation to the government but to no avail.

As a network devoted to the promotion and protection of human rights within the framework of the Barcelona process, EMHRN asked Ms. Sa'eda Kilani, writer, human rights activist and individual member of EMHRN, to prepare a report on the law with the aim of presenting it to the key institution of the Barcelona process, the European Parliament.

The report entitled 'Black Year for Democracy in Jordan' was forwarded to ARTICLE 19, the Committee to Protect Journalists, Human Rights Watch, International Federation of Human Rights (FIDH), Reporters sans Frontières, and Centre for Media Freedom in the Middle East and North Africa who all contributed to the process of editing and the formulation of recommendations the most important of which was that the law should be repealed, censorship be lifted and pre-trial detention of journalists cancelled.

The report showed the negative ramifications the press law had on human rights and on the country's image. The report was subsequently made public and presented by Ms. Kilani at the European Parliament (EP), in November 1998.

A press conference and meetings with key members of the European Parliament (MEPs) by Sa'eda Kilani and Marc Schade-Poulsen, EMHRN Executive Director, made the EP aware of the situation in Jordan. The Parliament was asked to take an urgent public position on the law. The main point emphasised was the negative image the press law was giving to Jordan and how the government's recurrent repression of the press did not meet Jordanians ambitions, educational standards and vision.

The Parliament took note of the request, and work on the drafting of an urgent resolution for the December 1998 session of the European Parliament began.

Meanwhile, the report and the visit to the European Parliament had repercussions at various levels in Jordan. The Jordanian government started lobbying from Jordan and abroad- from Brussels and Bonn, to thwart any possible escalation and abort the adoption of a resolution.

From Jordan, the signatory organisations to the report received a long letter from Iyyad Qattan, the then Director of the Press and Publications Department (PPD) - Jordanian Ministry of Information, who harshly criticised the report and refuted its content. The letter was answered by the signatory human rights organisations and the correspondence was published in the Jordanian press as the report made headlines in the country.ⁱⁱ⁽²⁾

In Brussels, the PSE (Socialist Party) met with Jordan's ambassador to Brussels, Umayya Touqan, who in a letter after the meeting summing up his standpoints, accused the report of being biased and as lacking understanding of the situation in the country. However, the ambassador also pledged that the Jordanian government

would not implement the law in a rigid manner...and would take into account the concerns raised by the NGO-community in Jordan and abroad.ⁱⁱⁱ⁽³⁾

As a consequence to the rising debate and the meetings with the Jordanian ambassador, key parties of the European Parliament thought it should give the Jordanian government time to change its attitude towards the law. Thus, no resolution was passed in December's session.

A new effort was therefore made by the Network to have the European Parliament adopt a resolution against the press law in January 1999, but again to no avail. However the second attempt made the ambassador in Brussels send an urgent message to the Foreign Ministry stating that:

“In guard against future attempts, I hope I can recommend to your Excellency that we initiate contact with the Euro-Mediterranean Human Rights Network based in Copenhagen. It is the party that adopted Ms. Kilani's report and is the one behind proposing the motion for the second time as I understood from sources at the European Parliament.”^{iv(4)}

Indeed, the government signed a pledge to change the press law. In a letter addressed to human rights organisations, the government promised to exert efforts to improve press related laws and to work on an objective and scientific study to amend the Press and Publications Law. Not only that, but the Ministry of Information's reply also criticised the mandatory membership that existed in the press law although on the local scene it defended it.^{v(5)}

It also indicated the necessity of presenting a comprehensive package study amending both the Press and Publications Law and the Press Association Law together on the one hand, and to terminate government control of radio and television stations.

In April 1999, Hussein Hamami, Jordan's ambassador to Bonn, visited EMHRN and the Danish Centre for Human Rights in Copenhagen. A first dialogue was initiated between the Network and the government in conclusion of which the ambassador extended an invitation to EMHRN to visit Jordan and pursue dialogue on press freedoms in the country.

It was not until November 1999 that a date was finally agreed upon by both parties. In the meantime, a new law had been adopted in September 1999- that was followed by amendments to the penal code in late 2001- which are the main issues of this report.

The Report

Press Freedoms in Jordan

1- OVERVIEW OF THE PRESS

A new page in the press-government relationship was opened following the liberalisation process in 1989 and the ensuing appearance of weekly newspapers. The freedoms press establishments enjoyed during the first years of the liberalisation process brought with them unprecedented welcome and acceptance of the regime's policies.

“At the time, we were recuperating from the [adverse effects of the] Gulf war,” recollected Taher Masri, then Prime Minister (1991). “We wanted a new press law but we did not want things to get out of hand since our relations with the Gulf states were sensitive. [Former information minister] Ibrahim Izzedine had already prepared a draft. We entered into heated debate [...] there were provisions that we could not include. But the spirit of the law came out to be the most liberal [in Jordan's history]...The [Royal] Palace did not interfere...the king did not interfere. The Security Services did not interfere. All was done in good spirit”.^{vi(6)}

After the enactment of the first press law in the democratic era in May 1993, weeklies prospered and multiplied. Though highly criticised as containing restrictive provisions, the 1993 press law established for the first time in the Kingdom the individual's right to own and publish newspapers, the right to contest government's decisions that are in contradiction with general ethics of press freedoms and most importantly, it abolished the government's claim to suspend and close down newspapers as had been the case throughout Jordan's history.

The Period between 1993 and 1997

The period between 1993-1997 can be depicted as the flourishing era of the Jordanian press. The emergence in abundance of the private newspapers and the high competition between government and private-owned newspapers inspired local and international journalists to follow with curiosity but also with hope the experiment where the press industry struggled between traditions and freedoms.

The private publications used the margin of freedom that the new press law allowed, not only in terms of publishing in Jordan but in tackling sensitive issues that the pro-government daily newspapers tried to deviate from.

Controversial to this day, the private press played a major role in unveiling the different views that existed among the different political forces. It helped stir debate over traditional concepts that have been considered taboos in the Jordanian arena but also in the Arab society as a whole.

Its role in divulging corruption cases to the public was larger than anticipated. From the lowest ranking official up to the most prominent personalities, the private press did not hesitate to publish front-page articles on officials' possible involvement in

corruption cases.^{vii(7)}

Because the private press was almost denied any government or even private sector advertisement, it relied mostly on revenues it got out of sales. To increase the sales rate, the private press engaged in unveiling stories that had not and could not be published in the pro-government newspapers. Corruption was one juicy issue to tackle. But there were stories related to religion and traditions such as polygamy and tribalism that the public was craving to read and know more about. Statements of the opposition and human rights defenders also made their way easily to the private press.

For the first time, Jordanians had access to read a multitude of views concerning issues fundamentally vital to their lives, thoughts and beliefs. While government and pro-government newspapers were only publishing the official point of view with little and mostly censored information of opponents arguments, the private press would be quick the next day to release statements and views of the opposition and independent voices in full.

The period between 1997 and 2002

However, the euphoria of the relative press freedoms was soon over. The government led intensive campaigns against the private press accusing it of tarnishing Jordan's image and infringing on ethics and national security.

As this report will show, the press witnessed the first major setback in the democratic era on May 17, 1997 when the government of Abdul Salam Majali imposed a temporary press law that enforced a sweeping regime of censorship and led to the suspension of 13 newspapers. Although the High Court of Justice revoked the law as unconstitutional less than a year later, the government re-introduced the law through Parliament and it was ratified by a royal decree on September 1, 1998, despite mounting protests at local and international levels.

With the advent of King Abdullah II to the throne in February 1999, a special emphasis was put on the need to amend the law to go hand in hand with economic reforms that the kingdom was anticipating. Again, a new law was endorsed but fell far below expectations. Key provisions that allow censorship, government interference have remained unchanged. Except for minor changes, the press law was, in essence, in letter and in spirit, almost the same.

Although the present government of Ali Abul Ragheb who appointed a liberal minister of Information, Taleb Rifai, who at the outset adopted an open perspective towards the media, things turned out differently afterwards. That is despite the fact that Rifai reiterated in one of the occasions that the ministry of information is looking into changing the press law.

“The media should be transformed into an industry which clearly necessitates political will and effort,” Rifai said. “Jordan is seeking to break the state monopoly on the media.”^{viii(8)}

King Abdullah II specifically called for the privatisation of newspapers and media outlets in the country in his speech of designation of Abul Ragheb's government. There had been changes within Al-Ra'i daily and the Television Corporation but remained structural.

The changes involved the re-appointment of Khaled Karaki as chairperson of Al-

Ra'i, and Nart Bouran as Director of Jordan Television and Broadcasting Corporation. In July 2001, George Hawatmeh, former chief editor of the English daily, the Jordan Times, was appointed editor of Al Ra'i.

The government insisted on several occasions that the changes are coming on time. Premier Abul Ragheb stressed that the government's selling of Al Ra'i shares was delayed in anticipation of price increase: "We wanted to wait for the Jordan Press Association's year-end financial statement to come out before we continue our plan" of selling government's shares in line with the King's directives to privatise government-owned press.^{ix(9)}

The government also embarked on restructuring the Television Corporation through appointing a board of directors. However, a year later, Abul Ragheb government turned against its promises and imposed harsh amendments to the Penal Code that allowed closure of newspapers and incarceration of journalists.

The following chapters will give detailed information of the press situation particularly between 1997-2002 and attempt to unveil the motives behind repressing the press or those behind promoting it.

2- SERIES OF PRESS LAWS

a. The 1997 law

Many in Jordan remember vividly the Friday of May 16, 1997 when the word spread in the journalism milieu that the government intended to impose a restrictive press law. It was not clear at the time why Jordan was reversing on the democratisation process. Jordan was not enjoying complete freedoms anyhow. And no threats on the country were posed as a result of the relative freedoms the 1993 press law allowed.

However, the news next day were all over the small kingdom. On May 17, 1997, the same day that a private daily, Al-Arab Al-Yawm, appeared, the government of Abdul Salam Majali imposed a temporary press law that increased the list of taboo subjects, restored institutional power to suspend and close down newspapers and imposed heavy fines on violators.

The government, destroying years of confidence building measures in democracy, imposed a sweeping regime of censorship. The Majali government did away with a provision in the 1993 law that compelled the government to divest of its equity in the press establishments down to 30 per cent.

The law also raised the penalties on violators. While fines in the 1993 law did not exceed JD1000, the temporary 1997 law set minimum fines at JD15,000 and maximum fines at JD50,000. According to the law, violations included any published news, news analysis, commentaries or cartoons that infringe on the royal family, national unity, general ethics, religion, security apparatus, and heads of Arab and friendly states.

Fear of a coup d'état or disturbances in the Kingdom, as were the reasons behind similar moves in the late 1950's, could not possibly be at the origin of this drastic decision, but the Arab-Israeli peace process, in which Jordan entered with all its force, might be one explanation to why press freedoms were curtailed.

The ramifications at home following the death of seven Israeli schoolgirls at the hands of Corporal Ahmad Dakamseh in March 1997 explained though not justified the reason behind a complete government crackdown on the press two months later.^x

(10) In a strong-worded speech delivered two days before the government introduced the press amendments, the king heavily criticised the press, accusing it of printing fabricated and inaccurate news.

The law was imposed. Protests, threats and strikes had no impact and were not followed by serious action. The professional associations' decision to resign in protest was reversed two weeks later following the Jordan Press Association's (JPA's) decision to withdraw its board's resignation.^{xi}(11)

Furthermore, most of the activities were in fact repressed. A small demonstration staged in front of the prime ministry ended up with clashes between journalists and police force. Journalists were beaten up and taken to jail by security police. Cameras were broken and the 50 demonstrators or so were threatened.^{xii}(12)

Three months later, the government suspended thirteen newspapers on the premises that they had not rectified their situation. According to the newly-imposed law, the weekly newspapers should increase their minimum capital from 15,000 Jordanian Dinars (JDs) to JD300,000, an amount difficult to secure within three months as the law prescribed, and certainly, newspapers fell one after the other: As-Sayyad, Al Hayat, Al Bilad, Sawt al Mar'a, Al Umma, Al Hadath, Hawadeth As-Sa'ah, Al-

Mithaq, Al Urdun, and Tareeq al Mustaqbal were all suspended by the government. Abed Rabbo, the only satirical newspaper in Jordan and one of the rare ones in the Arab countries, disappeared. Two or three newspapers made it but most of them first came back into the market after the law was ruled as unconstitutional. Except for daily newspapers, especially Al Ra'i and Ad-Dustour, that are partly owned by the government and make considerable profits, the press was heavily influenced by the temporary law. Since then and despite the revocation of the law later on, the newspapers never recovered.^{xiii}

b. The 1998 law

In July 1997, five weeklies, Al Hadath, Al Majd, As-Sabeel, Al Bilad and Sawt al Mar'a filed a lawsuit against the government charging the temporary law as unconstitutional. A second lawsuit was launched by the same newspapers in addition to As-Sayyad, Al Umma and Hawadeth As-Sa'ah weeklies in September that year contesting the government's suspension decision.

In an unprecedented decision, the High Court of Justice ruled on January 26, 1998, that the temporary law of the press was unconstitutional.

According to article 94 of the Constitution, the government can issue temporary laws in the absence of Parliament if there were necessitating circumstances such as war or internal strife. Citing that article, the government introduced major amendments to the 1993 Press Law and passed them under the umbrella of a temporary law.

The court issued its ruling on the basis that there was no emergency or need for the government to change the 1993 press law. The ruling took everyone in Jordan by surprise, including late king Hussein who had brought the Majali government in order to, inter alia, take a firm step against the press and enforce the law to the letter.^{xiv}(14)

The late king Hussein did not himself approve of the ruling. In an address to the public, the king insisted that the press law be changed and warned against future rulings by the court with the same spirit.^{xv}(15)

It was only after a storm of protests by the press corps that the government in appearance accepted the ruling. However, it was preparing another draft. In June, the government shyly announced it was submitting a draft press law to the Lower House of Parliament for endorsement. The draft was, in letter and in spirit, similar to the temporary one that was rejected by the public and the court. In certain provisions, it was even stiffer. A provision that gives the court the right to suspend a publication pending trial was added (cf. article 50 of the 1998 law).

Six weeks later, the law was endorsed by Parliament. Within three days, on September 1, 1998, the law was ratified by a royal decree by Prince Hassan, the then crown prince and regent.

In short, the law contained elastic provisions that could be interpreted in different ways: Article 5 of the law stipulated that all publications have to respect the truth and abstain from publishing anything that is in contradiction with the principles of freedom, national responsibility, human rights and the values of the Arab and Muslim nation.

Minimum capital for publications was exorbitant: half a million Jordanian Dinars for dailies and JD100,000 for weeklies (article 13).

According to the law, the Council of Ministers is the party that licenses publications if applicants met the conditions stipulated in the law. Also, there was no provision as was the case in the 1993 law that obliges the government to provide alibis in cases of rejection.

Also, chief editors of publications had to have minimum experience in journalism for ten consecutive years, and had to be members of the Jordan Press Association for at least three years (article 23). The Director of the press and publications Department had the right to censor any book if it was found in violation of the law (article 35).

There was also the list of content-bans that existed in the 1993 and the 1997 press laws which prohibited publications from publishing any news, news analysis, commentaries or cartoons that infringed on the royal family, national unity, general ethics, religion, security apparatus, and heads of Arab and friendly states. Added to that was anything that included false information or rumours; anything that instigated the staging of sit-ins, or strikes or public meetings (article 37). The law also banned publications from reporting on court cases unless authorised by the courts (article 39).^{xvi}(16)

On October 28, 1998, Press and Publications Department (PPD) Director Qattan sent a warning to newspapers to rectify their situation in accordance with the new law, i.e. to increase the minimum capital of weekly publications from the previous 15,000 Jordanian Dinars (JD) in the 1993 law to JD 100,000 in the 1998 law.^{xvii}(17)

Not only that, but several measures were taken to ensure that publications toe the line. On October 10, 1998, the PPD ordered newspapers not to publish any news on the head of the National Assistance Fund who had been held on corruption charges. The notification also included a warning to newspapers not to publish the notification itself!

In a letter sent to newspapers, the PPD again banned newspapers from publishing any news on the “Challenge and Reform Group,”^{xviii}(18) which had been charged with carrying out explosive operations in the capital, based on a request from the State Security Court.^{xix}(19)

Nabil Sharif, chief editor of Ad-Dustour, told the author at the time, that the law was affecting them very badly. He said he had the full report about the water pollution case but was unable to publish it because of the government ban.

“This law is very bad. You can only test it once [...] the risk is too high,” were Sharif’s words in an interview with the author. “We therefore prefer to avoid publishing information on controversial issues depriving the citizen of his/her right to know.”^{xx}(20)

c. The 1999 Law

I. New Era, Renewed Hopes

A new page was opened with the advent of King Abdullah II to the throne in February 1999. First on his agenda was a new liberal press law.

At the beginning, when the king talked about the need to change the press law following mounting criticism at the local and international levels to the 1998 press law, the government and the Royal Court were competing to implement his

directives. One day the government would summon top journalists, chief editors and the board of the Jordan Press Association, the next day, they would have an audience with the king.

On March 13, Prime Minister Rawabdeh made a visit to the Jordan Press Association, and said that the government would dialogue with an open heart all civil society institutions and insisted that the private and official media opened their doors without exceptions to all opinions.^{xxi}(21)

On March 17, the JPA board met with the king who, in one of the most important statements concerning the press, said: “The sky was the limit for press freedoms in the kingdom.”^{xxii}(22)

The open atmosphere encouraged many to come up with suggestions, and a campaign of specialists and parliamentarians started calling for the amendment of the press law.^{xxiii}(23)

In all accounts, preparations for the new law started. Newspapers were filled with articles of deputies, senators, unionists and journalists projecting their views about press freedoms. Parliamentarians, political parties largely welcomed the tabling of the press law on the parliament’s extraordinary session and said amendments should be substantial.

The Jordan Press Association (JPA) was heavily involved in the debate. On May 30, 1999, it planned a one-day workshop at the Dead Sea resort. Several representatives of the civil society institutions, former ministers, journalists, unionists and lawyers were invited and the workshop did come out with a workable plan in which the JPA assigned a follow-up committee. Two weeks later, a new draft press law, that could be described as a progressive one, was ready.

Though known to be the state’s arm, the Press Association insisted on guaranteed rights for journalists. The draft included a very important provision that protected journalists against pre-trial detentions^{xxivxxv}(24) and was published in newspapers and heated discussions started thereof.

JPA’s president, Seif Sharif, said he solicited the premier's “courageous vision” in support of the JPA's demand to amend 13 articles in the law that most severely curtailed press freedoms and free speech.

But other voices still doubted the intentions of premier Rawabdeh. Deputy Mansour Seif Eddin Murad wrote in Ad-Dustour daily: “I don’t think we need such a law. There are many countries that don’t have a press law nor do they have an information ministry. Issuing a publication does not necessitate licensing from the government (as the law stipulates), it just needs registration. There is no need for prior censorship. We need to deal with the press as an industry and as an investment.”^{xxvi}(25)

Daily columnist Hilmi Asmar also spoke along the same line in Ad-Dustour daily: “Do we really need a press law that restricts freedom of expression? We have passed a black period of our history while we are “conducting dialogue” over the best formula of a “modern” law to end up with men with black views and cursed draft that tarnished the reputation of our country and placed Jordan in the tenth position of enemies of the press.^{xxvii}(26) Let’s take our time to draft a new law after a national dialogue [...] without this we will not have press nor freedom of expression and corruption will spread in the country without a monitor.”^{xxviii}(27)

II. Counter-reaction of the government

In his reply to king Abdullah's letter of designation on March 4, 1999, to form a government, premier Rawabdeh pledged to implement the King's directives especially vis-à-vis the enhancement of democracy. He said:

"I pledge to work in a climate of freedom, democracy, pluralism within the rule of law, to safeguard human rights and national unity...".^{xxix}(28)

However, the government of Abdul Raouf Rawabdeh, made very little effort to introduce provisions in favour of press freedoms. On the contrary, it lobbied against any potential attempts in that regard.

Superficial changes in key posts in the information sector, the use of intimidation tactics against critical journalists and the launching of an organised media campaign against press freedoms foretold the shape of the press law, which eventually was not different, in letter and in spirit than its criticised predecessors (the 1997 and the 1998 press laws). Following are the measures taken by the Prime Minister that successfully frustrated the emergence of a liberal press law.

Appointments in the information sector

In a move that was highly criticised, the government, shortly after it had taken office, re-appointed the head of the Press and Publications Department as the Secretary General of the Ministry of Information and re-appointed the director of the National News Agency, Petra, as the head of the Press and Publications Department.

These appointments within the information ministry indicated that the government was not serious regarding its promises to carry out radical and liberal changes in the press law and information sector to go hand in hand with the new era. The same persons, who are known for being conservative, are still in office, while new and liberal personalities were excluded from any powerful post.

Faisal Shboul, a reporter at Al Ra'i daily, was appointed to head Petra. Shboul replaced Abdullah Etoum, who has been "shifted" to the post of director of the press and publications department who served as director since 1993. His predecessor at PPD, Iyyad Qattan was moved to the post of information ministry secretary general. He replaced Ihsan Ramzi who had been reassigned as director general of Jordan Radio and Television. Abdul Hamid Majali, a former director had been appointed director of Radio.

"A long anticipated shakedown in the official media deteriorated into a game of musical chairs on Tuesday, leading journalists to lament that an expected 'media revolution' in the new era is still a long time coming," was the lead paragraph in the Jordan Times article the next day.^{xxx}(29)

The appointments were also in stark contrast with the premier's pledges to the King.

Intimidation, harassment and pressures

Furthermore, the government launched counter attacks on the press. In his speech to directors of JRTV, Petra and the Secretary General of the Ministry of Information, Premier Rawabdeh ridiculed the performance of the press, and blamed the journalists and directors themselves for lack of professionalism:

"Let me tell you in complete frankness that you represent a typically terrified department lacking daring and creative professionals."^{xxxi}(30)

Comments made by leading columnist Fahed Fanek in response to the premier were

outright:

“Journalists are terrified, this is true. But their terror is not without justification,” Fanek said. “They receive contradictory instructions from officials, banning them from movement and barring information from them.”^{xxxii}(31)

Rawabdeh interfered in the minutest details of coverage and reporting. In the words of journalists interviewed by the author, Rawabdeh was personally checking headlines of daily newspapers before they were published. He would not only dismiss journalists “because they are critical of his policies but also for not showing allegiance”, according to Riham Farra, a columnist at Al Arab Al Yawm.^{xxxiii}(32)

“When Rawabdeh was acquitted from corruption related charges that were filed by lower house deputy Mahmoud Kharabsheh, all dailies carried the next day the same headline: ‘Sweeping majority in Parliament acquits Rawabdeh,’” Farra added.

Other intimidation and harassment tactics followed.

On February 24, the Foreign ministry cancelled a press conference for Iraqi foreign minister Mohammad Saeed Sahhaf “so that he will not harm Saudi Arabia and Kuwait.”^{xxxiv}(33)

In February that year, television cameras of news agencies were confiscated. They were returned only after seizing the tapes that recorded the security forces taking hold of two culprits in Rabia and Shmeisani who killed policemen in the car that was taking them from the State Security Court to Suwaqa prison, south of Amman.^{xxxv}(34)

On June 5th, journalists were banned from covering the session of Parliament that was to be opened by king Abdullah. It was not until they made contacts with parliamentarians inside that they were allowed in. Anti-riot police was surrounding parliament as a precautionary measure. New instructions that do not allow journalists to walk in the parliament’s corridors were also issued.^{xxxvi}(35)

Organised campaign against the press

Another successful tactic the government used to abort pro-press freedoms movement was to discredit the media itself. As of July 2000, pro-government writers launched an organised media campaign against the media itself shortly before the law was endorsed in parliament.

The government, which owns Petra, TV, Radio, more than 60 percent in the leading Al Ra’i daily and more than 30 percent in Ad-Dustour daily, launched a campaign against journalists and newspapers accusing them of tarnishing the profession’s ethics. The campaign was carried out by the state-owned media against independent journalists and private media branding them as infiltrators and traitors to their national cause.

It started with threats to journalists and writers who do not toe the line. Rakan Majali, columnist at Ad-Dustour, implored chief editors in the country to be “professional and wise in preserving public interest and the rule of law and social values,”^{xxxvii}(36) in a tacit threat to pro-freedom writers and publishers.

Petra News Agency, whose reports are an indication to newspapers of what the government wants, spearheaded the campaign.

On July 14, daily newspapers al-Rai and Ad-Dustour ran an analysis transmitted by Petra describing journalists as “infiltrators” who wanted to harm the country:

Under the title of ‘A spiteful group infiltrated the press to spread its poison and does

not see but its own interest', the article said: "Certain newspapers try to abuse this democratic atmosphere in Jordan to harm the nation and its fidels who work night and day for the prosperity of Jordan."

Barely a month before the endorsement of the press law, officially-oriented material blaming the press for the mishaps of the Jordanian economy, for ruining the country's relations with its neighbouring countries, and for inculcating "immoral" values, filled pro-government newspapers.

In the semi-government daily Al Ra'i, columnist Tayseer Abu Arja warned tabloid newspapers against making profit at the expense of moral values.^{xxxviii}(37)

In the same newspaper, a week later, an article distributed by Petra, stressed that Jordanian entrepreneurs believed that the private press was harming the national economy. Under the title of "Jordanian entrepreneurs call on the press to reflect the country's achievements "honestly"", the article implored newspapers to be objective and truthful in economy reporting in an indirect attempt to portray the private press as unethical and unprofessional.^{xxxix}(38)

The article quoted Michel Sayegh as saying: "the press has negatively affected the economic situation in the country by publishing inaccurate news and through portraying issues in an exaggerated manner."

Correspondents of foreign media were also targeted. According to Bassam Badarin, correspondent for the London-based Al Quds Al Arabi daily, premier Rawabdeh personally complained to his chief editor, Abdul Bari Atwan of Badarin's coverage and advised for his dismissal.

"To survive, the journalist has to maintain good relation with one of the centres of power," Badarin said. "Also, the institution's support of the journalist is of paramount importance."^{xl}(39)

Atwan did not dismiss Badarin, but other editors sacked their correspondents following the premier's pressures, according to Badarin.

III. The Law

It was amid this atmosphere that journalists got the message. Last-minute lobbying to introduce guarantees for free press ended in failure and the parliament passed a law that is not very much different than its predecessors.

The new law was endorsed in September 1999. Its promulgation was another manifestation of the increasing strength of traditional forces. This most recent law, although it cancelled all of the content-bans,^{xli}(40) fell far short of press freedom advocates expectations, according to Basem Sakijha, a columnist at Ad-Dustour daily.

The law contained no provision that prevents pre-trial detention of journalists- a recurrent practice carried out against journalists working with the private press. There was no obligation on the government to sell its shares in dailies. And the law still did not provide the assurances the press needed to guarantee its basic freedom. Most provisions related to freedoms and access to information are still bound by ethical and moral standards that are vague and elastic in interpretation. Above all, it was still in the government's hands to license publications and censor them.

Pre-trial detentions, licensing of publications, mandatory membership, government ownership of newspapers, prior censorship of books, and restrictions on research

centres have all existed in previous laws. They remained unchanged in the 1999 law. Following is the legal aspect to basic impediments to free press which continue to affect the performance of local journalists.

Licensing of publications (articles 11-13, 17-20 PPL)

Governmental licensing of publications was not an issue of discussion between the Press Association and the government nor by parliamentarians when the law was submitted to the Lower House for enactment.

According to the current (and former) press laws, each publication has to get the approval of the minister of Information prior to printing. There are general restrictions on paid-up capital, qualifications of chief editor, and publisher that applicants have to meet in order to obtain approval. These conditions slightly varied from one law to the other but remained in essence the same.

For the government, the right to license newspapers and impose conditions on chief editors and publishers was a technical matter that should not be considered when discussing press freedom related topics.^{xliii}(41)

Another key provision in the conditions for licensing is the minimum capital required for publications. While this particular provision changed from one law to the other, the change only touched on the amount and how high it should be!

A quick comparison between the four laws promulgated after 1989 showed that in the 1993 law, the minimum capital was JD 50,000 for dailies and JD15,000 for weeklies. In the 1997 law it was JD600,000 for dailies and JD300,000 for weeklies. In the 1998 law, it was JD500,000 for dailies and JD100,000 for weeklies. In the 1999 law, it was JD500,000 for dailies and JD50,000 for weeklies.

Other restrictions involved banning foreigners' ownership of publications in Jordan (which is in contradiction with the country's trend towards encouraging investment). According to article 11 of the 1999 press law, issuing publications in Jordan is confined to Jordanians.

Mandatory Membership

According to article 2 of the Press and Publications Law, a journalist is defined as the member of Jordan Press Association who is registered in its records and had taken journalism as a profession.

However, a number of journalists are not members of the Association. That is because the Press Association's law of 1998 imposes a set of conditions on journalists before they become members. Journalists should have a degree from a university or college or have received training from a Jordanian publication for three years to be eligible for membership.

Journalists who, in principle, choose not to join the Association, such as freelancers, correspondents of foreign publications (who have not received training in a Jordanian publication) and journalists working for political party newspapers are not considered as journalists and have no right to become members.

Even if journalists meet all conditions, they should finally take the oath in front of the Minister of Information before the Association accepts their membership in full. It is up to the minister's free time to meet with potential members. It might take weeks or months.

In the four press laws that were enforced in the democratic era (1993, 1997, 1998, 1999), membership was mandatory. It had not changed in the 1999 law nor was it

even discussed in Parliament.

Mandatory membership has however been applied selectively and according to the governments' whims. Although in 1999, Premier Rawabdeh would stress the importance of the role of the media and the government's keenness on enhancing press freedoms,^{xliii}(42) ten days later, Rawabdeh issued a notification to all ministries and public departments not to co-operate with non JPA members in covering official visits, meetings and official delegations.^{xliiv}(43)

Government ownership in newspapers

The government owns more than 60 percent of shares in the leading daily Al Ra'i and more than 30 percent of shares in the second daily Ad-Dustour. Although the 1993 law stipulated that the government divest of its equity up to 30 percent, the provision was never implemented. The related article that forces the government to sell its shares was removed from all subsequent laws.

No moves have been taken by the government to enforce it although government ownership in the press and the media in general has repeatedly been discussed in Jordanian circles.

By contrast, King Abdullah II pledged on several occasions that state-owned Jordan Television and Radio Corporation will be privatised. For example on the occasion of the CNN's celebrations of its 20th anniversary, he said:

"Cementing democracy and pluralistic ideals in a lawful environment that safeguards our national interest continues to be the pillar of our strategy. It will be complemented by the replacement of public ownership of institutions, including the press, with private investments that seek excellence, and that thrive in competition. This is how we can then contribute to a new regional framework of co-operation and integration, and most importantly, of acceptance of each other as neighbours and partners in peace and prosperity."^{xliv}(44)

But his directives had not been implemented. There were serious tendencies by the new government of Ali Abul Ragheb at the beginning towards reforming the media. But moves by information minister Taleb Rifai, liberal and pro-reform politician, were confined to minor restructuring, some of which have not even succeeded either because of pressures exerted by centres of power or because of the intricate make-up of these institutions.

In any case, Rifai attempted to introduce structural changes through bringing liberal George Hawatmeh, former chief editor of the Jordan Times to head Al-Ra'i. The move, which failed at the beginning, did not however touch on the real issue- selling the government's shares in the newspaper. Hawatmeh was later brought in as the daily's editor in July 2001.

Prior Censorship of Books and publications (articles 31, 35)

Any book in the Kingdom has to be approved by the Press and Publications department of the Ministry of Information before it is printed and published.

Article 35 of the 1999 law stipulates that any person who wishes to print a book in the kingdom has to submit two copies to the department prior to printing. The Director has the right to allow it or ban it if the book included any material that is in contradiction with the law.

According to article 31, the director of the Press and Publications Department has the right to ban any publication from entering the kingdom if it included material that is

in contradiction with this law.

These provision existed in the 1993, 1997, 1998 press laws. It was heavily used in the past against publications like Al Hayat and Al Quds Al Arabi which were subjected to recurrent confiscation and whose correspondents suffered from continuous harassment and pressures. Although this practice is fading recently following directives from the late king Hussein and King Abdullah II, the provision is still there and could be enforced at any time.

Restrictions on Research Centres (article 40)

The 1999 law, as it was the case with the 1998 and 1997 press laws, bans research centres from receiving local and foreign funding for joint research projects unless approved by the minister of information. While the government itself accepts funding from the same funding resources for the same studies and research, it deems itself the guardian to restrict the work of private institutions, especially if they carry out work that criticises its policies or advocates human rights.

The provision was heavily criticised at international level as it nurtures suspicion about the work and funding of local and foreign research centres, but the provision was not removed in the 1999 law nor was it discussed.

In fact, a year later in May 2000, the Rawabdeh government along with Professional Associations led a campaign against NGOs and research centres which receive foreign funding in the name of preserving the nation's security.

In August 2000, following three months of campaigns, Nidal Mansour, a journalist and director of the Center for Defending and protection Press Freedoms, was referred to the JPA's disciplinary council. Three other journalists, Mahasen Imam, George Hawatmeh and Bilal Tal, were also questioned on the nature of funding of their research institutes.

The Jordan Press Association Board decided on September 6, 2000 to cancel Mansour's membership for receiving foreign funding in his capacity as Director of the Center for defending Freedoms.

On February 20, 2001, the High Court of Justice endorsed the decision of the Association that banned Mansour from practising the profession for one year and cancelled his membership in the Association for receiving foreign funding.

The decision was not surprising as the society was overwhelmed with anti-foreign funding propaganda. State-owned Jordan Television aired programmes in which it cast doubts on the role of research centres. Pro-government newspapers also led campaigns to undermine the conferences and research conducted by research centres especially if they are related to human rights and democracy.

"A research centre in Amman is funded by the Israeli embassy,"^{xlvi}(45) was one headline of an article, and "the US funds more than one centre in Jordan...each chapter in amman represents in fact a centre for espionage on Jordan" was the argument of another article.^{xlvii}(46)

Except for few voices stressing the importance of NGOs in the development process, like princess Basma who said that "NGOs are effective forces in change",^{xlviii}(47) public opinion was not supportive of research centres and their right to play a monitoring role on the government's performance. Also, influential figures who lead NGOs were not criticised nor were the government's projects that were funded by foreign organisations.

D- The Penal Code amendments of 2001

On October 8, the government of liberal Ali Abul Ragheb managed to take control of the press, the last resistant institution, after a series of successful crackdowns on civil society. The government of Abul Ragheb had during the year 2001 imposed the Public Assembly Law that bans demonstrations, dissolved parliament and postponed parliamentary elections for one year (the year 2002 instead of Oct. 2001), and now prepares to close down newspapers and take opposing views to prison in accordance with the October amendments to the Penal Code.

The amendments to the Penal Code introduced tougher penalties for press violations, including fines of up to JD5,000, prison sentences ranging from three months to three years depending on the charge, or both.

Introduced on October 8 without prior public or parliamentary debate, the amendments to the Penal Code allow a temporary or permanent ban on publications. Following are the amendments to the Penal Code that are related to the press:

Article 150a was amended to imprison anyone who prints, writes or broadcasts in any means through a newspaper or any other publication news that harm national unity;
or incite the perpetration of crimes;
or sow the seeds of hatred and spite and dissension among individuals;
or incite racial discrimination;
or harm the dignity of individuals, their reputation and their personal freedoms;
or shake the society's political situation through promoting delinquency or immorality or through spreading false or libelous information;
or inciting demonstrations and sit-ins or public meetings in a way that is contradictory with effective legislation;
or any action that infringe on the country's dignity and standing, its reputation and its dignity, will be imprisoned.

Article 150b : The chief editor and the owner are responsible and both will be imprisoned for a period not less than three months and does not exceed six months or with a fine that does not exceed five thousand dinars or both. The publication will be suspended temporarily or permanently depending on the court's ruling.

Article 195 was amended to criminalise and imprison from one to three years each person proved of lese majeste, sending letters to the king, written, oral, electronic or any picture or cartoon in a way that infringe on the dignity of the king and other members of the royal family.

Following the amendments, a follow-up committee representing owners and chief editors of seven weeklies was formed. The committee considered the government's justification for this law (accusing certain weeklies of violations of basic principles) as illusory and unreal.^{xlix}(48) The committee said the amendments reflected the government's negative attitude towards the weekly press, which is all privately-owned.^l(49)

Directly following the amendments, chief editors and publishers of 10 weekly newspapers sent a letter to Prime Minister Ali Abul Ragheb calling for the repeal of the "restrictive" amendments to the Penal Code, saying they harmed the Kingdom's

democratic image. The weeklies also called for a meeting with Abul Ragheb to convey their position regarding the amendments.

The letter — signed by representatives of the weeklies Al Sabeel, Al Hadath, Al Liwa, Al Ittijah, Shihan, Al Bilad, Al Jazeera, Al Shahid, Al Hilal, Hawadeth el Sa'ah — called for cancelling articles in the law allowing for the incarceration of journalists found to be violating it.

The premier made it a point to give a special and personal visit to daily newspapers. In his visits, Abul Ragheb, just as he did later when criticism mounted against his government's performance in late 2001, tried to explain and justify the amendments to the Penal Code in his quiet and polite style. He succeeded! There were no aggressive attacks or protests as was the case with other governments who took similar decisions in the past. But the journalistic milieu grew uneasy with the heavy restrictions and harsh penalties.

In a meeting held for chief editors and owners of seven weekly newspapers, journalists agreed that the weeklies were not the only ones targeted by the amendments but also the daily and political parties newspapers as well as civil society institutions.^{li}(50)

Prime Minister Ali Abul Ragheb, in a meeting with the leading daily Al Ra'i editors, said that the press should not be an instrument to harm the country and that the Penal Code amendments were not meant to muzzle freedoms but rather to halt infringements and abuses of the law and traditions.

“There are those who exceeded the allowed freedoms through publishing baseless and false news, and attributed them to state figures and government officials without checking them up with them. Are we having press freedoms or are we living in a total chaos?” he asked. Abul Ragheb accused certain weeklies of being “specialised in publishing lies and inaccurate news and sometimes make up their own sources”.^{lii} (51)

The pro-Syrian Al Majd weekly believed it was the one which was targeted by the amendments. It said, quoting the London-based Al Hayat daily, that the recent amendments were introduced following Al Majd's publication of a news report on the king. Al Majd quoted king Abdullah the second as saying during a meeting, that he was intending to form a military government. In addition, Al Hayat newspaper attributed the government's resort to the imposition of the strict amendments to the publication of certain (unacceptable) materials on the internet. Another reason, the newspaper said, was what it called the “opposition forces' irresponsible slogans during crucial times and their insistence on staging demonstrations, thereby defying the government”.^{liii}(52)

Al Majd newspaper decided, on Oct. 15, to suspend publication as a weekly and turned it into a bimonthly newspaper in protest against the amendments on the Penal Code. Journalists, especially of weekly newspapers along with the Jordan Press Association started studying steps to counter the government's amendments. They talked about a sit-in, a meeting with the prime minister and filing a lawsuit if dialogue failed.^{liv}(53)

“Each law has its *raison d'être*”, said Basem Sakijha, “but this fact is absent from the amendments on the penal code, and in particular in the two provisions regarding the press. If we listen to reason, we find that the street is affected these days by what is showing on the satellite channels, Arabic and foreign, not by the press. Terrorism is not the real action on the ground only but it is also the tacit power of intimidation

and threats to use the law without justification. In fact, this is what the law succeeded in doing but it failed in portraying us as a country of mature citizens and mature government”.^{lv}(54)

Politicians and experts said the amendments were a sign of going back to the martial law era.^{lvi}(55) Premier Abul Ragheb made the second reshuffle on his cabinet whereby the information minister became the government’s spokesperson while the ministry itself was annexed to the tourism ministry temporarily until its complete dissolution. There was no sign however that new liberal laws will be put in place, nor was there an indication even that the government will revoke the restrictive amendments. During this same period, the Jordan Press Association also confirmed its intention to proceed with a lawsuit against the government’s amendments.

Successive governments have in general been antagonistic to the private press. Not only were they deprived of government advertisement but they were not considered for government briefings. This was particularly voiced out during Abul Ragheb’s tenure. Weeklies recurrently voiced dismay for not inviting them to the government’s briefings and events. The weeklies insisted that they were being absented from the meetings with the premier and other government officials because of their audacity to publish news, especially corruption related cases, price hikes in fuel and because of publishing both opinions.^{lvii}(56)

From time to time, government officials would take decisions to deprive the media of information according to their whims. In July 2001, Minister of Health, Faleh Nasser, circulated a ban to directors of the Ministry’s departments instructing them not to give statements to the press. In a letter addressed to the directors, the minister said that he hoped “that all would be committed to not giving statements or interviews to all media means before getting approval from me or the information section at the ministry”.^{lviii}(57)

Seif Sharif, head of the Jordan Press Association voiced concern in an interview with the weekly Al Shahed over Jordanian officials attitude towards the local press and their preference to pass information to foreign media outlets instead. “It is a real catastrophe that the local press endures,”^{lix}(58) he said. Abdullah Al Qaq, Editor at Ad – Dustour agreed and regretted that the press relies in some of the important information that is of direct concern to Jordanians on foreign outlets.^{lx}(59) But premier Abul Ragheb had his reservations. In a meeting with the dailies editors, Abul Ragheb criticised the weeklies and accused them of harming the country and said they lacked objectivity.

But the pro-government dailies also criticised the government’s crackdown on the press. In a memo delivered to Premier Abul Ragheb, a group of journalists in the government dailies Al Rai and the Jordan Times expressed “utmost protest to the recent amendments on the Penal Code in which we believe that it harms Jordan’s image, its political, economic and security interests, heightens tension between the state and the society, and adversely affect the basic human rights of freedom, justice and freedom of speech” said the statement which was given by hand to Abul Ragheb during his visit to the establishment on October 15. “Our country, under the leadership of king Abdullah deserves an environment more prone to democracy and more open despite the new global changes.”

3-ALTERNATE PRESSURE TOOLS

Alternate methods – other than laws and legislation- are used by centres of power to pressure journalists in Jordan and frustrate the emergence of a free press. Ranging from smearing the reputation of publications to blackout of news, to beatings, to containing journalists as described below.

a. Attacks in the name of ethics

The campaigns against the private press on ethical grounds started since it was officially allowed to appear- after the 1993 press law - and even stronger campaigns were launched in 1995 and continued since then.

The first case was that of three weekly newspapers, which were known for their audacious reporting on sensitive issues, such as corruption related stories and controversial social issues. They were accused of disrespecting social traditions and morals.

In a memo sent to three weekly newspapers, Hawadeth As-Sa' ah, Al Bilad and Shihaan in 1995, the Jordan Press Association (JPA) threatened to refer them to a disciplinary council if they did not stop publishing 'fabricated news, obscene photos and inaccurate information.'^{lxi}(60)

The attacks on the private press mounted in 1997 when the weekly al Bilad newspaper published a controversial news item about odd practices between married couples. The item, tackling what the newspaper described as "barbaric kinky sex between married couples", wreaked havoc in the Jordanian society.^{lxii}(61)

A journalist started collecting signatures from fellow journalists on a statement that urges the Press Association to take disciplinary action against the newspaper for infringement on the reputation of the journalism profession in Jordan. The Association issued a statement accusing the paper of abusing press freedom and asked "our colleagues and chief editors not to tarnish our culture, values and tradition. Those who do not abide by press ethics and morals in terminating indecent, obscene and unacceptable articles will be referred to the JPA Council and perhaps permanently expelled from the Association."^{lxiii}(62) Weeklies later promised the minister of Information not to tackle these sensitive issues and be more prudent when dealing with issues that infringe on morals and ethics.

However, deputies were in tune with the government and the Association over the story that was based on files taken from Jordanian courts. The parliamentarians' repeated criticism of private newspapers accusing them of promoting immoral practices and publishing sensational, obscene photos in order to increase their sales made huge success.

Ethics and morals should not be touched, parliamentarians and a group of journalists argued, and newspapers should not, no matter how much press freedoms were essential, "talk about what happens in our bedrooms." One Islamist parliamentarian, who later became a minister, Bassam Emoush, called on the then Prime Minister (Abdul Karim Kabariti) to take action against newspapers. Less than four months later, in May 1997, the government of Abdul Salam Majali announced its celebrate amendments to the press law.

Al Bilad story was certainly a turning point in the evolution process of the

understanding of the notion of press freedoms in a conservative society. A free press is certainly important as a concept but its meaning and its influence on the development of the society was still ambiguous. The argument from ethics was stronger and could supersede any concept, principle, or logic related to a free press. (63)

Despite intensive lobbying campaigns by advocates of press freedoms who endured different sorts of pressures, ranging from harassment while demonstrating to detentions and investigation, and despite the will of the leaders to enhance press freedoms, the conservative trend succeeded in imposing its agenda. Efforts in favour of press freedoms during the transitional stage, taking the press from a public relations tool and propaganda machine for the government's activities in the martial law era to a responsible free press, were fought at all fronts.

Officials, centrist forces within the Lower House and Upper House of Parliament, and traditional voices in the society at large overrode single voices calling for the enhancement of press freedoms. The conservative argument focused on the dangers press freedoms might encompass, insisting that obscenity and infringements on cultural traditions will go hand in hand with press freedoms.

In 1997, when the most controversial debate over press freedoms took place in the pages of the newspapers, columnists were cautious to alienate themselves from discussing notions of freedoms related in the Arab mentality to immoral and unethical standards.

The governments' policies and practices reinforced this concept. First, the heavy legacy of traditional governmental interference overshadowed practices during the democratisation era. The regime's historic alliance with tribal chieftains and the Islamic movement made the task even more difficult.

After opening up his newspaper for debate on tribalism and its ramifications on democracy in 1997, Nabil Sharif was dismissed from his post as a responsible chief editor of the pro-government second daily newspaper Ad-Dustour. Two writers, Rakan Majali and opposition deputy Toujan Faycal were suspended and columnist Basem Sakijha was censored and his daily column was stopped for a month prior to that year's parliamentary elections. The weekly column of Muna Shuqair, an analyst who dared question ethical and moral standards, appeared and disappeared over the years according to the government's whims. In 1993, she was banned from writing and since 1998, her column disappeared indefinitely.

b. Blackout of news

In 1998, when the Mossad carried out a botched assassination attempt on the life of head of Hamas politbureau chief Khaled Mishal, the government outright denied the news. Then minister of state for information affairs, Samir Mutawi, insisted at the time that the event was just "a row" between Mishal and two persons of Canadian origin. While Canada withdrew its Ambassador from Israel and all of the international news agencies including the Israeli media were pointing their fingers at the Mossad, the Jordanian minister was still insisting that it was a row and was denying reports that appeared in Al-Arab Al-Yawm newspaper disclosing the matter.

This was one of many examples that showed how the government dealt with the press in Jordan. Record showed that the government believed that exposing unauthorised information, no matter how frivolous it was, was unacceptable.

Access to information, one of the basic pillars of a free press, is almost non-existent

in Jordan,(64) and one major difficulty the local press suffers from is the regime's lack of confidence in its own media. In fact, news from Jordanian officials are often transmitted to Jordanians through western agencies and publications and not through their own media.

It was the CNN that late king Hussein, two weeks before he died chose to share details of his illness and reflections of the future of Jordan with his own people. Jordanians learnt of their king's last-minute change of heart towards the line of succession, dismissing his younger brother Hassan to be replaced by his eldest son Abdullah, through Agence France Presse (AFP).

While local media, state-owned television and pro-government newspapers were consistently denying news of the aggravating illness of the longest surviving Middle East leader up to the last minute, Jordanians discovered later that the information their leaders were leaking to AFP and CNN were completely accurate while their local television and radio were broadcasting false denials.

It was not the first time that the regime resorted to foreign news agencies to pass information to the public. The high level of confidence the regime invested in international media outlets was evident but extraordinarily in sharp contrast with its information policy at home.

The same also applied to publications. While censorship in 1998 was lifted on foreign publications, parliament and government introduced and promulgated for local newspapers and journalists one of the strictest press laws in the history of Jordan.

c. Taming the Press

It is not a secret that some journalists work with the security apparatus. The question in Jordan is how many.

Certain figures were given by officials who assumed sensitive posts in the government information and security departments.(65)

The role of the security apparatus was launched after the Peace Process, according to Taher Masri. The same words were echoed by Adnan Abu Odeh. "The intelligence department interference grew after the peace process because king Hussein was really worried that hostile reactions would arise [as a result]."(66)

Abdullah Hasanat, chief editor of the Jordan Times agrees. "[The security services] have their people in the press 'who are infiltrators'. They report every movement, every trend. They also control the Jordan Press Association. In fact they are all over," he said in an interview with the author.(67)

"The intelligence department interferes in everything: hiring journalists, dismissing them, even they interfere in the raises journalists get every year. In Al Ra'i newspaper, they have the most control," Hasanat added.(68)

Other means of taming journalists is appointing them to prestigious or senior posts at the government, or the Royal Court.

A swift look at some of the names of journalists who were appointed in senior posts show that most prominent journalists are working or have worked with the government or the royal court.

Other ways are used to lure print Journalists. They can be awarded a programme in Television where they would be allowed to host a show or can be given another job (whether in the private or public sectors) to improve their financial situation.

According to Basem Sakijha, the government even sometimes intervenes to employ them as correspondents for Arab and foreign publications, satellite channels and magazines that pay a higher salary than they receive in their own publication.(69)

In retrospect, the government, under different circumstances and using double standards, exercised pressure over journalists with opposition ideas who work for the government. While it employs tens of journalists in its departments and institutions, the government banned others with critical views from practising the same thing in the name of the rule of law.(70)

Jordanians do not trust the press. In an opinion poll conducted by the Center for Strategic Studies in 1999, as much as 56 percent of respondents said they did not read daily newspapers. Around 87 percent said they did not read for columnists. More particularly, readers for weekly newspapers declined the double from 38.5 in 1996 to 17 percent in 1999 - the years that witnessed the enactment of four repressive press laws.

A number of professional journalists left the country to Europe, the Gulf states or the USA as a result of increasing pressures and harassment or simply for lack of press freedoms. Nayef Tawara, Munjed Numeirat, Khaled Kasasbeh, Khaled Abu Krayem, Nermeen Murad, Mazen Hammad, Fairouz Abu Ghazaleh, and Lamis Andoni all left. The list is certainly much longer.

4- GOVERNMENT VS. THE PRESS

Three major cases in 1999 illustrated the way government perceives and deals with the press: The story of al Majd weekly, a newspaper that dared publish critical news; the story of Al Arab Al Yawm daily which kicked off as an independent newspaper and ended toeing the line following mounting government pressures; and the story of Free Zone Media City law that King Abdullah II called for but that his government of Abdul Raouf Rawabdeh aborted.

a. The story of al Majd

The weekly pro-nasserite al Majd newspaper was ordered suspended on February 14, 1999 by President of the Court of First Instance, Mansour Hadidi, for publishing news deemed harmful to the royal family.

In its February 1, 1999 edition, al Majd unveiled details of a private meeting between late king Hussein and his brother prince Hassan over the succession matter. The newspaper reported that prince Hassan, the then regent, handed his personal revolver to the king and asked him to shoot him if there were any doubts about his loyalty.

Al-Majd's headline read, 'Hassan told Hussein: Kill me if you doubt me.' Chief editor of the newspaper Fahed Rimawi was charged with publishing false information and disparaging the royal family in accordance with provision 37 of the 1998 Press and Publications Law. He was ordered detained for 15 days but was released immediately only to be re-ordered detained for another charge.

The second charge was based on an editorial Rimawi wrote in al Majd in its January 18th edition. Rimawi was praising Syrians for re-electing Hafez Assad as their leader. He hailed the Syrian president's compassion with him when he was subjected to "moral extermination" by the Jordanian security services a year ago following the publication of a detailed report about the department. Rimawi was charged with assaulting the security services and was ordered detained for 15 days but was released on bail.

This was the first case since the democratisation process in 1989 where a newspaper was ordered suspended by a court's decision. The suspension was based on article 50 of the 1998 press law that allowed suspension of newspapers pending trial if they were found in violation of national security.

Iyyad Qattan, then head of the Press and Publications department sent a letter to al Majd on February 14 attaching the court's suspension decision that appeared the same day and asked the newspaper to comply with the court's decision.

In an interview with the Islamist weekly As-Sabeel newspaper, Qattan said that "the harm done was great, the newspaper crossed the line at a critical phase. There was an insult to the security services, and to prince Hassan".

On Feb. 19, 1999 the Appeals Court ruled that the newspaper can resume publishing.

At the time, the ruling, which was highly welcomed by the media, was a strong precedent. The three-member judge court found that the suspension decision of the First Instance Court should be overruled. There were different opinions within the

panel. Two judges, Mohammad Nasser and Mustafa Salem related the right of the court to suspend a newspaper to the licensing procedures while the third judge, who is the President of the Court, believed that the right of the court to suspend a publication is granted during the hearing of the case and not before it starts. But all agreed on overruling the decision of the Court of First Instance to suspend Al Majd.

The incident opened the door for debate on the ill-reputed 1998 law. The press Association urged the government to introduce changes to the Law to eliminate such articles that allow for closures of newspapers during an ongoing trial. This provision was in fact removed from the 1999 law. It was among the few changes made to the law. But the 2001 Penal code amendments reintroduced courts right to close down and suspend newspapers.

b. Story of Al Arab Al Yawm

On May 17, 1997, Jordan witnessed the appearance of a private daily that was soon to challenge the government's decades old monopoly over the press industry. While the experience was short-lived, more or less like the independent daily Akher Khabar newspaper that appeared back in 1993, it reflected to a large degree the government's attitude towards the press. Attacks on the paper have never stopped until Al Arab Al Yawm finally toed the line in early 2000.

It would be a coincidence that the independent paper appeared in the market the same day the government issued a restrictive press law. Pressures and restrictions on the paper the following years proved that the temporary press law that was imposed by the government of Abdul Salam Majali on May 17, 1997 was meant as a precautionary measure to abort the success of the independent newspaper before it is born but also to frustrate similar future attempts.

Al Arab al Yawm adopted an independent editorial policy from the usual pro-government line followed by other private or semi-governmental dailies. It succeeded to a large degree especially in bringing firsthand information and publishing human rights related stories.

Its manner of selecting news related to the government and the Royal Court were new to the Jordanian readers who were accustomed to seeing the dailies front pages filled with government and royalties stories, even if the information were insignificant.

The lawsuits that were filed against the newspaper became a normal feature of reporters lives. Al Arab Al Yawm could not however learn to live with financial constraints that were partly due to government harassment tactics.

The success the daily made, put the government on the defensive. The confrontation between the private daily and the government peaked in 1999. It started when the board of directors of Al Arab Al Yawm decided to sack the newspaper's top chief editors Saleh Qallab and Taher Udwan, on February 20, 1999 saying that it was a matter of renewing their contract.

Qallab and Udwan, were immediately employed in the leading state-owned daily Al Ra'i after their dismissal. Reports circulated at the time said that the reason was political, especially that the country was passing through the great loss of 63-year old King Hussein.

The king's last minute change of successor to the throne from prince Hassan his brother to his son Abdullah induced mixed signals to the public, and in particular to

the press. Al Arab Al Yawm denied that the dismissal had political connotations.

Not only were both of them adopted by the state's official newspaper Al Ra'i, but they were given preferential treatment as days went by. Saleh Qallab became the Minister of Information in the Rawabdeh government in its reshuffle in January 2000 and Udwan was reinstated as chief editor of Al Arab Al Yawm after its publisher Hroub was indirectly forced out in February that year.

Tension between the Rawabdeh government and the Jordan Press Association on one side and Al Arab Al Yawm on the other side was revealed when the latter, a month later, again sacked several employees for financial reasons:

Early in April, the administration of Al Arab Al Yawm decided to sack 17 employees. The Jordan Press Association, the government's arm, called for an open sit-in in front of the premises of Al Arab Al Yawm. The move was supported by government officials later.

The JPA board convened in an urgent meeting on April 9 to discuss the ramifications of Al Arab Al Yawm's decision to dispense with some of its employees. It announced that it was not convinced with the paper's justifications. It decided to remain alert to pursue further developments.

Al Arab al Yawm claimed that the JPA's measures were illegal. The Association on the other hand, getting more and more defiant, dismissed the paper's arguments and insisted that the reasons behind the campaign were "purely professional". It started a series of escalatory measures against the 3-year old daily.

A sit-in "tent" was erected in front of Al Arab Al Yawm's building in the University Road in protest against the newspaper's administrative policies and in solidarity with the sacked employees. The move was surprising. The JPA rarely defended sacked or unemployed journalists. In fact, it did not take any measure when more than 200 journalists lost their jobs in 1997 as a result of the law that led to the suspension of 13 newspapers.

In a brazen headline the next day, the newspaper said: "Governmental support for enemies of freedoms who are facing Al Arab Al Yawm". Al Arab Al Yawm quoted sources among protestors and their supporters confirming that the demonstrators have received supportive calls from premier. It said that the premier had himself contacted the Interior Minister to get them permission to erect the tent.

In the same article of April 4, the paper attempted to discredit the event and reminded the readers of the Association's stands in the past, especially that of its president.

In a statement delivered at the tent and published in Ad-Dustour newspaper, Sharif dismissed the paper's arguments and stressed that: "The JPA board pledged to defend any colleague who has been subjected to injustice or dismissal [...] sacking journalists from their jobs because of the newspapers financial loss can not be accepted"

Ad-Dustour, where Sharif is the Director General lost considerably after the appearance of Al Arab Al Yawm in the market on May 17, 1997.

The JPA's legal measures

The Press Association's Council decided on May 20 to sue the chief editor of the private daily and to refer a number of the paper's journalists to the Association's disciplinary council. The Council voted in favour of taking Shaker Jawhari, chief

editor of Al Arab Al Yawm, to court for practising the journalism profession while he was not a member of the Association.

The Council also decided to refer the paper's responsible chief editor Azzam Yunis to the Association's disciplinary Council because he "disrespected the Association Council's decisions" stressing that Al Arab Al Yawm had repeatedly attacked the JPA and accused the Association of terrorising the journalists.

The JPA council had also referred its member Fakhri Abu Hamdeh to its disciplinary council for what it saw as his leaking information to Al Arab Al Yawm on the JPA council's decisions and deliberations. Also referred to the disciplinary council was journalist Fouad Hussein for what the JPA believed was bringing the tent down.

In addition, the Association announced a series of measures against the daily. On May 4, the Association's board decided to call on Al Arab Al Yawm's journalists to stage a one-day strike on May 18 in solidarity with their dismissed colleagues (it was later reduced to one hour). It announced a press conference on May 6 and sent a message to the governor asking for permission to organise a march in solidarity with the sacked employees. All public organisations were invited to participate.

The board also called on professional associations to boycott Al Arab Al Yawm until the dismissed employees regain their jobs. It said it was going to prosecute Al Arab Al Yawm for hiring employees who are not JPA members.

Rawabdeh decided to intervene personally and deprived the daily from its major source of information, the National News Agency (Petra). The agency, controlled and run by the government, stopped wiring news to the daily since July 1999. Also, government advertisements were interrupted imposing a financial siege on the publisher, Riad Hroub.

Political Motives and personal vendettas

On July 18 1999, Al Arab Al Yawm sent a message to the king on its front page. In a big headline: "Al Arab Al Yawm apologises to the king", the paper explained how it was incapable of publishing the king's news because the government instructed Petra News Agency to stop wiring any as of July 17.

"Rawabdeh went full force against Al Arab Al Yawm," said Salameh Ne'matt, correspondent for the London-based Al-Hayat newspaper who occupied the post of director for the Royal Court strategic studies centre. "(Chief of the royal Court) Abdul Karim Kabariti gave me a message to deliver to Al Arab Al Yawm: 'Speak on behalf of the king and tell Al Arab Al Yawm that the King does not have a problem with the other opinion. Tell Al Arab Al Yawm that he accepted the apology and that Petra will resume wiring news,'" Ne'matt quoted Kabariti as telling him.

Al-Hayat later quoted Petra Director, Faisal Shboul, as saying that the paper "should pledge to upgrade its professional and moral level before broadcasting resumes". Shboul insisted that the paper had led a "campaign of fabricated news against the government and dealt with the agencies reports in a manner that tarnished the reputation of Jordan and spread false accusations in addition to the paper's absence of integrity and precision."

Petra only resumed transmission on August 12 after an interruption of 26 days. The decision came upon the Prime Minister's orders, as Shboul was quoted by al Ra'i

daily as saying.

On September 19, Al Arab Al Yawm's publisher Riad Hroub, was arrested and transferred to Juweideh prison on embezzlement and forgery charges. In a statement the paper distributed, it said that the lawsuit was vindictive and retaliatory and came after a series of government measures against the newspaper.

Hroub, who came to be known as the ardent defender and promoter of the private press, was released the next day. The first three pages of the newspaper were filled with the news. Hroub wrote angrily in Al Arab Al Yawm's front page: "You, prime minister and I know that the lawsuit against me is a retaliatory measure, and the allegations are baseless".

It was followed by a series of articles in Al Arab Al Yawm criticising the government. The daily started preparing grounds for the "departure of the government" through openly criticising its performance as this headline suggested: "Mr. Prime minister, you have crossed the red lines!" and "Jordan is much bigger than the government".

In vain. In January 2000, the government took over. Taher Udwan who was sacked by Hroub was reinstated as chief editor. Hroub "was forced" to sell some of his shares. Chairperson of Al Ahli Bank, Rajai Muasher, became the daily's chair. Al Arab Al Yawm toed the line though Muasher does not intervene in the newspaper's policies, according to Yahya Shuqair, editor at Al Arab Al Yawm.

c. Free Zone Media City Law

In October 1999, Jordan embarked, upon directives of the king, on one of the highly needed projects in the whole region - a free media city zone.

Politicians and journalists highly welcomed the decision and described the free media city zone project as a progressive and modern step in Jordan and in the region.

However, the government presented the draft law in an ambiguous formula to Parliament and to the public, especially in relation to the status of the local press and media. Freedoms were clearly guaranteed to foreign agencies and publications but not so for the Jordanian media. Then information minister, Ayman Majali, stressed that the media city's "product will be for outside".

Journalists levelled their criticism at what some saw as the government's double standards when it comes to freedoms granted to foreign media while restrictions are reinforced on local media.

"Can we accept the presence of TV stations and newspapers that do not have to comply to Jordanian press law because they work in the free zone while few kilometres away there is a (Jordanian) TV station that is loaded with instructions, and newspapers that are over-saturated with laws?" was Nidal Mansour's query to the government in his column in the weekly Al Hadath.

There was no modification to the law in favour of equal freedoms to Jordanian media. On the contrary, the government indirectly, through its own media, preferred to do without the royally-incited ambitious project altogether.

'Local political personalities call for gradual implementation and patience of the free zone media city', was the headline of the government daily Al Ra'i newspaper, which was followed by Ad-Dustour's analysis: 'This decision came suddenly and has not, it seems, been put to enough study and research'.

“This is a Jordanian adventure we don’t know how it will end,” wrote Khaled Mahadin in Al Ra’i newspaper. “The appointed committee [that is entrusted with drafting the law] should take its time to study the idea in-depth [...] the issue is not about cars but about thoughts and ideas”.

Like Mahadin, writers expressed their concern and warned of the dire consequences that might inflict Jordan if and when the “free media” would be established. Columnists argued that free media would harm Jordan especially that censorship would not be imposed on reporting on events that occur in surrounding countries, such as the Gulf, Syria, Iraq or any other state.

Parliamentarians eventually decided to postpone debate of the law until the government provides better justifications for the law.

Investors, such as Orbit, who came to invest in the Kingdom, were scared off. Orbit has moved now its offices from Cyprus to Bahrain instead of Amman as was planned.

The failure of all liberal ideas and laws to be implemented on the ground was primarily because “the king was more liberal than his own government,” according to journalist Bassam Badarin, correspondent of the London-based Al Quds Al Arabi. In the case of Abdul Raouf Rawabdeh (who assumed premiership in April, 1999), and more particularly in what concerns press freedoms, the king superseded his government in his liberal views. He wanted a liberal press law and his government came up with a controversially restrictive one. He wanted to attract investment through a free zone media city law but the whole project was frustrated and never saw the light.

He wanted a press that speaks for the country and ended up with a press that speaks for the government. “We were enchanted with the new era’s directives but equally disappointed with the government’s actions,” according to Hilmi Asmar, a daily columnist in Ad-Dustour newspaper.

Such reflections were echoed by other journalists interviewed by the author who viewed the government’s actions “as ruining the country’s reputation and scaring off investors,” as expressed by Salameh Ne’matt, the correspondent of the London-based Al Hayat newspaper (and a close supporter of Kabariti’s policies).

In the same vein, Amy Henderson, a reporter and an editor at the Jordan Times, lamented the status of the press in Jordan and insisted that “Rawabdeh’s policy towards the press was incompatible with the King’s.”

Rawabdeh was replaced in June 2000 by Ali Abul Ragheb, who comes from a wealthy background and enjoys a reputation as a liberal. The new cabinet included the liberal Taleb Rifai as information minister, who attempted to revive the project.

It was not until February 2001 that the government undertook to implement its pledges, though partially. On February 21, 2001 Rifai signed a bilateral agreement with the Arab Media Company allowing the establishment of media city with a ten million dinar in capital. The new company will be setting up, based on special licences, TV and radio stations, satellite channels. According to Rifai, there will be no monopoly in this sector: “Other investors could establish similar companies for the same purposes and under the same conditions.”

While pressures on journalists and intensive campaigns against the press subsided, Abul Ragheb government was equally a disappointment. It imposed harsh amendments to the Penal Code re-instating the right to suspend newspapers and

incarcerate journalists- dealing a major blow to all efforts, campaigns and protests the journalists made to counter similar restrictions just a couple of years back. What made the matter look worse, was that Abul Ragheb was presenting himself and his information minister as liberal politicians who assumed power to promote freedoms and make up for the mistakes of the past.

Higher Media Council

In November 2001, the king issued directives to abolish the Information Ministry and establish a Higher Council for the Media, less than one month after the amendments on the Penal code. The king stressed that the media should be a media “for the nation” and not a “mouthpiece for the government.” The directives gave high hopes to journalists who were making plans to counter the Penal code amendments.

A royal decree forming the council was issued in December that year. The Council included 11 members: four former ministers, three journalists, a poet, president of the Jordan Press Association, the director of the guidance department at the Public Security Department and a university president.

Early analysis showed that the council was formed of pro-government figures, who worked or are still working with the government. It did not include representatives of the private press nor women journalists nor correspondents of the foreign media and satellite channels.

5- RECOMMENDATIONS

EMHRN proposes that the parties concerned with press freedoms embark on a process of dialogue about the role of the press in the country in order to reach consensus over the basic principles of press freedoms and to promote the development of press freedoms in the country. This process might be initiated through a series of workshops. Key issues to be addressed would be:

1. The different views, trends and aspirations of journalists themselves and the problems and obstacles that journalists encounter when exercising their profession and the difficulties they face with laws and legislation.
2. Bridging gaps that exist among the press, civil society institutions and parliamentarians with the aim of reaching a mutual understanding on the definition of press freedom and the means to safeguard its basic principles.
3. Reaching a better understanding of the relationship between the press and the government.
4. The relationship between citizens and the press, including a discussion on the dissemination of a human rights culture, the influence of traditions and norms on what the society perceives as freedoms and how to raise awareness among people of how to deal with the press, in matters related to influencing it or resorting to the judiciary if affected by it.
5. The role of the judiciary in preserving press freedoms in relation to the Penal Code and the interpretation of the provisions in the Press and Publications Law and the Jordan Press Association Law.

EMHRN recommends such a workshop series be integrated in the present work carried out on in Jordan in order to develop a National Human Rights Plan in

accordance with the recommendations of the Vienna World Conference in 1993. It furthermore recommends that the EU support the process through the MEDA Programmes within the framework of the Euro-Mediterranean Partnership.

With regard to the 1999 Law

EMHRN regrets that only few changes were made to the 1998 law.

The positive element was the removal of article 50 from the 1998 law which allows the court to suspend publication pending trial.

Stipulations related to licensing, prior censorship of books, and mandatory membership have remained. Censorship and bans on books are still practised.

Journalists still have to become members of the Jordan Press Association, and the government is in large control on who should publish a newspaper and who should not.

EMHRN's recommendations with regard to the reform of the law therefore remains the ones published on previous occasions in co-operation with several international and national human rights NGOs based on Jordan's commitment to respect:

- _ The International Covenant on Civil and Political Rights, which includes free expression guarantees enshrined in Article 19;
 - _ The Barcelona Declaration of November 1995 which aims at fostering dialogue, peace, stability and prosperity in the Mediterranean region by respecting human rights and fundamental freedoms including freedom of expression; and
 - _ The Association Agreement with the EU (of November 1997), article 2 of which states that all of its provisions shall be based on respect for democratic principles and fundamental human rights as set out in the Universal Declaration on Human Rights.
- A. Restrictions on the Practice of Journalism

EMHRN recommends that restrictions - on who may practice journalism, own a newspaper or be an editor - be removed from the law and that mandatory membership requirements be abolished.

Article 2 and article 10 of the 1999 Law, in conjunction with the 1993 Jordan Press Association Law, require all journalists to be members of the JPA. However, the guarantee of freedom of expression means that anyone may work as a journalist and that journalists may choose freely whether or not to join professional bodies.

In this respect, journalism is unlike other professions, such as medicine and law, whose subject matter does not relate to a basic right. In practice, the main effect of this provision is to create a two-tiered profession as many 'non-journalists' are in fact employed on a regular basis by newspapers.

The 1999 Law also places restrictions on who may own a newspaper (articles 11,13,) and who may be an editor (Articles 23 and 25, for newspapers and specialised publications respectively).

B. Content Restrictions

EMHRN welcomes the deletion of content bans from the 1999 law. It recommends that content bans in other legislation be abolished.

C. Paid-up Capital

EMHRN recommends that paid-up capital requirements be removed from the law.

Article 13 of the 1999 Law establishes high minimum paid-up capital requirements for newspapers (500,000 dinars) for dailies, non-dailies (50,000 dinars) and specialised publications (5,000 dinars). Capital requirements inhibit the emergence of new publications and therefore restrict the choice of newspapers and magazines available to the public. At the same time, they serve no important social goal. They do not even ensure that newspapers are able to pay debts or court fees.

D. Licensing

EMHRN recommends that the licensing provisions be removed from the law.

Article 12, along with Articles 15 and 40 of the Law provides for government licensing of publications, printing presses, research centres and a number of other bodies. Pursuant to Article 19, licenses may be cancelled for a number of reasons, for example if licence conditions, including requirements relating to specialisation, are breached. EMHRN is of the belief that any licensing system breaches the guarantee of freedom of expression. Individuals should be able to establish a newspaper without needing permission from the government, although technical registration requirements may be consistent with the guarantee of freedom of expression.

E. Prior Censorship

EMHRN recommends that all prior censorship provisions be removed from the law.

The 1999 Law includes a number of articles establishing a system of prior censorship. Article 31a requires imported publications to be submitted to the government for approval before they may be distributed. Article 31b requires books to be submitted to the government for approval before publication. Prior censorship of this sort exerts a chilling effect on freedom of expression. Courts around the world have long decried the insidious impact of prior censorship and international conventions ban it.

F. Funding for Research Centres

EMHRN recommends that restrictions on research centres and other bodies receiving funding be removed from the law.

Article 40 of the Law prohibits research centres and a number of other bodies from receiving any funding from Jordanian or non-Jordanian sources. Funding for joint ventures and studies is permitted only when approved by the Minister of Information. These restrictions are extremely broad and give the Minister a great deal of control over what are supposed to be independent bodies, reducing their ability to contribute to the free flow of information and ideas and undermining the public's right to know. Research bodies are subject to general laws outlawing corruption and governing commercial matters, which should be sufficient to ensure appropriate financial practice.

G. Government Ownership of Newspapers

EMHRN recommends that the government divest itself of newspaper ownership within a set time frame.

The Press and Publications Law does not prohibit the government to own shares in daily newspapers and the government presently owns approximately 60% of Al-Rai'i and 35% of Ad-Dustour. Ownership naturally leads to control and opens up the possibility of government interference and limiting editorial independence.

H. Pre-trial detention

Finally, EMHRN recommends that pre-trial detention of journalists for their professional activities be abolished and that practices aimed at intimidating journalists and other media workers by government officials and other public figures cease.

Based on article 19 of the International Covenant on Civil and Political rights and legislation concerning press freedoms in democratic countries, the network underlines certain provisions of the law adopted by Jordanian Parliament, most particularly:

- article 3 establishing freedom of opinion and the press.
- article 6, c which guarantees the right to obtain information, news, and statistical reports, etc. analysing, publishing them.
- article 6, d establishing the journalist's right not to reveal sources of information.
- article 8 establishing the right to have access to information stressing that official authorities and institutions facilitate such access.

Nevertheless, EMHRN notes with concern the different negative aspects of the press law:

1. Press freedoms are guaranteed within the limits of the law. This provision exposes the journalist and the press to a set of laws, particularly the Penal Code and the Fundamentals of the Criminal Courts Law which allow pre-trial detention of journalists before they are convicted. They also allow for sentences out of proportion with committed acts such as imprisonment for defamation.

Any law regulating press freedoms should include guarantees to exercise this freedom as well as the responsibilities and duties necessary "to the respect of rights, the reputation of others, and the protection of national security, public order, health and general ethics". These are the only limits and restrictions allowed by international principle of article 19 of the Pact. Subjecting journalists to penal law devoid press freedoms of all substance.

2. The concept of national responsibility and values of Arab and Muslim nation are very ambiguous (article 5). The law should be more specific on the nature of elements that infringe on national security.

3. According to article 12, publishing a newspaper requires government

authorisation which is in contradiction with article 3 that guarantees press freedoms. Government authorisation should be abolished and publishing a newspaper should only be subjected to a simple declaration at a judiciary authority.

4. Integrating international covenants and treaties ratified by Jordan into national legislation

Immediate steps should be taken to follow up on Prime Minister's pledge at a meeting with the EMHRN on January 26, 2000 to publish the international covenants and treaties related to human rights, and which Jordan signed, in the Official Gazette.

Part II

CHRONOLOGY OF EVENTS (1997-2002)

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1997

- * May 17: the government imposes a temporary press law that highly restrict the press.
- * May 19: Several Journalists are beaten up by police and cameras were broken in a peaceful demonstration held in front of the Council of Ministers headquarters, two days after the amendments were introduced.
- * June: Abed Rabbo, the only satirical weekly in Jordan and probably in the Arab world, was the first to disappear because of what the publishers said was the lack of press freedoms. It was followed by Al Majd, a pro-Nasserite newspaper that reappeared in December after it secured the JD 300,000.
- * Censorship increased during the months of September and October as the country was preparing for the Parliamentary elections that were scheduled for November 4, 1997.
- * September 23: The government suspended 13 weekly newspapers. They are: As-Sayyad, Al Hayat, Al Bilad,, Sawt al Mar'a, Al Umma, Al Hadath, Hawadet Sa'ah, Al Mithaq, Al Urdun, Tareeq al Mustaqbal, Al Najm Al Arabi and Fares. The suspension decision left an estimated 200 employees, journalists and technicians unemployed.
- * September: Several writers in Ad Dustour newspaper, the second leading daily, were suspended (Rakan Majali and former deputy Toujan Faical) and others were threatened (Basem Sakijhah). Analysis, news and commentaries were highly censored by the directors of the newspaper following pressures exerted by the Press and Publications department on its chief editor, Nabil Sharif.
- * September 16: Suhair Tal, a prominent writer, novelist and researcher, was banned from writings upon orders of the minister of Culture. The reason for the ban was a letter that Ms. Tal, head of the festivals section at the Ministry, wrote recommending that Jordan should not be participating in a conference on Jerusalem that was expected to take place in Paris.
- * October 1: Amman governor bans a conference by the Professional Associations that was intended to be held in solidarity with the suspended weeklies.
- * October: Nabil Sharif, an objective writer and chief editor of the second leading

pro-government Ad-Dustour daily, was dismissed from his post for opening up his newspaper for debates on tribalism in Jordan. The government used the provision that stipulates that chief editors should at least be members of the Jordan Press Association for ten years. Despite intensive reconciliation efforts Ad-Dustour newspaper deployed to convince the government otherwise, Nabil Sharif was dismissed from the post to be replaced by his father Mahmoud Sharif, who pursues a rather very conservative policy.

* October: Columnists Abdul Rahim Malhas, a writer in the first daily Al Ra'i and Basem Sakijhah, a columnist in Ad-Dustour complained in their writings of the high censorship exercised by the chief editors. Many of their articles were banned.

* October: The private-owned daily, al Arab Al Yawm complained of what it perceived as a government-led campaign against it. It said its reporters were banned from covering press conferences of the prime minister's; that its edition did not appear on Television as it is the case with all other dailies; and finally that the newspaper was not available to travellers boarding the Royal Jordanian flights.

* During the months of October and November and until June of 1998, tens of copies of foreign publications were confiscated, namely, the London-based Al Hayat, Al Sharq al Awsat, Al Quds Al Arabi and the Lebanese daily An-Nahar. Two weeks before the parliamentary elections, 70 newspapers and magazines were confiscated by the Press and Publications Department.

* November: Head of the Press and Publications Department, Bilal Tal, asked for the dismissal of the chief editor of the private daily Al Arab Al Yawm, Tahar Udwan, contending that the latter's papers were incomplete. It was only after a court ruling that Udwan retained his post.

* December: The Press and Publications Department confiscated Al Minbar Al Tullabi, a leaflet prepared by the Council of Students at the Jordan University. The Department said the leaflet was printed outside the university and was tackling issues that are not related to the University life.

1998

* January: Government bans newspapers from covering news on a murder that occurred in Al Rabia district.

* January 26: The High Court of Justice considers the amendments to the press that were introduced by the government in May as unconstitutional.

* January: Government refuses at the outset to implement the court's ruling; it ordered the confiscation of Hawadeth As-Sa'ah weekly. The government accepted the ruling only later following mounting public pressures, but threatened to impose a new law that will be endorsed by Parliament.

* January: Government refuses to give up or reduce its equity in newspapers as

stipulated in the 1993 press law. It has 61% of shares in Al Ra'i newspaper and 35% in Ad-Dustour.

* February 23: Head of the Judiciary Council, Farouq Kilani is dismissed for believing he was behind the ruling of 26 January.

* March: Fakhri Ka'war and Muna Shuqair, prominent columnists at Al Ra'i, were suspended.

* April 10: Police stormed Al Arab Al Yawm private daily and banned it from covering news related to a murder in Rabia in Amman.

* April 16: Mahmoud Kayed, Chairperson of the Jordan Press Foundation, that publishes al Ra'i and the Jordan Times dailies, was replaced by Abdul Salam Tarawneh, a government representative.

* June: The government prepares a draft press law similar to the amendments that were revoked by the Court in complete secrecy and hands it to parliament for endorsement and ratification. The draft law, once published, was met with deep criticism from local and international organisations which saw it as a drawback against democracy that was restored in the Kingdom in 1989 after 25 years of martial law. The law restores the right to suspend newspapers and imposes heavy penalties on violations of the elastic content-bans.

* June 6: King Hussein orders foreign publications to enter the Kingdom uncensored. His directives went unheeded as the Press and publications Department continued to confiscate publications.

* June 29: Head of the Press and Publications Department, Bilal Tal, distributes a booklet to parliamentarians that contains excerpted controversial material from the private press in an effort to smear the weeklies. It was followed by a government campaign in the state-owned television against the tabloids and the weeklies.

* June 30: Prince Hassan, the then regent, recommends that the press should not be a mouthpiece for the government. His advice was not reflected in the spirit and the letter of the press law.

* August 10: Parliament discusses and endorses the press law in three weeks amid mounting public protests.

* August: Press ordered not to publish news on water pollution crisis that hit the country last summer until the prosecution concluded its investigation.

* September 1: A royal decree was issued endorsing the law.

* October 10: director of the press and publications department Iyyad Qattan orders newspapers not to publish any news on the case against head of the National Assistance Fund who has been held on corruption charges based on a letter he circulated from the prosecutor general. The notification also included a warning to

newspapers not to publish the notification itself.

* October 28: PPD director Qattan sends warning to newspapers to rectify their situation in accordance with the new law, i.e. to increase the minimum capital of weekly publications from the previous 15,000 Jordanian Dinars to 100,000 Dinars.

* November 23: PPD director Qattan bans newspapers from publishing any news on Challenge and Reform group which had been charged with carrying out explosive operations in the capital -based on a request from the State Security Court. the ban was based on article 39 of the press and publications law that bans newspapers from publishing news related to a case pending trial.

1999

* January 5: PPD director Qattan sends a notification to newspapers warning them against the publication of any news regarding the case of lower house of parliament deputy Ahmad Oweidi Abbadi who has been charged with raping two women (one under age). The prohibition, which was forwarded by the prosecutor general Said Hayagneh, was based on article 39 of the 1998 press and publications law that bans journalists from covering any news on cases pending trial.

* February 14: The weekly pro-nasserite al Majd newspaper is ordered suspended on by president of the Court of First Instance, Mansour Hadidi for publishing news deemed harmful to the royal family.

* February 17: Jordan takes a decision to allow Palestinian newspapers enter the kingdom for the first time since the Arab-Israeli war in 1967. The decision was also taken during Abdul Karim Kabariti's government in 1996-1997 but was not implemented due to what was said at the time that such a procedure would be implemented if it was met with reciprocal treatment at the other's end.

* February 24: the Foreign ministry cancels a press conference for Iraqi foreign minister Mohammad Saeed Sahhaf "so that he will not harm Saudi Arabia and Kuwait".

* April 1: Jordan decides to lift censorship on foreign newspapers and magazines. The decision was taken by head of the press and publications department Iyyad Qattan who said that it was a translation of king Abdullah's directives to the prime minister and the information minister to lift censorship on all newspapers and magazines entering the kingdom. The decision did not however include books and other kinds of publications. It did not include either foreign magazines that are pornographic or prepared by religious missionaries.

All news agencies should procure two copies daily of all periodicals newspapers and magazines, Arabic and foreign to the press department for documentation purposes (The PPD's censorship methods included colouring in black, cutting out pages from foreign magazines or banning the entire magazine if it exhibited pictures of semi-naked or naked women and sexually explicit articles, in addition to materials that might be offensive to religions, or material considered controversial in any way.)

* June 9: Journalists are banned from covering the session of parliament that was to be opened by king Abdullah. Anti-riot police was surrounding the parliament in case journalists were going to protest. New instructions issued do not allow journalists to be present in the corridors of the parliament nor to visit any parliamentarian in his office without having an appointment.

* June 28: prime minister Abdul Raouf Rawabdeh issued a notification to all ministries and public departments not to co-operate with non JPA members in covering official visits, meetings and official delegations.

* July 4: Director of the press and publications Abdullah Etoum announces that censorship is lifted on computer programmes.

* July 26: Journalist Sinan shaqdih was arrested. A police force came to his house and inspected it and took him to a police station.

* August 2: After eight days detention, Sinan Shaqdih is transferred to State Security Court that ordered his detention in Juweideh prison after accusing him of “harming relations with a friendly country (Syria).”

* August 22: Chief editor of Al Bilad weekly, Abdul Karim Barghouti, was apprehended in Juweideh prison on charges brought by the prime minister’s son (Isam Rawabdeh) following the newspaper’s publication of an article entitled: “the premier’s son shakes the government.” The article talks about Issam Rawabdeh wrangling with nurses on a bus.

* October 20: JPA endorses a decision to ban three journalists from practising the profession, Jihad Momani, Abdullah Hasanat, and Sultan Hattab because they made a visit to Israel.

* November 18: JPA retracts its decision to fire the three members after they apologised for their visit to Israel.

2000

* January 19: Head of the Press and Publications department Abdullah Etoum lifts censorship on Arab and foreign publications. He said that over 7600 of Arab and foreign magazines and newspapers were allowed to enter from the airport directly to the market. And reconsidering books that were previously confiscated, the dept had allowed 950 books and is currently reviewing all the books that were banned before.

* March 1: The press department lifts partial censorship on audio-visual outlets.

* March: The Doha-based Al Jazirah satellite TV station office in Amman resumed operations after receiving the go ahead from Minister of Information Nasser Lawzi. Prime Minister Fayez Tarawneh's government had ordered the closure of Al Jazirah on Nov. 4 in protest of a talk-show programme that attacked the Kingdom and its

leadership.

During its four-month closure the station was not allowed story coverage except those regarding late King Hussein's return home from the Mayo Clinic in January, his funeral and Israeli Prime Minister Benyamin Netanyahu's visit to Amman earlier this month.

* May- August 2000: Campaign in newspapers is launched against journalists who work in research centres. Nidal Mansour was referred to the disciplinary Council of the Jordan Press Association and Mahasen Imam, George Hawatmeh and Bilal Tal were questioned.

* June 27: An investigation committee at Jordan University suspended Makram Tarawneh; a Journalist at Al-Arab Al-Youm following his coverage of students protests. The Press Association took steps to revoke the decision.

* August 2: The Jordan Press Association (JPA) started investigating into activities of three new research centers and non-governmental organisations whose work is related to press issues and freedoms. The Council decided to pursue legal steps to investigate a complaint presented by a group from the JPA's General Assembly against the three centers, owned and managed by journalists. The complaint alleged that the centers received foreign funding for their activities.

The Council decided to call upon the Council of Presidents of Professional Associations to boycott Al-Aswaq newspaper for violating decisions taken by the JPA's General Assembly and the Arab Journalists Union with regard to normalisation with Israel. The complaint, which was discussed by the JPA expressed deep concern towards the editors receiving Israelis in the newspaper.

2001

* February 20: The Higher Court of Justice supported decisions taken by the JPA to cancel the JPA's membership for journalist Nidal Mansur for receiving foreign funding and to suspend Mansur's (Secretary General of the JPA) practice for a year.

* March 12: Judge Saleh Al-Lawzi sentenced Ziyad Abu-Ghanimeh and Azmi Yousef Abu-Rumman to three months in prison for "instigation and slander" for publishing articles in Al-Arab Al-Yawm during the Hamas expulsion case from Jordan in 2000.

* June 13: A new weekly newspaper called "Al-Wehda" starts publishing. Editor in chief is columnist Fakhri Kawar.

* July 30: Dr. Adnan Bakhit resigns from the presidency of Al Al-Bayt University upon the request of the government because of an article he wrote in An-Nadwa magazine in July this year-2001. The article, entitled, "I need Your help, my God", criticised the lack of democracy in Jordan.

* August: The security forces banned reporters from Arab Satellite Channels and

daily newspapers from filming a march organized by the Islamic and National forces in Al-Baqaa camp in solidarity with the second anniversary of the Intifada.

* September 3: Jordan Press Association renews demands to Information Ministry not to accredit correspondents of foreign media who are not members in the association.

* September 5: Jordan Press Association threatened weeklies to take them to court if they did not pay the one percent of advertisement revenues to the Association stipulated in the law. (The Association's demands come at a time when the private weeklies suffer from acute financial difficulties, that are largely due to their being deliberately excluded from government's advertisements.

* September: Two journalists of the Islamist weekly As-Sabeel, of Gazan origin but who live permanently in Jordan requested to renew their passports but were denied by security services. The journalists are: Mohammad Ayesh and Jihad Abul Eiss. A third journalist, Faraj Shalhoub, was denied request for passport although he met all conditions, according to the weekly. As-Sabeel newspaper said its journalists are also being harassed in other ways.

More than 30 journalists signed a petition voicing solidarity with As-Sabeel journalists. However, the premier said that the actions against the journalists "are legal and purely administrative".

* October: The distribution of an Iraqi opposition newspaper was banned. The banning decision came after one of the newspaper's writers attacked Jordan and its government in one of the previous issues.

* October 8: A new weekly newspaper, Al Ittijah, enters the market. Jamal Shawaheen, former editor of Al Bilad weekly, becomes its editor.

* October 9: a royal decree is issued endorsing the Penal Code amendments. The amendments on article 150 and article 195 of the law allowed suspension and closure of newspapers as well as incarceration of journalists.

October 11: A memo delivered to Premier Abul Ragheb by a group of journalists in the government dailies Al Rai and the Jordan Times expressing "utmost protest to the recent amendments on the Penal Code in which we believe that it harms Jordan's image."

* October 15: Chief editors and publishers of 10 weekly newspapers sent a letter to Prime Minister Ali Abul Ragheb calling for the repeal of the "restrictive" amendments to the Penal Code, saying they harmed the Kingdom's democratic image. The weeklies also called for a meeting with Abul Ragheb to convey their position regarding the amendments.

* October 15: Al-Majd suspends publishing as a weekly newspaper and decides to publish bimonthly in protest against the government's amendments of the Penal

Code.

* October 24: The Jordan Press Association rejected the amendments on the Penal Code that are related to the press and decided to file a lawsuit against the government to contest the amendments.

October 28: King issues directives to abolish the information ministry and replace it with a Higher Media Council.

Part III

LAWS AND LEGISLATION

Part III

a. The 1999 Press and Publications law:

(Unofficial translation of the Press law)

Article 1: This law shall be called “The Press and Publications law for 1999.” It shall come into force as of the date of its publication in the official Gazette.

Article 2: Wherever they occur in this law, the following words and terms shall have the meanings stated hereunder, unless the context indicates otherwise:

Ministry: The Ministry of Information.

Minister: The minister of information.

Department: The Press and Publications Department.

Director: The director general of the department.

Association: The Jordan Press Association.

Person: The natural or corporate person.

Publication: Any media in which meanings, words, or ideas are expressed in any way whatsoever.

Periodical: A specialised press publication of all types that is issued regularly and includes:

A. Press publication, including:

i) Daily publication: A publication issued daily and regularly under a certain name and serial number and is prepared for distribution to the public.

ii) Non-daily publication: A publication issued weekly or at longer intervals, and is prepared for distribution to the public.

B. Specialised publication: A publication specialised in a specific area and is prepared for distribution as stipulated in its issuance license.

C. News agency bulletin: A bulletin that is prepared to provide press institutions with news, information, articles, pictures, and drawings.

Journalism: The profession of preparing, editing, issuing, and distributing press publications.

Journalist: Every person registered as member of the Jordan Press Association and takes journalism as a profession according to its law.

Foreign press and other news media correspondent: Every person, of any nationality who practices journalism by dealing with non-Jordanian publications and other news media.

Printing Press: The place and equipment used to produce publications of various types, forms, and in all their stages. This definition does not include printing machines, typewriters, photocopiers and photographic equipment used for purposes other than publication.

Publishing house: An institution undertaking the preparation, production, and the sale of publications.

Distributing house: An institution undertaking the distribution or sale of publications.

Publishing and distributing house: An institution undertaking the work of the publishing house and the distributing house at the same time.

Bookstore: A commercial enterprise licensed to sell books, stationery, newspapers, magazines, and other publications.

Studies and research center: An institution that conducts or publishes studies and research and gives consultation in political, social, cultural, economic, humanitarian, and other areas.

Public opinion polling center: An institution in charge of conducting research with the aim of surveying public opinion trends on any specific subject through questionnaires or other methods.

Translation house: An institution undertaking translation from one language into another, including simultaneous translation.

Publicity and advertising agency: A bureau undertaking advertisement and publicity, producing their materials and publishing or transmitting them by any means.

Article 3: The press is free and freedom of opinion is guaranteed to every Jordanian. Jordanians have the right to express their opinion freely through speech, writing, photography, drawing, and all other means of expression and information.

Article 4: The press shall freely exercise its task of presenting news, information, and commentaries and shall contribute to the dissemination of thought, culture, and science within the limits of the law and within the framework of preserving public liberties, rights, and duties as well as respecting the private life of others.

Article 5: Publications shall respect the truth and refrain from publishing anything that conflicts with the principles of freedom, national responsibility, human rights, and values of the Arab and Islamic nation.

Article 6: Freedom of the press shall include:

- A. Informing citizens of events, ideas, and information in all fields.
- B. Enabling citizens, political parties, unions, and cultural, social, and economic institutions to express their thoughts, opinions, and accomplishments.
- C. The right to obtain information, news, and statistical reports of concern to citizens from the various sources, and analysing, circulating, publishing, and commenting on them.
- D. The press publication and the journalist have the right to keep secret the sources of their information and news.

Article 7. The code and ethics of journalism are binding on the journalist. They include:

- A. Respecting public liberties, safeguarding the rights of others, and refraining from encroaching on their private lives.
- B. Considering the freedom of thought, opinion, expression, and information an equal right for the press and the citizen.
- C. Maintaining balance, objectivity, and honesty in presenting press material.
- D. Refraining from publishing anything that might incite violence or discord among citizens.

Article 8: The journalist has the right to have access to information and official authorities and public institutions shall facilitate the journalist's task and give

him/her access to get acquainted with their programmes, projects and plans.

Article 9: A. The correspondent of foreign publications and other news media should be a Jordanian, Arab, or foreign journalist allowed by the Jordan Press Association to perform that job with the approval of the minister.

B. Accrediting foreign news media correspondents shall be organised in accordance with regulations issued for this purpose.

C. The journalist is prohibited from committing himself/herself to any work relationship with any foreign party unless it is in accordance with regulations stipulated in paragraph B of this article.

Article 10: It is impermissible for any person who is not a journalist to practice journalism in any form, including corresponding foreign press and other news media, or presenting himself/herself as a journalist. This shall not apply to persons whose work is confined to writing columns.

Article 11: A. Every Jordanian and every company owned by Jordanians shall have the right to issue a press publication.

B. Every registered Jordanian political party shall have the right to issue its press publications.

C. The Council of Ministers, upon the recommendation of the minister, shall grant a license to the following agencies for the issuance of publications:

- i. The Jordanian News Agency
- ii. A non-Jordanian news agency, provided that the principle of reciprocity is observed.

Article 12: The application for obtaining a license to issue a press publication or specialised publication shall be submitted to the minister, enclosing the following documents:

- i. The name of the applicant, his/her place of residence, and address.
- ii. The name of the publication and its printing and issuance place.
- iii. The times of its issuance.
- iv. Its specialisation.
- v. The language or languages in which it is published.
- vi. The name of its responsible chief editor.

Article 13: Notwithstanding the provisions of any other legislation, the press publication seeking a license must, with regard to its capital, meet the following conditions:

- A. Its paid-up capital must not be less than 500,000 dinars, if it is a daily.
- B. Its paid-up capital must not be less than 50,000 dinars, if it is not a daily.
- C. Its paid-up capital must not be less than 5,000 dinars, if it is a specialised publication.
- D. A daily or non-daily published by a political party is exempt of the minimum capital stipulated in Paragraph A and B of this article.

Article 14: Specialised publications issued by ministers, official departments, universities, and general-welfare private institutions, upon the recommendation of

the minister, shall be exempted from the capital stipulated in Article 13 of this law.

Article 15: A. The application for the license to establish a printing press, a publishing house, a distributing house, a studies and research centre, a public opinion polling centre, a translation house, or a publicity and advertising agency shall be submitted to the minister, using the form that has been prepared for this purpose.

B. The statements and procedures for submitting an application to obtain a license, which is stipulated in Paragraph A of this article, including introducing any changes or amendments to the contents of the license, as well as the procedures for ceding the license, shall be specified in the regulations which will be issued under this law.

Article 16: Each institution mentioned in Article 15 of this law shall have a responsible director who must meet the following conditions:

A. He/she must be Jordanian and permanent resident of the Kingdom.

B. He/she must not have been convicted of a felony or misdemeanour violating honour or morality.

C. He/she must be a full-time employee. It is impermissible for any person to serve as responsible director for more than one institution.

D. He/she must have acquired the academic qualifications, or practical expertise, and experience that are compatible with the work in the institution he/she will run, in accordance with the instructions issued by the minister for this purpose.

Article 17: A: The cabinet shall, upon the recommendation of the minister, issue its decision on the application for licensing the press publication within a period of not more than 30 days as of the date of submitting the application. Otherwise, the application will be considered accepted. In case of rejection, the decision has to be justified.

B. The minister shall issue his/her decision on the application for licensing a specialised publication or any of the institutions mentioned in Article 15 of this law within 30 days from the date of its submission.

C. The applicant shall be informed of the decision of the Council of Ministers or the minister as stipulated in paragraphs A and B within 15 days of its issuance at the latest.

Article 18: In consideration of conditions stipulated in this law, a license is granted for a press publication to the owner, who can transfer this license in part or whole to others on condition that the Council of Ministers' prior permission is obtained in accordance with the following:

A. That the party wishing to cede ownership and the new recipient inform the minister 30 days in advance of the transfer.

B. The recipient of the license prescribes to the conditions of this law, allowing partial or whole ownership of the publication.

C. The two parties shall submit a copy of the cession agreement registered at the concerned authorities to the department.

D. Selling individuals shares in public share-holding companies issuing press publications shall be exempted from the provisions of this article.

Article 19: A. The license of a publication is deemed cancelled by law under the

following conditions:

1. If it was not published within six months from the date of obtaining the license.
2. If the daily stopped publication for three consecutive months.
3. If the non-daily, which is published regularly once a week, stopped publication for 12 consecutive issues.
4. If the non-daily, which is published regularly within an interval of more than one week, stopped publication for four consecutive issues.
5. If its proprietor concedes it wholly or partially, contrary to the provisions of Article 18 of this law.

B. If the conditions for its licensing have been violated, including its specialisation, without the prior approval of the minister, provided that it has already been warned twice due to its violation of these terms, the court shall revoke the license.

C. The press publications issued by the registered political parties shall be exempted from the terms stipulated in Paragraph A of this article.

Article 20: A. For revenue, the periodical or specialised publication must depend on legitimate sources. It is prohibited from receiving any financial support from any non-Jordanian state or party.

B. The proprietor of the press or specialised publication must provide the minister with a copy of its annual budget and reports on its revenues, sources of finance, and financial status during the first four months of the next year. The minister, or any other person deputised, shall have the right to look into the funding sources.

Article 21: The proprietor of a press or specialised publication must meet the following conditions:

A. He/she must be a Jordanian or a company owned by Jordanians or a registered Jordanian political party.

B. He/she must not have been convicted of a felony or misdemeanour violating honour or morality.

Article 22: The proprietor of the press publication shall publish very clearly in a prominent place in the publication his/her name, the name of the responsible chief editor, the place and date of its issuance, the subscription rate in it, and the name of the printing press in which it is printed. He/she shall also inform the director of any change or amendment in that information within 15 days from the date of that change or amendment.

Article 23: A. Every press publication must have a responsible chief editor who must meet the following conditions:

1. He/she must be a journalist, and have been a member of the Jordan Press Association for at least four years.
2. He/she must be Jordanian and permanent resident of the kingdom.
3. He/she must not be responsible chief editor in another publication.
4. He/she must be fluent in the language of the publication in which he/she serves as responsible chief editor, both reading and writing. If the publication is issued in more than one language, he/she must be fluent in the main language of the publication and adequately conversant with the other languages.
5. He/she must not have been banned by court from practising journalism.

6. The provisions of Paragraph A of this article shall apply to the responsible chief editor of the publication which is published by a political party, with the exception of the provisions of Clause 1.

7. The chief editor is responsible for what is published in the publication he/she heads. He/she together with the writer of an article published in his/her paper, shall be held responsible for that article.

8. It is impermissible for the periodical to have more than one chief editor.

Article 24: A. The responsible chief editor in the press publication shall lose this capacity under any of the following situations:

1. Resignation.

2. If he/she fails to meet any of the conditions stipulated in Article 23 of this law.

3. When the responsible chief editor's post becomes vacant or when he/she is absent for any reason, the proprietor of the publication shall appoint another person, who meets the required conditions and who is qualified to perform the chief editor's work for no more than two months and notify the director of this. If the responsible chief editor does not return to work within that period of time, the proprietor must appoint a new responsible chief editor. Otherwise, the minister shall issue a decision suspending the publication until this is done.

4. The proprietor or publisher of the press publication shall be fully responsible for what it publishes until the new responsible chief editor assumes his/her work.

Article 25: Every specialised publication must have a responsible chief editor who must fulfil the following conditions:

1. He/she must be Jordanian.

2. He/she must have acquired an academic qualification that is directly pertinent to the publication's field of specialisation, or has certified experience of not less than five years in that field that can be accepted by the minister upon the recommendation of the director.

3. He/she must not have been convicted of a felony or misdemeanour violating honour or morality.

Article 26: A. It is prohibited for a specialised publication to write on any field other than the licensed one or to change the field of its specialisation without the prior approval of the minister, upon the recommendation of the director.

B. Every specialised publication shall provide the department with three copies of every issue.

Article 27: A. If the press publication published an incorrect report or article that contained incorrect information, the person affected by the report or article has the right to reply to the report or article, or demand its correction. The responsible chief editor is duty-bound to publish the reply or correction free of charge in the following issue and in the same place and with the same print in which the original report or article was published in the press publication.

B. If the press publication published an incorrect report or an article containing incorrect information affecting the public interest, the responsible chief editor must publish, free of charge, the written reply or correction which he/she receives from the

concerned party or from the director in the following issue and in the same place and print in which the original report or article appeared in the press publication.

C. The provisions of Paragraph A and B of this article shall also apply to any non-Jordanian press publication distributed in the kingdom.

Article 28: The responsible chief editor of the press publication may refuse to publish the reply or correction which he/she received according to Article 27 of this law under any of the following conditions:

A. If the press publication had already corrected the report or article in an accurate and adequate manner before receiving the reply or correction.

B. If the reply or correction carried a pseudonym signature or was sent by an unconcerned party or was written in a language different from the one in which the report or article was written.

C. If the contents of the reply or correction were contrary to the law, public order, and public morals.

D. If the reply was received two months after the publication of the news report or article.

Article 29: If the party responsible for any publication, issued outside the kingdom and distributed in the kingdom, declines to publish the reply or the correction in accordance with the provisions of Article 27 of this law, the director has the right to ban the entry of the publication into the kingdom for a maximum of two weeks. The minister may extend the ban for a longer period upon the recommendation of the director.

Article 30: A. It is impermissible for the chief editor to publish an article for any person under a pseudonym unless its writer has supplied him/her with his/her real name.

B. If a publication published a press report for any party against a fee, the publication must mention clearly and frankly that this is an advertisement.

Article 31: A. The proprietor of a distributing or publishing house must submit to the director two copies of each publication he/she imports from outside the kingdom for his/her approval before distributing or selling them.

B. The director may ban the entry of the publication into the country if it contains anything contrary to the provisions of this law.

Article 32: Each publication shall carry the name of its writer and publisher and their addresses, the printing press in which it is printed, and the date of its printing.

Article 33: The provisions of this law related to the banned imported publications do not apply to the copies that are imported by government institutions, universities, and scientific research centres, provided prior approval for their importation is obtained from the director. These copies shall be put in special places for the sake of academics research.

Article 34: The proprietor or responsible manager of the printing press must observe the following:

1. Keep a record of the names of the periodicals and the number of copies that are printed from each publication.
2. Keep a record, in an alphabetical order, of the titles of the books that are printed and the names of their authors, as well as the number of issues that are printed from each book.
3. Produce these records to the manager or his/her deputy when requested.
4. Deposit with the department two copies of each non-periodical printed in his/her printing press before its distribution.

Article 35: A. Whoever wishes to print a book in the kingdom must submit two copies of the manuscript of this book to the department before printing it. The director may allow or disallow its printing if the book contains anything that is in contradiction with the law, provided He/she communicates his/her decision to the author of the book within one month from the date of its submission.

B. The director may cancel the license given to any book or manuscript if its author violates any condition of the license by adding or deleting anything. The director may also confiscate all issues.

Article 36: A. It is prohibited for the proprietor or the responsible manager of a printing press to print any publication whose printing, publication, distribution, circulation, or sale has been banned, or print any publication whose issuance or distribution has not been authorised.

B. It is prohibited to print any book, leaflet, or material without obtaining a written authorisation from its original owner.

Article 37: Reproduced or quoted press material shall be treated as authored or original material.

Article 38: A. the publication is prohibited from publishing anything pertaining to any stage of the investigation into any case or crime in the kingdom, unless it has been authorised by the public prosecution.

B. The publication has the right to publish the minutes or deliberations of the courts session and cover them unless the court decides otherwise.

C. The provisions of Paragraph A of this article shall apply to foreign news media correspondents. They shall be subject to the penalties stipulated in Paragraph C of Article 45 of this law.

Article 39: The proprietor, chief editor, managing editor, journalist, or regular writer of any press publication is prohibited from receiving or accepting, by virtue of his/her ownership of, or association and relationship with that publication, any financial aid or grant from any Jordanian or non-Jordanian party.

Article 40: Studies and research centres, public opinion polling centres, or anyone working in them are prohibited from receiving or accepting, by virtue of their work, any financial aid or grant or any financing from a Jordanian or non-Jordanian party. This does not include the financing of joints ventures, studies, or research approved by the minister.

Article 41: A. The court of First Instance shall look into all crimes that are committed in violation of the provisions of this law, and shall give precedence to all press cases.

B. A lawsuit in the case of periodicals' violations shall be filed against the responsible chief editor of the publication, the writer, or the person who prepared the material in it in their capacity as the initiators. The owner of the publication shall be responsible collectively and equally for the personal rights stemming from those crimes as well as the court expenses. He/she will not be held responsible unless his/her actual participation or involvement in the crime is proven.

C. A lawsuit in the case of crimes by non-periodicals shall be filed against their author as the initiator and the publisher as the accomplice. If the author or publisher of the publication is unknown, both the proprietor and the manager of the printing press shall be prosecuted under the criminal law.

Article 42: The proprietors of printing presses, bookstores, publishing and distributing houses, studies and research centres, and public opinion polling centres are considered responsible for personal rights and court expenses resulting from sentences issued against their employees in publication cases which are subject to the provisions of this law.

Article 43: The court which issues the sentence may order the convicted party to publish the text in full or the summary of the final sentence free of charge in the first issue of the periodical that follows the announcement of the sentence, and also in the same place and with the same print where the contested article was published. The court may, if necessary, order the publication of the text or the summary of the sentence in two other papers at the expense of the convicted party.

Article 44: A. If the responsible chief editor of the press publication violates any provision of Paragraphs A and B of Article 27 of this law, the lawsuit shall be filed against him/her by the aggrieved party.

B. If a foreign publication violates the provisions of Paragraph C of Article 27 of this law, the lawsuit against it shall be filed by the director.

Article 45: A. If the publication violates the provisions of Paragraph A of Article 20 of this law, or if any of those mentioned in Articles 39 and 40 of this law violate the provisions of these two articles, they shall be penalised by a fine of not less than double the amount of money received.

B. If the proprietor of the periodical fails to implement the provisions of Paragraph B of Article 20, he/she shall be penalised by a fine of not more than 100 dinars. If failure persists, the court shall suspend the issuance of the publication for any period of time it deems fit.

C. If the periodical publishes any material violating any provision of Article 38 of this law, it shall be penalised by a fine of not less than 5,00 dinars and not more than 1,000 dinars. Paying the fine shall not prevent the prosecution of the responsible one according to the valid provisions of the law.

Article 46: A. If the convicted party violates the provisions of Article 43 of this law,

he/she shall be penalised by a fine of not less than 100 dinars and not more than 1,000 dinars. The sentence shall be published at his/her expense.

B. Whoever brings a publication into the kingdom in an illegal manner and helps in its distribution shall be penalised by a fine of not more than 1,000 dinars. This is in addition to confiscating the issues of the publication.

C. Whoever violates the provisions of this law, where penalties are not stated, shall be penalised by a fine of not more than 1,00 dinars.

Article 47: Whoever issues a periodical or runs any of the institutions mentioned in Paragraph A of Article 15 of this law without obtaining a license shall be penalised by a fine of not less than 5,000 dinars and not more than 10,000 dinars.

Article 48: The cabinet shall issue the necessary regulations for the implementation of this law, including specification of the fees which will be charged by the department in the application of this law.

Article 49: Press and Publication Law No. 10 of 1993 is hereby cancelled.

b. Other Legislation related to Press Freedoms:

I. The law on the Protection of State Secrets and Classified documents:

Access to information is very difficult in Jordan even sometimes to basic facts. Government officials rarely provide information to the press. Jordanians do not know the actual rates of unemployment for example. Information related to agreements, treaties, meetings especially those related to the council of ministers is not disclosed to the press nor to the public. Jordanians often see the headline "The council of ministers discussed issues that are of interest to the citizens and the country" with no details on what kind of issues, what was the outcome and what are the future policies.

The law on State Secrets and Classified Information prohibits civil servants from making public any classified information.

According to the law, an ordinary document may not be disclosed to anyone who has no direct relation to its content and may not be made public without express authorisation. This provision renders all government-held information secret unless authorisation is obtained.

II- Penal Code

The penal code defines defamation as the imputation of a specific fault to a person, in a sceptical or derogatory manner, in such a way as to detract from his/her honour and dignity or expose him/her to hatred and contempt, regardless of whether the said fault constitutes a punishable offence.

Under article 191 of the code, defamation is punishable by imprisonment for a term of between three months and two years if it is directed against the National Assembly or its members in the course of their work or if it is directed against an official body, a court of law, a public institution, the army or any public servant in the discharge of his/her functions or as a result of action taken by virtue thereof.

Article 189 of the PC defines innuendo as an attack on the dignity, honour or standing of another person, in a sceptical or derogatory manner, without specifying a particular fault. According to Article 193 of the PC, innuendo is punishable by imprisonment for a term of between one and six months or a fine of JD 10-50 if it is directed against any of the bodies or persons mentioned in article 191 of the PC.

Article 190 defines an affront as any contemptuous insinuation or invective, other than defamation and innuendo, which is directed against the victim by word of mouth in his/her presence, in writing or via a graphic that is not made public, in a telegraphic or telephone communication or by callous treatment.

Under article 196 of the PC, an affront is punishable by imprisonment for a term of between two weeks and six months and/or a fine of JD 3-50 if it is directed against a public servant in the discharge of his/her functions or as a result of action taken in his/her official capacity. If the public servant is a person “vested with public authority” the penalty is increased and the perpetrator may be imprisoned for up to one year.

Prison sentences are even more restrictive of freedom of expression and almost certainly breach freedom of expression rules.

Although many western European countries still have criminal defamation laws on their books, these have not been applied for many years and no cases have gone to the European Court. In addition, no western European country has sentenced a journalist to imprisonment for many years.ⁱ

c. Jordan's National and International Obligations:

I. Jordan has ratified the International Covenant on Civil and Political Rights (ICCPR), a treaty which imposes legally binding obligations on states parties to respect a number of human rights, including the right to freedom of expression and opinion.

The ICCPR places a dual obligation on states to:

Adopt such legislative or other measures as may be necessary to give effect to the rights recognised by the Covenant; and

To ensure that any person whose rights or freedoms as herein recognised are violated shall have an effective remedy

II- Article 19 of The Universal Declaration of Human rights, 1948: Everyone had the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers

In the Constitution:

Article 15 of the constitution guarantees freedom of expression and opinion:

The State shall guarantee freedom of opinion. Every Jordanian shall be free to express his/her opinion by speech, in writing, or by means of photographic representation and other forms of expression, provided that such opinion does not violate the law.

Freedom of the press and publications shall be ensured within the limits of the law

Newspapers shall not be suspended from publication nor shall permits be revoked except in accordance with the provisions of the law

In the National Charter:

The National Charter: "Freedom of opinion, thought, expression and access to information must be viewed as a right of every citizen as well as of the press and other mass media. It is a right enshrined in the Constitution and should under no circumstances be abridged or violated."

In the Barcelona Process:

In Barcelona, on 27-28 November 1995, the governments of 27 countries, the Council of the European Union and the European Commission (the Partnership) established the Euro-Mediterranean Partnership (EMP) with the overall objective of

turning the Euro-Mediterranean basin into an area of dialogue, exchange and co-operation guaranteeing peace, stability and prosperity.

On a multilateral level, they adopted the Barcelona Declaration, composed of three pillars for developing the main elements of a political and security partnership, an economic and financial partnership, and a partnership in social, cultural and human affairs. The best known aspect of the Declaration is the creation of a free trade zone by the year 2010. However, the signatory Partners have also committed themselves to respect a number of human rights principles, in particular:

- _ to act in accordance with the UN Charter and the Universal Declaration of Human Rights;
- _ to develop the rule of law and democracy in their political systems;
- _ to respect human rights and fundamental freedoms and guarantee the effective legitimate exercise of such rights and freedoms, including freedom of expression and freedom of association;
- _ to respect and ensure diversity and pluralism in their societies, promote tolerance between different groups in society and combat manifestations of intolerance, racism and xenophobia.

Moreover, they have recognised " the essential contribution that civil society can make to the development process of the Euro-Mediterranean Partnership" and have stressed the importance of exchanges between civil societies.

On the bilateral level, the main instruments of the EMP are Association Agreements between the EU and the Mediterranean partners. Following the general EU policy, they include a human rights clause (article 2) which holds that respect for democratic principles and fundamental human rights constitutes "an essential element" of the agreements.

Substantial inputs into the Barcelona Process are provided by the EU institutions, based on the EU's general human rights policy.

THE 27 PARTNERSHIP COUNTRIES ARE: the 15 EU countries: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom, and Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey, and the Palestinian National Authorities.

In the Association Agreement:

In November 1997 Jordan signed an Association Agreement with the European Union (EU). The signing took place in the spirit of the Barcelona Declaration of November 1995, which aims at fostering dialogue, peace, stability and prosperity in the Mediterranean region.

Article 2 of the Agreement states that all of its provisions shall be based on respect for democratic principles and fundamental human rights as set out in the Universal Declaration on Human Rights, which guides the Parties' internal and international

policy and constitutes an essential element of the Agreement.

With the signing of the Agreement, Jordan strengthened its commitment to uphold universal human rights, as it had done previously when it ratified the International Covenant on Civil and Political Rights, which includes free expression guarantees enshrined in Article 19.

Report:

Black Year for Democracy in Jordan

1. INTRODUCTION

In November 1997, Jordan signed an Association Agreement with the European Union (EU). The signing took place in the spirit of the Barcelona Declaration of November 1995, which aims at fostering dialogue, peace, stability and prosperity in the Mediterranean region.

Article 2 of the Agreement states that all of its provisions shall be based on respect for democratic principles and fundamental human rights as set out in the Universal Declaration on Human Rights, which guides the Parties' internal and international policy and constitutes an essential element of the Agreement.

With the signing of the Agreement, Jordan strengthened its commitment to uphold universal human rights, as it had done previously when it ratified the International Covenant on Civil and Political Rights, which includes free expression guarantees enshrined in Article 19.

Jordan's enactment of the press and publications law on September 1, 1998, deeply concerns ARTICLE 19; Centre for Media Freedom, Middle East and North Africa; the Committee to Protect Journalists; the Euro-Mediterranean Human Rights Network; Federation Internationale des Droits de l'Homme (F.I.D.H.); Human Rights Watch; and Reporters sans Frontières.

As Sa'eda Kilani's report amply documents, the law imposes a sweeping regime of censorship, grants the government extensive control over independent newspapers, allows the closure of newspapers for a variety of broadly-worded infringements and restricts the work of foreign and local research institutes and centres. Hence, it represents a serious setback for the protection and promotion of democracy and respect for human rights.

Sa'eda Kilani, a Jordanian writer and human rights activist, has entitled her report "Black Year for Democracy in Jordan". The report provides background on the Jordanian government's attitude towards the press, and gives a chronology of events for the past year. Finally, it lists key provisions in the Law. Sa'eda Kilani makes it clear that freedom of press and opinion has seriously deteriorated in Jordan. In the final paragraph of the report, Kilani offers a series of key concerns and recommendations specifically the need for Jordanian authorities to revoke the law.

On behalf of ARTICLE 19, Centre for Media Freedom, Middle East and North Africa, the Committee to Protect Journalists, the Euro-Mediterranean Human Rights Network, Federation Internationale des Droits de l'Homme (F.I.D.H.), Human Rights Watch, and Reporters sans Frontières. Marc Schade-Poulsen,
Executive Director, EMHRN

2. REPORT

On September 1, Jordan breached her international obligations and violated her own constitution and National Charter by promulgating a press law that severely restricts freedom of expression. The law grants authorities broad powers over the press, limits access to all types of printed information, and restricts the activities of independent research institutes.

Jordan is a signatory to the International Covenant on Civil and Political Rights and is bound by the Universal Declaration of Human Rights as customary international law. Jordan is also a member of the Euro-Mediterranean Partnership which has adopted the Barcelona Declaration. Despite these commitments, Jordan has failed to respect even basic standards of freedom of expression and the press as it prepares to close down newspapers and dismiss the chief editors of several newspapers, while further encouraging a regime of self-censorship among newspapers.

In January 1998, amendments to the 1993 Press and Publications Law (PPL) along the lines of the present law were ruled unconstitutional in a landmark decision of the High Court of Justice. Although the ruling was made on procedural grounds, it was generally viewed as a clear statement to the government that the law was unacceptable. Nonetheless, the government insisted on introducing the 1998 PPL which even represents a more repressive piece of legislation than the amendments that were struck down by the High Court. Indeed, the government has gone even further, dismissing the Head of the Judiciary Authority and censoring and harassing journalists who dared to criticise its undemocratic behaviour.

The government also ignored the persistent waves of local and international criticism of the law last year. Former prime ministers, former information ministers, and senators along with professional associations, political parties and prominent figures in Jordan voiced clear and unprecedented objection to the law. International organisations, such as the Committee to Protect journalists, ARTICLE 19, Human Rights Watch, Fédération Internationale des Droits de l' Homme, and Reporters Sans Frontières also strongly condemned the law and appealed to the authorities to revoke it to no avail.

In August, 1998, the parliament passed the law, one of the most controversial bills in the country's history, in three weeks time. A royal decree was issued soon afterwards, on September 1, putting the law into effect. The promulgation of the 1998 press law had abruptly ended nine years of positive progress in the area of press freedoms.

3. MAIN OUTLINE OF THE LAW

The new press law, which was discussed and ratified by parliament last August, empowers the authorities to:

- _ Indefinitely close local publications deemed in violation of the law,
- _ Restrict the activities of foreign and local research centres in the country,
- _ Confiscate foreign publications.

* The law severely limits the right of citizens to disseminate and obtain information, and imposes prior censorship on foreign publications entering Jordan. If it is strictly enforced, any offence by a journalist could cost the publication JD 10,000. In addition, courts overseeing litigation involving newspapers can, at their discretion, indefinitely close down newspapers.

* According to the new law, private publications are required to secure a minimum capital of JD100,000 within a three-month period in order to publish a sevenfold increase from the JD15,000 stipulated in the previous 1993 Press and Publications Law. And the right of journalists to legally challenge the government or the executive authority for misuse of power was cancelled in the law. The new law also fails to provide explicit guarantees against the use of pre-trial detention of journalists implicated in alleged publication offences.

* The law imposes a number of sweeping restrictions on the content of journalists' work by prohibiting the publication of any news or opinion that disparages the King or Royal Family; relates in any way to the Armed Forces unless authorised; fails to present news in an objective manner; insults the heads of Arab or friendly States; leads to moral corruption; undermines confidence in the national currency or incites public gatherings in violation of the law. Newspapers found to be in violation of any of these content bans face heavy fines and/or the possibility of closure.

* Under the law, authorities can also confiscate foreign publications if they publish anything deemed to violate the above-mentioned content bans. The law also bans research centres from receiving local and foreign funding for joint research projects unless approved by the minister of information.

According to analysts, the new law is dangerous as it will:

- _ Protect corruption and deter coverage of sensitive political issues,
- _ Generate a loss of confidence in the policies of the regime which has pledged to promote democracy that was restored in 1989,
- _ Nurture suspicions about the work and funding of foreign institutes.

The government argued that the freedom allowed by the previous 1993 law had negatively affected the Kingdom's interests and policies, especially vis-à-vis the peace treaty with Israel and Jordan's relations with neighbouring Arab countries. It maintained that the private press engaged in constant criticism of the country's foreign policy that reflected badly on its foreign relations.

In fact, the private press had succeeded in:

- _ Stimulating free debate,
- _ Reflecting for the first time debate by proponents and opponents of peace with Israel,
- _ Breaking centuries-old taboos on subjects related to tradition, religion and culture in a tolerant atmosphere,
- _ Reinforcing the confidence and trust of Jordanians in their leadership.

The 1994 Jordanian-Israeli peace treaty was certainly a recurring subject addressed by the private press. To normalise or not to normalise relations with the Jewish state after almost 50 years of animosity was one topic that triggered creative writings and generated heated debate. But many disregarded the fact that Jordan for the first time witnessed audacious writings by advocates of both sides of the issue whose opinions would have never been tolerated had press freedom been absent and legal penalties more severe.

Unparalleled in Jordan and in many other Arab countries, debates on centuries-old taboos began to fill the front and inside pages of newspapers without the least embarrassment or fear. Tackling stories such as tribal retaliation (*lex talionis*), crimes of honour, child abuse, or even the sensitive Palestinian-Jordanian relationship became normal feature of weekly publications over a short span of time. Issues such as extremism, apostasy, polygamy and women's rights whose mere mention was prohibited for the past ten centuries were being discussed in a normal, healthy atmosphere.

The freedoms introduced over the last eight years, although limited, also helped to reinforce confidence in the regime. Certain foreign policies the regime had adopted might not have been popular but they won gradual acceptance during the democratic opening, were tolerated and even defended by the regime's opponents. Open debate about controversial issues related to culture, tradition and religion, the Jordan-Israeli peace treaty and the lifting of decades-old laws that characterise Israel as an enemy were met with fierce opposition, it is true. But this opposition was expressed in a democratic manner in Parliament. Islamist deputies, who led the opposition bloc, left one of the sessions in protest and abstained from voting in another session. But there were no devastating riots.

Ironically, the riots that threatened the country's security and stability erupted last February came in protest against the many restrictions imposed on public freedoms, including a ban on all demonstrations.

4. BACKGROUND INFORMATION ON THE GOVERNMENT'S ATTITUDE TOWARDS THE PRESS

After the law was endorsed in September, the government promised that it would work for the establishment of a higher council for the media and would, in the meantime, ensure a soft application of the law. It is still unclear how the government will apply such a repressive law in a "lenient" way. Newspapers are now dull, having

adopted a stricter regime of self-censorship for fear of incurring the law's harsh penalties. Headlines, news and analysis tend to cover foreign issues rather than local ones. There appears to be less of a difference now between pro-government and opposition newspapers except for layout and presentation.

The chronology of events that led to the endorsement of the press law, and the measures the government adopted to curb press freedoms and endanger the democratic process, raise serious doubts as to the government's intentions.

On May 17, 1997, the government of former prime minister Abdul Salam Majali imposed amendments to the 1993 press law in a bid to control private newspapers prior to the November parliamentary elections. Efforts to introduce similar legislation began in 1995, several months after Jordan signed the treaty with Israel but successive governments either failed to issue such a law due to fierce opposition or on principle.

Under the Majali government the task was easier. It viewed the press, and the private press in particular, as a potential threat to the outcome of the parliamentary elections since it believed that independent newspapers would provide an unprecedented campaigning forum for opposition deputies.

The press amendments of May 1997 raised the minimum required capital for weekly newspapers from JD 15,000 in the 1993 press law to JD 300,000, a sum which was impossible for most of the weeklies to secure by the state-imposed deadline. The amendments also increased the penalties for violations. While fines in the previous law did not exceed JD 1,000, the temporary amendments set minimum fines at exorbitantly high levels of JD 15,000 and maximum fines at JD 50,000. The amendments, in conjunction with the 1993 PPL, established wide-ranging content bans, prohibiting any published material which offends the King or Royal Family; threatens national unity or violates general ethics, shows contempt for a recognised religion, refers to the armed forces, or insults the head of Arab or friendly countries.

The amendments, ratified by a Royal decree and introduced two months after Parliament went into recess, also allowed the government to keep its shares in daily newspapers, and increase the number of content-based restrictions on publications. Under the temporary law, the government provided a three-month grace period for newspapers to rectify their situation and increase their capital. All newspapers which failed to meet the set requirements were ordered suspended.

Tens of journalists were taken to court last year, many others were incarcerated, and still others lost their means of income. The law and its amendments of May 1997 led to the suspension of 13 newspapers in advance of the parliamentary elections in November 1997, the dismissal of the chief editor of a pro-government daily and the ban of prominent columnists from writing in addition to the recurrent arbitrary confiscation of internationally recognised foreign publications. The Jordan Press Association (JPA), the country's only representative body of journalists, failed to protect its members under threat. And except for very rare cases, failed to defend their right to free expression.

Although the High Court declared the amendments unconstitutional in January 1998, the government insisted on re-introducing a similar law. In a threatening gesture on February 24, it forced the dismissal of the head of the Judiciary authority, Farouq Kilani, in apparent retaliation for his perceived role in the ruling. In a public speech two months later, King Hussein criticised the High Court's ruling and threatened that "such a precedent should not be repeated."

Publicly, the government argued that it was acting to protect the public from sensational journalism and sexually provocative material found in some weekly newspapers. In a tribal, traditional society like Jordan, it succeeded at the time in winning public sympathy, particularly from Islamists, in its struggle to end tabloid journalism.

In fact, the amendments of 1997 were not used to prosecute newspapers for publishing obscene photos or fabricated news as the government claimed, but were used instead, according to prominent figures including Islamic personalities, to suppress political opinions that opposed the government's policies.

5. KEY CONCERNS AND RECOMMENDATIONS

Recommendations:

1. The 1998 press and publications law should be repealed.
2. All existing forms of censorship on journalists and newspapers should be lifted.
3. Jordan should introduce new legislation that ensures the right to freedom of expression. The legislation should be free of sweeping, vaguely worded censorship provisions that place in jeopardy the exercise of the right of free expression.

Proposed new legislation should not include:

- * the licensing regime for newspapers, other media, and research centres that restricts press freedom or the free flow of information;
- * restrictions on who may practise journalism or occupy positions in the media or research centres;
- * restrictions on the content of what may be published which do not meet the strict standards established under international law;
- * imposition of unwarranted restrictions on the activities and operations of independent non-governmental organisations, including research institutes;

* prior censorship of domestic and foreign publications

* pre-trial detention of journalists for their professional activities

4. Independence of the judiciary should be respected; judges should never be subjected to political sanction or dismissal for their professional activities.

5. Practices aimed at intimidating journalists and other media workers by government officials and other public figures should cease.

6. The government should divest itself of its monopoly over radio and television and renew its commitment in the 1993 Press and Publications Law to reduce its ownership of the print media.

7. Immediate steps should be taken to ratify the (first) Optional Protocol to the International Covenant on Civil and Political Rights.

Signatories to the document urge the EU and its member states to take the following measures:

1. EU officials should communicate concern about the pattern of restrictions on freedom of expression in Jordan in bilateral and multilateral meetings with Jordanian government officials.

2. EU officials should urge that the press and publications law be repealed and replaced with legislation in conformity with the free expression standards of Article 19 of the International Covenant on Civil and Political Rights.

3. Until the law is repealed, EU officials should closely monitor developments in Jordan that unnecessarily restrict freedom of expression, communicate concerns directly to Jordanian government officials, and make such demarches public.

Part IV

Relevant Correspondence between
EMHRN
and the Jordanian government
and,
Between the Jordanian government
and the European Parliament

Part IV

Relevant Correspondence between EMHRN and the Jordanian government and, Between the Jordanian government and the European Parliament

1- Motion for a resolution on press freedoms in Jordan:

The European Parliament given its assent to the conclusion of the Euro-Mediterranean agreement with Jordan of 2 July 1998, recalling the undertakings signed by the Jordanian government in the context of the November 1995 Barcelona Declaration,

recalling the Euro-Mediterranean agreement on 25 November 1997, and that article 2 thereof sets out respect for democratic principles and human rights as the basis of relations between both parties,

underlining Jordan's efforts to promote peace and democracy in the region, and deeply concerned with the deteriorating situation of press freedoms in Jordan following the promulgation of the new press law on Sept 1, 1998, equally concerned with the effects the endorsement of the Press and Publications Law on 1 September will have on freedom of expression and information, and that it will generate a loss of confidence in policies of the government which has pledged to promote democracy,

worried about vaguely worded content restrictions in the Law that go beyond what is necessary to protect legitimate interest, and that place in jeopardy the exercise of the right of free expression,

concerned about penalisation of journalists by fines between JD 5.000 and JD 10.000 for publishing material violating provisions on vaguely worded content restrictions,

preoccupied about the court being able to suspend the issuance of a publication while looking into a case for any period of time it deems fit for reasons that are unnecessarily vaguely worded,

concerned about restrictions imposed on studies and research centres in obtaining financial aid which may be detrimental to their work,

worried that the law fails to provide explicit guarantees against the use of pre-trial detention of journalists implicated in alleged publication offenses,

preoccupied about the raising of minimum capital for dailies and non-dailies to respectively JD 500,000 and JD 100,000 which seriously threatens the existence of a private, free press, and that responsible chief editors must have a minimum experience of eight years as full time journalists which limits the number of potential candidates and threatens to close down even more newspapers.

The European Parliament:

Appeals to the Jordanian authorities to repeal the Press and Publication law so as to

guarantee the principle of freedom of expression and information in light of Jordan's international human rights commitments.

Asks the Jordanian authorities to reconsider vaguely worded prohibitions and punitive articles, minimum capital requirements, and excessive demands on editor qualifications when drafting new press related laws and legislation.

Calls for the cease of practices aimed at intimidating journalists and other media workers.

Calls on the Commission to support all projects aimed at promoting freedom of the press and making it an essential element in EU-Jordan co-operation.

Calls on the Commission to closely monitor the development of democracy, and in particular freedom of expression, in the context of the Euro-Mediterranean association agreement.

Instructs its President to forward this resolution to the Council, the Commission and the government of Jordan.

2-Letter of the Head of the Press and Publications Department to EMHRN and the signatory organisations to the report 'Black Year for Democracy in Jordan':

On top of the letter, Qattan asked that the Secretariat of the Euro-Mediterranean Human Rights Network and the Danish Center for Human Rights to distribute to: ARTICLE 19, Center for Media Freedom, Middle East and North Africa, the Committee to Protect Journalists, the Euro-Mediterranean Human Rights Network, Federation Internationale des Droits de l'homme, Human Rights Watch and Reporters Sans Frontieres- the organisations that supported my report.

The letter said:

"The Press and Publications Department in Amman, Jordan read with concern the report presented by Sa'eda Kilani entitled "Black Year for Democracy in Jordan". Given the facts that the report contained several inaccuracies, extremely one-sided views based on flawed research and several instances where articles of the Press and Publications Law passed by the Jordanian parliament in August were mistranslated, the Department would like to make the following comments and clarifications:

It is a pity that ARTICLE 19, Center for Media Freedom, Middle East and North Africa, the Committee to Protect Journalists, the Euro-Mediterranean Human Rights Network, Federation Internationale des Droits de l'homme, Human Rights Watch and Reporters Sans Frontieres all relied on information (some of it seriously inaccurate and flawed) provided by one source and one source only. A more balanced approach that took into account other points of view as well, may have been more appropriate for such distinguished groups that protect and advocate freedom of speech. It is of serious concern to us, that in the introduction to the report, the Executive Director of EMHRN regards all the information provided by this one source as given facts, without, it seems, making the effort to check the validity or accuracy of the information provided.

It is quite clear that the report, prepared by this one source, namely Sa'eda Kilani, with what appear to be her own biases and prejudices, fails to take into account one very important factor: The press and publications law of 1998, with whatever it has going for it or against it, only became law after being passed by a freely-elected

parliament and only after it was amended and modified by parliamentary committees. Surely the author and all these distinguished bodies are not questioning the legitimacy of the Jordanian Parliament?? This is quite evident in the opening remarks where the author states that “Jordan violated her own constitution and National charter”. This is a direct challenge to Parliament’s authority and an insult to the Jordanian electorate.

In paragraph 2 the author states that Jordan (meaning the government it is assumed) is preparing to “close down newspapers and dismiss chief editors of several newspapers”. This is an outright fabrication as the government has no such intention per se and the author is welcome to provide one shred of evidence to substantiate this claim.

In paragraph 3 the author says that amendments to the previous law, introduced in 1997, were ruled unconstitutional in a decision by the High Court of Justice.

The author goes on to say that the government went further by “introducing the 1998 PPL which even represents a more repressive piece of legislation than the amendments that were struck down by the High Court.” Indeed, the author concludes, the government has one even further by “dismissing the head of the Judiciary Authority..” Is it a coincidence that the former Head of the Judicial Council (not authority) happens to be the author’s father? And if not, does this not shed serious doubt on the credibility and objectivity of the author?

In the section called “Main Outline of the Law” the author misquotes articles of the law, distorts others, and at times simply mistranslates them altogether. The government under the law does not have any right to arbitrarily close down papers. It is the courts that are empowered to do so, and only if legal case and ensuing proceedings are involved. Neither does the government have the right to whimsically confiscate foreign publications.

The list of “restrictions” mentioned by the author are the exact same ones taken from the previous law which the author uses as a point of reference to criticise the current law. Furthermore, she fails to mention that the item relating to insults of heads of Arab or friendly states continues on to say “provided there is a reciprocal arrangement in their countries”.

This is a clear qualification that did not appear in the 1993 law, and was added to this sentence in the current law. This qualification, which changes the entire meaning of the author’s claim, strangely disappears in the author’s criticism of the law, but is surprisingly translated accurately in the annex to the report!

The author states, wrongly, that the law “bans research centres from receiving local and foreign funding for joint research projects unless approved by the minister of information”. Not only is this completely inaccurate, but the opposite is very much true. The law ONLY allows foreign funding to research centres if they ARE intended for joint research projects OR if they are approved by the minister. Again the author contradicts herself through the translation of this article (41) in the annex.

It would have been more topical for the sponsoring parties to have checked that the

author had read the law carefully before making such mistakes and/or adopting them, and it is strongly suggested that a comparative study is done between the 1993 and 1998 law, where one will find that the clause comprising the “restrictions” is almost identical albeit much more flexible in the 1998 law.

Another major flaw in the report is that it keeps referring to “authorities” right to closure, banning, confiscation, etc.. It is not known what is meant by “authorities” but the law is quite specific in that any such action is solely the right of the courts, after their own independent proceedings.

In the section entitled “Background information on the government’s attitude towards the press”, the author says that this government, formed in August 1998, has committed itself to a ‘soft application of the law’. The author doubts that the government will be able to apply such a “repressive” law in a “lenient” way. A few questions that need to be answered by the author: Has the government not dropped charges on all cases against newspapers that were in the courts already when the cabinet took office? Has the government initiated any legal proceedings against any journalist or newspaper since it took office? Has the government not initiated a systematic and ongoing dialogue with the Jordan Press Association in order to activate their “code of ethics” in the hope of avoiding the restrictions of the law? And many more questions that throw the objectivity of the author into serious doubt.

In the same section the author claims that newspapers are now “dull”, and that “headlines, news and analysis tend to cover foreign issues rather than local ones”. Not only is this a sweeping generalisation about all the newspapers of Jordan based on the opinion of just one person, but it cannot be farther from the truth.

The distinguished bodies who supported the author’s flawed research are invited to check the headlines, and news analysis of the daily, weekly and other publications in Jordan, in order to find out for themselves, that not only are local issues predominant, but criticism of government policies are frequent, including matters related to the peace process, which the author seems to mistakenly think the new law was aimed at eradicating. In fact, the vast majority of court cases where government charges were dropped were cases of slander, defamation and other non-political cases.

Under the section entitled “Key Concerns and Recommendations” the author recommends that “pre-trial detention of journalists for their professional activities” be stopped. What she failed to detect is that the 1998 law prohibits the pre-trial detention of journalists. Interestingly this provision was also in the temporary law which was revoked by the High Court!!

The author also recommends that the law be “repealed”. She and other parties must be aware that there is a legislative body here in Jordan, in the form of a bicameral Parliament that passes laws and repeals them. Is it so easy just to say “repeal this law or that”?? This is a country of institutions under a constitution, and they all have to be respected.

Does Jordan not deserve better respect and appreciation for its democratisation process than to have one person declare that all its newspapers are “dull”, and do not

write what he or she wants?? Are the opinions of one person all that it takes for all these distinguished groups to pass sweeping judgements on Jordan and its “authorities”? This government is trying to conduct a healthy dialogue with all parties concerned to try and reach a common and mutual understanding regarding a law that yes, has drawn serious concern. Personal opinions are welcome, but they should not constitute the basis for passing sweeping judgements.

Furthermore, inaccurate translation, incomplete research and far from objective reporting have all led to a serious misunderstanding on the part of some international groups, of this law and its implications.

The government would therefore propose to invite a representative body of members of the said groups to come to Jordan, read first-hand the accurate translation of the law, listen to the government’s point of view, assess the reality of the press sector and newspaper coverage in Jordan today, and then draw its conclusions. Not rely on information provided by one person which is against the basic principles that these bodies represent. If these are areas that need attention or review the government is more than happy to hear and study any such objective ideas and contributions.

Best Regards,
Department of the Press and Publication
Amman, Jordan
19 November 1998

3- EMHRN’s reply to the Jordanian government

4-12-1998

Dear Sir,

On behalf of the Euro-Mediterranean Human Rights Network, I would like to thank you for your quick response (of 22 November) and for your initiative to open dialogue over the situation of press freedoms in Jordan.

However, despite the government's repeated reassurances of the soundness of the situation regarding the new press law that went into effect last September, we insist on the fact that Jordan faced a setback in democracy this year following the promulgation of the press law, as expressed in Ms. Sa’eda Kilani’s report: “Black Year for democracy in Jordan”.

The Euro-Mediterranean Human Rights Network would like to make the following comments while assuming the full responsibility of supporting the report:

First, it should be outlined here that the author of the report is an expert in the field of press freedoms and human rights in her country as indicated in the note on the author published in the report. Her work, expertise and knowledge has never been under question. The EMHRN is well informed about the press situation in Jordan and about several in-depth reports published by international human rights organisations warning about the negative consequences the new press law might have on Jordan. Therefore, the support the EMHRN extends to the report emanates from its firm conviction of the complete accuracy of the report that shows a clear and substantiated picture of the deterioration of press freedoms situation.

Second, the report does not attempt nor wish to contest the legitimacy of the

Jordanian Parliament or any other power nor does it undermine the positive steps Jordan had taken towards liberalisation until last year. But it should be noted that a major opposition force is absent from the present parliament because the main opposition parties boycotted the parliamentary elections last year in protest of, inter alia, the introduction of the press law.

Third, the law is in violation of basic international standards of press freedoms and in contradiction with Jordan's international human rights commitments. It also contradicts the spirit of the Jordanian Constitution and the National Charter. The government's reply does not provide any statement that proves the contrary, and the Signatories reserve their right to criticize legislation passed by any parliament that does not meet recognized human rights standards.

It is also true that the government is preparing to close down weekly newspapers that have not secured a minimum capital of 100,000 Jordanian Dinars as it was evident from the notices the director of the press and publications department, sent to the publications earlier in October. Under the law, the government can not certainly confiscate, suspend or close down newspapers without legal action, it is true but the government did not respect it. Nevertheless, last year, on September 23, four months after the government of Abdul Salam Majali introduced the press law, it took the liberty of suspending thirteen weekly publications without going to court.

EMHRN has no reason to question the objectivity of the author on the ground of her family relations which are well-known. As mentioned, Ms. Kilani's work, expertise and knowledge has never been questioned, neither when she wrote a detailed critical report on press freedoms for ARTICLE 19 (October 1997) while her father was in power (August 1997-February 1998). Furthermore, we recall local and international newspapers criticism of the measure of dismissing the Head of the Judiciary Council after the High Court ruling that esteemed the press law as unconstitutional.

If the list of restrictions had already existed in the 1993 law, it does not mean that they are right. This is not the first time that the author or international organizations and press freedoms advocates criticize the long list of taboo subjects. These restrictions are a clear violation of press freedoms principles. In addition, this list of restrictions increased from 10 in the 1993 press law to 14 in the current 1998 law including almost all issues. And penalties for violations of any of these content bans increased from 1000 Jordanian Dinars in the previous law to JD10,000 in the new one which allows further self-censorship among journalists in fear of enforcement of the law.

The law states clearly that research centres can not get funding for joint projects without the approval of the minister contrary to the claim in the Jordanian government report. There can be no other interpretation to Article 41 which stipulates: Studies and research centres, public opinion polling centres, or anyone working in them are prohibited from receiving or accepting, by virtue of their work, any financial aid or grant or any financing from a Jordanian or non-Jordanian quarter. This does not include the financing of joint ventures, studies, or research approved by the minister.

We are informed that the new government of Fayez Tarawneh and the minister of information Nasser Joudeh are exerting strenuous efforts to hold dialogue with all different political groupings in the country and are trying to maintain good relations with the press. But the law remains oppressive and is likely to deter genuine progress of such initiatives.

EMHRN highly welcomes the government's move to drop lawsuits filed against newspapers but the law itself might lead to the suspension or the indefinite closure of any publication- weekly or daily- pending a trial and/or for failure to secure an exorbitant minimum capital.

The law is further intimidating journalists from covering news and analysis related to political and social issues. Newspapers last August fully abided by a government-imposed ban and failed to cover news or events related to the water crisis pollution that hit the country last summer contrary to the case of the ban imposed on covering the proceedings of opposition figure Leith Shubeilat. Newspapers rejected the government notice that threatened newspapers against publishing information related to Shubeilat's case taking force from the freedoms allowed in the 1993 law that was in effect.

This year, newspapers would risk an indefinite suspension if they were taken to court and refrained from exercising their basic right to publish and disseminate information.

Moreover there is no provision in the press law or any other law that prohibits pre-trial detention of journalists. On the contrary, the prosecutor general usually referred to the Penal Code to arrest journalists in the past years. Although the provision in the Penal Code was initially intended for criminals, it was widely used against journalists.

EMHRN welcomes the proposal of the Jordanian government to invite a representative body of members of the group to come to Jordan and sincerely hope the government will undertake a review of the Press and Publication Law and relevant legislation so as to guarantee the principle of freedom of expression and information.

Yours Sincerely,
Marc Schade-Poulsen
Executive Director

4- Organisations reply to the government:

Dear Sir,

We welcome the comments of the Jordanian government concerning “Black Year for Democracy in Jordan: The 1998 Press and Publications Law,” published by the Euro-Mediterranean Human rights Network with support from ARTICLE 19, Human Rights Watch, Committee to Protect Journalists, Reporters Sans Frontieres, Center for Media Freedom in the Middle East and North Africa, Federation Internationale

des Droits de l'Homme (F.I.D.H). We also appreciate the steps you have taken to initiate a dialogue to discuss issues of common concern.

We welcome the invitation that the Jordanian government has extended to a representative delegation from our organisations to visit Jordan, discuss the press and publications law, and hear the views of officials.

We remain deeply concerned, however, about restrictions on freedom of expression in Jordan. For the record, we must re-emphasise the following points:

** We find the 1998 Press and Publications Law in violation of the internationally guaranteed right to freedom of expression. Our organisation have repeatedly and publicly indicated the various provisions of the law that are inconsistent with international human rights standards.

** The fact that the law was passed by parliament does not diminish our concerns. As a state party to the international Covenant on Civil and Political rights, Jordan is obligated to respect and to ensure to all individuals within its territory the rights recognised in the Covenant including Article 19 which guarantees freedom of expression.

** Key features of the press and publications law that are reason for our continuing serious concern include the following:

The sweeping regime of prior censorship imposed by Article 5, Article 7, the long list of content bans in Articles 37 and 39, and the steep financial penalties for those who publish anything on the prohibited topics enumerated in Articles 37 and 39.

The power to suspend publications for an indefinite period by a court order pending a trial in any case involving violations of the Press and Publications Law.

The power given to the director of the Press and Publications Department (PPD) under Article 31 to ban entry into Jordan of any publication that violates provisions of the law, and the further requirement that any publication imported into Jordan by a distributing or publishing house must first be approved by the director of the PPD.

The requirement set forth in Article 35 that books cannot be printed in Jordan without prior approval of the director of the PPD, who may prevent the printing of any book that contains material in violation of the content bans in the law.

Unreasonable restrictions in the press law and the Jordan Press Association law on who may practice journalism in Jordan and hold positions as chief editors.

Restrictions in Article 41 on the ability of independent research centres, to accept local and foreign funding unless approved by the minister of information.

We are eager to discuss with Jordanian officials all of the issue raised in your memorandum, and we hope a visit to Jordan can be arranged at a mutually convenient time in the near future. The international organisations will be happy to write separately to you to facilitate further discussion of aspects of the text of the law.

On behalf of ARTICLE 19; Human Rights Watch, Committee to Protect Journalists, Reporters Sans Frontieres, Center for Media Freedom in the Middle East and North

Africa, Federation Internationale des Droits de l'Homme (F.I.D.H) and the Euro-Mediterranean Human Rights Network.

Yours Sincerely,
Marc Schade-Poulsen

5- Letter of Ummayya Touqan to the European Parliament

H.E. Ms. Anna Terron

European Parliament- Brussels, December 17, 1998

Your Excellency,

I wish to thank you once again for our meeting at the European Parliament last Tuesday. Your kind and prompt response has illustrated your even-handed approach to an issue that we all are committed to. I am grateful for your remarks and concerns, which certainly will be taken fully into account by our government.

As I mentioned during our meeting, our Association Agreement with the EU and having a Euro-Mediterranean free trade area by the year 2010 necessarily implies big changes in our society. The standards and specifications not only of our goods and services will have to conform to European or international standards but similarly many other aspects of our life in Jordan will also have to change. In the last 18 months, the Parliament in Jordan has been very busy and passed new laws on the Protection of Intellectual Property Rights, Capita Market, Income Tax, Customs Duties, Press and Publication law and several others.

The intended common feature of all these laws is more transparency, more accountability, and more integrity compatible with the desired standards. Especially in the field of economic activity, the new laws were negotiated with civic society but almost invariably one or more interest group will oppose change. Status quo benefits and established attitudes need time to adapt.

3- Similarly, the Press and Publications law was intended to raise the standard of the profession and prepare it for an open environment where international standards prevail. It is not a U-turn, as the report of Ms. Kilani would imply. On the contrary, the new law corrected serious flaws in the previous (temporary) 1993 law. Under the new law, only the courts could close down newspapers or revoke licenses and only for the duration of the trial. Furthermore, neither the government nor the courts are authorised to detain any journalist prior to or during the trial. Under the previous 1993 law, the government could suspend newspapers indefinitely, detain journalists prior to trial and refuse licensing of publications without giving reasons.

On licensing issues, the new law raised the minimum capital requirements, defined clearly the academic and other requirements that a managing editor should have. Newspapers were given three months to adjust their structures and finances (i.e. by December 31, 1998). These new requirements, described as restrictions by Ms. Kilani, were aimed at raising the quality of the industry. Ms. Kilani seems to thin that the new requirements represent tariff and non-tariff barriers to entry, to use international trade terminology. Looking at the evidence, after almost three months of implementing the new law, we find the following:

Out of seven daily papers, over twenty weekly papers and more than five hundred

and fifty publications, not a single newspaper or publication was closed since the implementation of the new law on September 1, 1998. In fact, since then, two new publications were licensed. Both newspapers are not pro government.

Similarly, not a single journalist or newspaper has been referred to court since the implementation of the new law. In fact, and as mentioned earlier, the government dropped all charges in all cases that were already before the courts when the new law came into effect.

All current newspapers and publications have already met the new capital and other requirements under the new law and within the time frame stipulated by the law (90 days from implementation).

Meetings between the Ministry of Information and the Jordanian Press Association, an elected body, are being held regularly. This has helped create a better atmosphere and a mutually beneficial working relationship. This development was well received by the press at large.

The government committed itself publicly to implement the new law in a flexible manner.

As you might agree, this evidence clearly suggests that the new law was not intended as a way to discriminate, put barriers to entry, or to implement a hidden agenda. In retrospect it seems that none of the fears that have been expressed by critics of the law did materialise. Ms. Kilani chose to base the bulk of her report on practices of a previous law (temporary law developed into the 1993 law) and offload such practices on the new law and its current administration.

Assuming the best of intentions, it may be that Ms. Kilani is still thinking in terms of the previous law and practices and is sceptical about the implementation of the new law. This does not justify, however, the very unkind and totally biased contents and style of the report.

Any law can be amended if the need arises and if the sovereign legislative body, the Parliament in the case of Jordan, decides to do so. The credibility of Jordan or its institutions should not be undermined because of unfounded fears or personal traumas. We are trying our best to play a moderating and stabilising role in the region, to deal with the problems that usually arise in the process of transforming society to a modern and open society, and to protect and deepen our democracy. Along the way, there are bound to be imperfections and mistakes.

We are still a developing country and we are aware that our democracy is not perfect. The point that seems to be brushed aside by our critics is that we are constantly trying to address imperfections, mistakes or gaps with an open mind and with the help of our friends in many parts of the world. By signing the Association Agreement with the EU, we firmly committed ourselves to common values, not only in the area of human rights, but also in the need to replace fear with hope and the need to secure a better life for our children than the one we ourselves had.

The freedom of the press is very much alive in Jordan. Indeed, every detail pertaining to the report of Ms. Kilani, the response of the Euro-Mediterranean Human Rights Network, was published in the Jordanian newspapers in Arabic and English.

We would be honoured if members of the European Parliament would find it possible to visit Jordan and see first hand the situation on the ground. I have been authorised by my government to extend to Your Excellency, and any additional member that you might want to propose, to visit Jordan at a date that is to be agreed upon pending further consultation with you.

On our part, it may be that we should do more in terms of confidence building measures such as those mentioned in (d) and (e) above. Further steps in this direction will hopefully convince Ms. Kilani and her colleagues to replace fear and suspicion with hope and optimism. The government will not hesitate to propose to the Parliament amending any law if the need arises. Such process will have to follow constitutional channels. The government is committed to continuing the dialogue with civic society with an open mind and in pursuit of common objectives. We are determined to move forward in the direction of deepening our democracy and the rule of law.

I am taking the liberty to enclose for your records, the full text of my presentation to our meeting in Strasbourg which I verbally summarised, the text of the 1998 Law on Press and Publications (in Arabic) and some remarks by the Ministry of Information in Jordan in response to Ms. Kilani's report.

Please accept, Your Excellency, the assurances of our highest consideration.

Ambassador
Umayya Touqan

Information on the Euro-Mediterranean Human Rights Network

The Euro-Mediterranean Human Rights Network (EMHRN) is a network of human rights organisations based in more than 20 countries from the Euro-Mediterranean region. The EMHRN was established in January 1997 with the following main objectives:

- _ to support and publicise the universal principles of human rights as expressed in the Barcelona Declaration
- _ to strengthen, assist and co-ordinate the efforts of its members to monitor the Partner States' compliance with the human rights principles in the Barcelona Declaration
- _ to support the development of democratic institutions, promote the rule of law, human rights and human rights education, and to strengthen civil society in the Euro-Mediterranean region.

The overall objective of the EMHRN is to contribute to the protection and promotion of the human rights principles embodied in the Barcelona Declaration of

November 1995 and in the bilateral association agreements between the EU and its Mediterranean partners.

The EMHRN is based on the idea that the Barcelona Process has provided the Euro-Mediterranean region with important instruments for the promotion and protection of human rights, and that the success of the Barcelona Process is dependent on the active participation of civil society.

The EMHRN considers that it should concern itself with the whole of the Euro-Mediterranean region: Human rights problems in the North and South are interrelated. There is a need to reinforce the co-operation and exchanges between human rights organisations in the region and to develop a constructive dialogue with governments.

The EMHRN is based on a decentralised approach and its principle task is to facilitate the work of its members. Its organisational structure consist of an executive committee, a general assembly and a secretariat.

Biography of the author

Sa'eda Kilani, is a human rights activist and currently heading the Arab Archives Institute, a research centre in Jordan that carries out studies on human rights issues. Ms. Kilani is also co-representative of a chapter for Transparency International in Jordan.

Ms. Kilani has previously worked extensively as a senior reporter for the Jordan Times daily on issues related to press freedoms, human rights, women, Islamic movement, the Jordanian Parliament, Prime ministry, and Jordanian political parties.

Ms. Kilani has also worked as a columnist at Le Jourdain-the Star, reporter for CBS and Canal +. She has lectured, written, edited and co-edited several booklets within her field of interest.

In 1997, Ms. Kilani wrote a book-report on Press Freedoms entitled Blaming the Press, published by the London-based ARTICLE 19. Since 1996, she is correspondent for Reporters Sans Frontières. She is also a founding member of the Euro-Mediterranean Human Rights Network.

aainstitute@gmail.com

ⁱ Cf. ‘Open letter to Honourable Members of Parliament’ on the occasion of extraordinary session of the Parliament Saturday, 14 August 1999, with the aim, among other things, of amending the 1998 Press and Publications Law. Signed by Arab Archives Institute for Publishing; ARTICLE 19; Bar Human Rights Committee of England and Wales; Committee to Protect Journalists; Euro-Mediterranean Human Rights Network; International Federation of Human Rights (FIDH); International Federation of Journalists; International Press Institute; Reporters sans Frontières; World Association of Newspapers. See also the recommendations in the report, ‘Black Year for Democracy’, *op. cit.* supported by ARTICLE 19, the Committee to Protect Journalists, Euro-Mediterranean Human Rights Network, Human Rights Watch, International Federation of Human Rights (FIDH), Reporters sans Frontières, and Centre for Media Freedom in the Middle East and North Africa.

ⁱⁱ For the correspondence, please see Part IV.

ⁱⁱⁱ 3. Please see part IV, 5

^{iv} 4. Letter no. 968/8/S, Jordanian Embassy in Brussels, December 10, 1998. (A copy could be obtained from the Arab Archives Institute in Amman)

^v 5. “The practical implementation of articles stipulating that Jordanians corresponding with foreign media must register with the Jordanian Press Association has proved to be ineffective- (Article 9) of the current press law) – because this article was formulated to satisfy the Press Association.”

^{vi} 6. Interview with the author, April 13, 2000.

^{vii} 7. For example, in 1994, the then minister of Health, Abdul Rahim Malhas, chose the tabloid Shihan weekly to reveal highly sensitive information on corruption in health and food sectors.

^{viii} 8. Al Ra’i, November 22, 2000

^{ix} 9. Jordan Times, January 8, 2001

^x 10. While king Hussein was desperately trying to rectify Jordan’s image abroad, at home, Dakamseh was becoming a national hero who should not be condemned as a killer. The growing sympathy with Dakamseh was created by the powerful professional associations who have been known for their ardent and strong opposition to peace but it was also supported by the private press. For example, in its lead article on the front page, the pro-Nasserite al Majd weekly regretted that an Israeli tourist who was

stabbed by a Jordanian citizen was not killed.

^{xi} 11. Cf. ARTICLE 19, Blaming the Press, Jordan's democratisation Process in Crisis, October 1997.

^{xii} 12. Ibid

^{xiii} In addition, the amendments, which also imposed a ten-year minimum experience for chief editors of newspapers, have influenced prominent writer Nabil Sharif, the chief editor of the second leading daily, Ad-Dustour. His father, Mahmoud Sharif, who upholds more conservative views, replaced him as the "responsible chief editor." Although the law changed two years later, the status of Dr. Nabil has not changed.

^{xiv} It is interesting to see the way the government reacted to the court's ruling. At the beginning, it contended that the court ruling did not mean that the suspended publications can resume publishing. Samir Mutawe', then Minister of State for Information Affairs, said that the suspended weeklies had to re-apply for licensing (Jordan Times, January 28, 1998). Furthermore, news of a split within the government started spreading. It was also said that the Prime Minister presented his resignation to the king but was refused.

^{xv} "I expect your government take the necessary measures in submitting a new press and publications draft law that would deter anyone from harming Jordan's relations with Arab states or adversely affecting national unity." The king also said : "From time to time, we are surprised to see writers misleading the public with their writings in our newspapers and weeklies attacking the Palestinian leadership and slandering it. This behaviour might suggest to our Palestinian brothers that we adopt a policy contrary to what we declare or that we do not respect our decisions and commitments. It might look as if we have more than one face or that we have ambitions or reason to weaken them or to negatively affect their position at the most crucial stage they are going through. This is totally untrue and we believe the repeated offences and slandering can only serve the enemies of Palestine and Jordan alike." Jordan Times, April 16-17, 1998.

^{xvi} Please see Part III, d. Also, for a comprehensive review of the law, please see: A Black Year for Democracy: The 1998 Press and Publications Law, Copenhagen 1998.

^{xvii} The action prompted a clash between the government and the Jordan Press Association (JPA) since the latter believed that the new law should be applied on newly licensed newspapers and not on existing ones which have been already licensed according to the 1993 law.

^{xviii} Letter distributed to all publications in Jordan by the press and publications Department on November 23, 1998

^{xix} The ban was based on article 39 of the 1998 Press and Publications law that prohibits newspapers from publishing news related to a case pending trial.

^{xx} Interview with the author for a report for Human Rights Watch, November 1998.

^{xxi} Al Ra'I, March 14, 1999

^{xxii} Jordan Times, March 18, 1999

^{xxiii} Jordan Times, March 18, 1999

^{xxiv} Surprisingly, these voices were either absent when a restrictive press law was being discussed in parliament back in 1998 or they were supporting the law altogether. Then Chairperson of Al Arab Al Yawm daily Riad Hroub, openly criticized the double faces certain politicians have and how the same people who supported and defended strongly the government's restrictive provisions in the press law were now defending the regime's trend to liberalize the press (see Shihan, November 5, 1999,

^{xxv} In fact, the Association had already warmed up - since word of a new law came out - to incorporate this provision in any new related press law. In a memo the JPA submitted to minister of information back in March, the Association called for banning pre-trial detentions of journalists, a procedure that is recurrently carried out in order to harass and intimidate journalists, not to mention that it was applied selectively and vengefully (Ad-Dustour, March 23, 1999)

^{xxvi} Ad-Dustour, May 18, 1999

^{xxvii} Making reference to a list published by the Committee to Protect Journalists.

^{xxviii} Hilmi Asmar, Ad-Dustour, April 10, 1999.

^{xxix} Al Ra’I, March 5, 1999.

^{xxx} Jordan Times, April 21, 1999.

^{xxxi} Ibid.

^{xxxii} Al Ra’I, April 24, 1999

^{xxxiii} Interview with the author, May 1999

^{xxxiv} Al Arab Al Yawm, February 25, 1999

^{xxxv} As-Sabeel, February 23 – March 1, 1999.

^{xxxvi} Al Bilad, June 9, 1999.

^{xxxvii} Ad-Dustour, July 14, 1999.

^{xxxviii} Al Ra’I, July 15, 1999.

^{xxxix} Petra, Al Ra’I, July 24, 1999.

^{xl} Interview with the author, April 2, 2000

^{xli} Previous press laws prohibited journalists from tackling issues that might harm the royal family, security apparatus, national unity, religion, heads of Arab, friendly and neighbouring states, national currency, national unity and any item that might foment hatred (see Black Year for Democracy, op.cit.)

^{xlii} .“You are JPA board, members of a board of a freedoms Association. You are discussing a freedom law and your goal is to defend the law’s freedoms. You should not indulge in formalities such as capital of newspapers and related things, which are considered technical matters,” was the comment of Premier Rawabdeh to members of the Jordan Press Association during a meeting specifically organized to discuss the press law.(ibid)

^{xliii} In Ad-Dustour’s edition of June 18, 1999, Rawabdeh was quoted as saying that his government will implement the royal wish of making Jordan “an oasis of freedom to be an example to be followed by others in the region.”

^{xliv} AL Hadath, June 28, 1999.

^{xlv} The King also emphasized similar views when he hosted delegates of a conference held in Amman on February 2, 2000 and organized by International Press Institute, ARTICLE 19 and Norwegian Forum for Freedom of Expression.

^{xlvi} As-Sabeel weekly, Oct.26, 1999

^{xlvii} Jihad Momani, Shihan, May 26, 2000.

^{xlviii} Al-Ra’i, June 9, 2000.

^{xliv} D-Dustour, Oct. 15, 2001.

ⁱ Al Arab Al Yawm, Oct. 10, 2001.

^{li} Al Arab Al Yawm, Oct.14, 2001.

^{lii} Al Rai, October 13, 2001

- liii Al Majd, October 15, 2001.
liv Al Hadath, October 15, 2001.
lv Basem Sakijha, Bisura'a, Ad-Dustour, October 15, 2001
lvi Al Shahed, October 17, 2001.
lvii Al Shahed, July 11, 2001.
lviii Al Rai, July 16, 2001.
lix Ad-Dustour, July 18, 2001.
lx . Ibid.
lxi Cf. ARTICLE 19, Blaming the press, Jordan's democratisation Process in Crisis, October 1997.
lxii Ibid.
lxiii Ad Dustour, January 28, 1997

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