



Impunity

Media Freedom Status in Jordan

2011



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Freedom under the Weight of the Batons

During 2011, revolutions in the Arab world and protests in the streets of Jordan gave birth to a new media scene. In moments of anger, rejection, and demand for change, a new and unprecedented picture emerged, of media that do not follow the old rules. Freedom emerged on the banks of pain, and it could no longer be silenced or usurped.

Jordan was not an exceptional case in the Arab world, in its broad features; but it had its specificity.

We were at a turning point; at a crossroad. Before us lay a historic opportunity to save ourselves and make history by reconciling ourselves with the future -- a reconciliation that would start with freedom, and would not end with emancipation from oppression.

We did not seize the moment and we failed to escape from the stereotype of a repressive state. We have not learned from the failures of past decades, and the roaring voices of protesters did not save us from the fall. We have lost a historic moment that may never occur again.

The year 2011 was the last opportunity, the last refuge and the end of the dream that we may emerge from the bottleneck. Conditions were ripe and we did not need a miracle to make the leap to the path of freedom.

People cast away their old habits and created their own media that pulsates to their hopes, pain, and dreams.

We were a stone's throw away from a new future; in which we would boast that we are different; that we do not herd people in chains to paradise; that we know the way to freedom, change and reform; and that we have chosen this path by our free will. Yet we have failed. Whether voluntarily or by force, we stumbled and we remain at the tail end of media freedoms.

The experience of 2011 deserves to be studied in depth. We have changed substantially, and this we must recognize; yet, we failed to make the leap to the league of the states that embrace media

freedom.

There is a conundrum that requires an explanation, a road that needs revision, and there are questions that need answers.

What happened? Why did we take a step back? How could we retreat when journalists were snatching their freedom, spurred by the shouts and sacrifices of protesters and by their own longing for the freedom that stayed hidden in their bosoms?!

How can we be branded as a state whose media are not free, when all taboos and red lines have collapsed, when our atmosphere is open to media that are not controlled by governments, when our news are not fabricated by the security agencies, and when people say candidly and without equivocation what journalists are unable to report?

It is true that we have made some progress. The survey of State of Media Freedom Index in this report shows this. Self-censorship has receded for the first time in years; journalists are more satisfied with the media scene; pessimism has receded; journalists are more daring in exercising their freedoms; and interference in their work is repelled with indignation.

But numbers do not show the full picture. The problem is that the relative progress achieved in freedom indicators was outweighed by severe violations against journalists throughout 2011.

Violations during 2011 were brutal and unprecedented. The Unit for Monitoring and Documenting Violations against the Media (SANAD) recorded 78 complaints and the Center recorded 52 cases, of which 106 consisted of a violation of one or more journalists' rights or media freedoms.

These violations, committed by officers of the



● Nidal Mansour

police or gendarmerie, as well as by “thugs” included beatings, verbal abuse, detention, death threats, summons by security agencies, and assault against media institutions.

It did not stop at this. The successive governments, which sang the praises of freedom day and night, pledged solemnly their rejection of any interference in the media, and presented new and promising strategies for media reform, surprised journalists with restrictive legislation and frenzied attempts to bring news websites under their control. The draft law for the Anti-Corruption Commission included heavy penalties against the media under the pretext of stopping “character assassination”, when in reality it was only a prelude to striking against the freedom of the electronic media and fortifying corruption.

The Government and security agencies did not have the wisdom to understand changes in the media. As a result, the freedoms that the journalists have snatched by virtue of pressure from the popular movement, and the margins of freedom and maneuver that were achieved by the official media and the daily press only out of shame before a people hungry for freedom, have all been squandered by the government and its security agencies in their repeated reckless assaults against journalists who covered the demonstrations and sit-ins.

The worse part, which contributed to lowering Jordan’s rank in the Global Media Freedoms Index, is that all the perpetrators of attacks against

journalists in 2011 have escaped with impunity.

In light of this, it is possible to understand the formula of freedoms in Jordan and to explain the dichotomy of simultaneous progress and retreat. Journalists have come to exercise the freedoms that they missed for decades. They have freed themselves from fear of touching the taboos and they report the truth to the public. As a result, the power of the baton, the symbol of repression, has descended more heavily upon them.

The opportunity was lost. What transpired is that the political administration was not decisive with regard to the issue of media freedoms, but its honeyed words no longer find a buyer. Time has run out, and we have fallen over the edge. The enemies of freedom have won another round, despite all the victories that journalists achieved and the public’s longing for freedom.

Today, Jordan’s only viable path out of chaos is for political reform to succeed. The Jordanian state has to pay the cost of change by making concessions and presenting a new model for reform, away from the language of revolutions and bloodshed.

If reform succeeds in Jordan, media freedom will be among the principal winners. Only then will we turn a new leaf of free media and a free society.

● **Executive President**

Center for Defending Freedom of Journalists
CDFJ

Introduction

Impunity

The Media Freedom Status Report 2011 is considered a significant landmark. On the one hand, it marks the 10th anniversary of its regular publishing and it encompasses all the indications of accumulated experiences and work institutionalization. This is particularly evident given that the Center for Defending Freedom of Journalists (CDFJ) has worked on shifting the program for monitoring and documenting violations against the media into the systematically functional and institutionally operational unit called “Sanad.”

On the other hand, the Media Freedom Status Report of 2011 appears simultaneously with the events and developments related to the revolutions in the Arab World and the protest movements in Jordan. These events have been reflected in the details of the Report and have affected the media scene as a whole.

The Report continues to observe the position of Jordanian media practitioners vis-à-vis the changes that have affected the media and journalism scene in 2011 through an opinion survey that covered all developments, whether in terms of legislation or in terms of practices and positions.

This year’s Report also provided an in-depth examination of the most important event: How the revolutions and protest movements affected the media in Jordan. As such, the study included in the Report attempted to answer questions on the hot issues and to forecast the future.

First: Journalists Opinion Survey

The journalists’ opinion survey, in which 500 male and female media practitioners participated, included a questionnaire with 202 questions that were prepared in a scientific and accurate manner and carefully reviewed, to identify the following:

- The level of satisfaction of journalists and media practitioners with the status of media freedoms in Jordan.
- The impact of media legislation and Article 23 of the Anti-Corruption Commission Law on media freedom.
- The effect of electronic media and social networking websites on the Jordanian media scene.
- The opinions of journalists and media practitioners of Al-Ihtewa’ Al-Na’em [translates into “soft containment”] and Al-Khutout Al-Hamra’ [translates into “red lines” and refers to taboos or censored topics by government or social pressures].
- The status of violations that took place in 2011 and the opinions of journalists and media practitioners regarding them.
- The pressures and harassments to which journalists were exposed, their methods and the parties that practiced them in 2011.
- The impact of advertising companies and the government interference on media freedoms.
- The concept of self-censorship and the level of practicing it by journalists and media practitioners.
- The effect of revolutions and protest movements on media freedoms.
- The changes that were experienced by the media scene and environment in general.

Second: Complaints and Violations

In 2011, CDFJ sought to deal with the complaints it receives from media practitioners regarding the assaults and violations, from which they suffered and which affected their media freedoms and human rights in light of the principles and standards it approved and adopted in 2010.

Having said that, and in view of the changes and transformations that the region, including Jordan,

has been experiencing in connection to the Arab Spring, there was a need to focus on specific aspects, especially since the violations against media practitioners in 2011 were characterized as being serious, en mass and widespread, and sometimes systematic.

Through the “Sanad” unit for monitoring and documenting violations against the media and media practitioners, CDFJ has observed, documented and investigated such violations. Out of 78 complaints and 52 cases that CDFJ monitored in 2011, it became apparent that 106 cases involve a violation that is related to one or more rights of the media practitioners or media freedoms.

CDFJ also noted that a high percentage of the violations were focused on the personal freedom of media practitioners and their physical wellbeing. The noticeable phenomenon that was observed and registered in 2011 indicated that physical attacks and beatings, slander and incarceration have become an all too familiar and common practices, particularly when the media practitioners were covering the demonstrations and marches that were demanding freedom and change.

CDFJ has provided details on a number of items related to the severe violations committed against media freedoms in 2011, as well as to the systematic violations, which were most commonly and prominently characterized by the fact that it involved a policy of escaping punishment and preventing victims from achieving justice.

The complaints and violations report this year includes a number of major aspects, including the definition of the process of monitoring and observing violations against media freedoms and the rights of media practitioners. This is a conceptual aspect that CDFJ decided to retain in this year’s report due to its importance in terms of raising the awareness of media practitioners and the public authorities, as well as others, regarding

the importance of the process of monitoring and documentation, its methods, and its main dimensions.

The report also includes other aspects, which include the work methodology adopted by CDFJ this year for the process of monitoring, documenting and examining the violations and the developments that occurred to it, rendering more suitable with the changes that occurred in 2011, as well as the violations that affected media freedoms and the rights of media practitioners in 2011, focusing on the severe, extensive and systematic type of violations, in addition to the recommendations that CDFJ believes will end the assault on media freedom and media practitioners’ human rights.

Third: Studies and Researches

The Jordanian Media and the Popular Movement: Vulnerability and Impact

This study aims at answering the hypothesis that argues that the Jordanian popular movement, which is affected by the Arab Spring, has provided the Jordanian media with more expansive space for expression and publication, thus contributing to raising the ceiling of freedoms for the media and the general public to an unprecedented level.

The study seeks to respond to a question of global resonance, namely “Was the Arab media a maker of revolutions or merely a conduit to their creation and affected?”

The study, which was prepared by researcher and media practitioner Walid Husni, indicates that the Arab Spring revolutions are indebted to the revolution of modern communications and to the electronic media and social networking (known as the new media), which have helped extend bridges of communications and outreach among

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the people. Modern means of communication were introduced into the Arab peoples' battle with their regimes, especially the mobile telephone that became a vital source of information, pictures and recordings, making it the only source of news and ongoing events for the satellite television channels and news agencies.

The study also examines the effect that Facebook had on the Arab region through the Arab revolutions. A very high increase in the number of subscribers in this social network was recorded in the Arab world following the events of the Arab Spring and the Arab revolutions.

The study also discusses the future of media freedoms, which is essentially linked to the

volume and seriousness of the challenges that the media faces in view of the Arab Spring and the protest movements. Such challenges begin with the shifting forms of official monitoring, oppression, quarantine, and withholding, leading to challenges in the area of professionalism, objectivity and credibility. These are challenges that impose themselves now more strongly than before on both the Jordanian and Arab media.

In the final chapter, the study examines testimonies from journalists, politicians and activities as they evaluate and give their opinions about the performance of the Jordanian media in covering the popular movement, as well as the positive and negative aspects that this movement has given to the Jordanian media.

No For Restrictions on
Media Freedom



Media Freedom Status in Jordan 2011



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of Media**



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المادة "23"

Executive Summary

First: Journalists Opinion Survey

The opinion survey performed by the Center for Defending Freedom of Journalists (CDFJ) about the status of media freedom in 2011 showed that 85.8% of media practitioners believe that the revolutions and the protests movements have contributed to increasing the space of press freedoms.

Meanwhile, 88.5% of the surveyed media practitioners, numbering a total 500 journalists, considered that the protests have helped the flow of new information to people, while 79% believed that they supported the media in breaking the "red lines" and the taboos.

The survey, which CDFJ has been conducting for 10 years, monitors for the first time the effect of the revolutions and the protest movements in the Arab world on the freedom of media in Jordan. The survey found that these movements have put an end to the governmental and security intervention in the media by 65.5%, have contributed to decreasing journalists' fear of legal pursuit by 67.9%, and have played a role, albeit limited, in the decrease of self-censorship, whereby 62.7% of journalists argued that self-censorship has been reduced due to the protests. In addition, 61.3% believe that the protests have given some media outlets more space to promote rumors in Jordan.

The controversial and intertwining relationship between the media scene in 2011 and the protest movements in Jordan has cast its shadow on the reality of press freedoms. Media practitioners argue that the relative progress of press freedoms, as revealed by some of the survey's questions, is attributed to the gains from the Arab Spring and as one of its borne fruits.

The margin of advancement in media freedom was not reflected in every aspect of the media scene.

While journalists felt that they have reduced the level of self-censorship and have become more courageous in criticizing governments and even security apparatuses, the severe violations they experienced as a result of practicing their media work have confused the status of freedoms, showing the executive authority as the enemy of journalism and revealing a vertical division between journalists who insist on expanding their freedom, through their journalistic practices, to coincide with the Arab Spring and the protests on one hand, and a government and a security apparatus that are anxious and unprepared to accommodate the facts of change, not wanting the media to be a witness of the truth that exposes them.

In line with this formula and the division that exists between the journalists' desire and insistence to reap the fruits of the revolutions and expand the margin of freedom on one hand and governments that have not accepted the new reality on the other, the survey shows that the government is moving against the current and that it continues to interfere in the media outlets at the rate of 87%.

It is worth noting here that the freedoms survey has shown that, from 2004 and until last, the rate of government intervention has increased, starting with 59.4% and ending with 86.8%.

Despite the governmental intervention, the status of media freedom has improved from the year 2010. According to the survey, 15.4% of the journalists believed that freedoms have advanced to a large extent, which is a noticeable improvement from 2010 when only 4.6% of the journalists said that freedoms have advanced to a large extent, which is a difference of 10.8%. In conclusion, the status of media freedom in Jordan between 2006 and 2011 has experienced a state of ebb and flow. While it has experienced noticeable progress in 2006, achieving the rate of 40%, it has receded in 2010, registering a rate of 18.5%, and then it increased in 2011 to 43.5%.

The view of media freedom from the viewpoint of media practitioners also changed, albeit partially. It was described as excellent by 4.8% of the journalists, which reflects a slight improvement from 2010, when the rate was 3.2%. The same occurred with the rate of those who viewed the status of freedom as being low, registering a rate of 16.8% compared with 23.4% in 2010.

Needless to say, the limited positive transformation in the image of media freedom does not reflect the major democratic transformation experienced in Jordan. The fact that media outlets, especially the electronic media, last year have been publishing reports on corruption cases, as well as harsh criticism of the governments, for example, indicates that the media could achieve better gains.

The sure thing is that improving media freedoms were more evident in the electronic media and private televisions, followed by the semi-independent daily newspapers.

The state of recession in the freedoms indicator was evident in the journalists' position vis-à-vis legislation and laws. Nearly 48% of journalists believed that they constitute a restraint on the freedom of the press, while only 13% believed that they contributed to the advancement of media freedom.

It is clear that last year's extensive discussion within the body of the media regarding the legislation has led to this negative result. It has never slipped the minds of the journalists, as they were answering the survey's questions, the amendment that the government introduced to the Press and Publications Law, allowing for the optional registration of electronic websites and forcing the majority of media practitioners to reject the amendment as being a "legal trap". This has coincided with the government's draft law for the Anti-Corruption Commission, which included Article (23) that was opposed and protested by the journalists because they considered it fortified the

state of corruption and restricted their freedom. The matter concluded, after the exercise of pressures and a tug-of-war, with the Parliament's cancellation of the said article.

What made matters worse was the fact that the government did not abide by the media strategy it presented to the government of Ma'rouf Al-Bakhit, in which it pledged to revise the legislation and carry out legal reforms in a manner that would comply with international standards for media freedom. However, the government surprised everyone by presenting a set of laws that were the opposition of what the strategy stated, pushing former Minister of Information Taher Al-Udwan to resign in protest.

The most surprising answer given by journalists in the survey was related to their position vis-à-vis the constitutional amendments in relation to media freedom. More than 50% of the journalists believed that the amendments have no effect on freedoms, but the stranger result was that 26.2% believed that they restricted press freedoms, while only 20.8% confirmed that they had a positive effect on the status of media freedom.

The viewpoint of the journalists regarding the amendments is a shocking result. It could be explained by the fact that media practitioners have not read the amendments or that they were not well promoted for or that awareness about laws and regulations is still limited or, which is the most serious, they believe that governments do not always pay attention to the constitutions, regardless of their quality, and that violate them with their practices without fear of being held accountable.

The 2011 survey had undergone a process of review, examination and research with the aim of incorporating the developments in the media scene. Several questions that were overtaken by events were cancelled, while other new questions about current developments were added. Several

amendments were conducted to the survey, most important of which were the cancellation of questions related to professional conduct and to the media and communications department at the Prime Ministry. The survey addressed viewpoints regarding the optional registration of electronic websites, which was added to the Press and Publications Law, as well as the positions vis-à-vis Article (23) that was introduced as part of the draft law for the Anti-Corruption Commission and recently nullified, in addition to the retraction of the Samir Al-Rifa'i government's decision to withhold news websites from state and government employees. Questions related to the effect of the revolutions and the protest movements on the media were also introduced.

The survey's methodology was designed on the basis of a questionnaire form that included 202 questions aimed at measuring the assessment of journalists and media practitioners in Jordan of all aspects of press and media freedoms, as well as measuring the extent of their satisfaction with the media legislation and laws and their effect on the status of media freedom, in addition to examining the problems and pressures they face.

Moreover, the problems and difficulties faced by the research team last year, and especially in relation to the open-ended questions, were taken into consideration in order to avoid them. The number of open-ended questions that were included in the questionnaire in previous years was limited, and more focus was placed on definite questions in order to obtain data on the basis of the most important responses stated in previous years. Moreover, some questions that had appeared in previous surveys were eliminated, since their results were found not to fulfill the purpose and objectives of the survey, given that the responses were noted to be either irrelevant to the media reality or overtaken by events. New questions that match the developments in the media scene have been added.

The questionnaire was submitted for review by a technical committee, and its comments were taken into consideration and were reflected in the questionnaire. Additionally, the questionnaire was pre-tested to verify that the questions are clear to respondents, and observations resulting from this test were taken into consideration to arrive at the final form of the questionnaire (see the annex of the questionnaire).

The survey's community comprised nearly 1611 journalists and media practitioners. The framework included journalists and media practitioners who are registered members of the Jordan Press Association and others in CDFJ's database up until the date of commencing the survey, which was conducted from 27/12/2011 to 6/1/2012. The survey's sample

The design of the survey's sample relied on the stratified random sampling with a confidence level of 95% and a standard deviation of 3.6%, whereby the sample was divided into the two categories in manner that reflects the size of each category of journalists.

The first category comprised the journalists and media practitioners working in the public sector, registering 23.4%.

The second category comprised the journalists and media practitioners working in the private sector, registering 76.2%.

The sample was also divided according to gender, whereby the male population accounted for 75.2% of the total sample and the female population accounted for 24.8%.

Moreover, the survey took into consideration the working journalists and media practitioners who were registered in the Jordan Press Association, whereby they were distributed in the sample in a

manner that suits the size. The rate of journalists and media practitioners registered in the JPA was 60.6%, while the rate of those who were not registered in the JPA was 38.4%.

Some adjustments were made to the weights of the survey, due to the lack of response by some journalists, as well as some other problems, such as incorrect or disconnected telephone numbers or the fact that respondents were not present in Jordan.

A total of 500 journalists and media practitioners constituted the sample for the survey and were the ones who were successfully contacted and who provided complete data for the questionnaire.

The position vis-à-vis the laws were clearly indicated in the journalists' opinion of Article 23 of the Law for the Anti-Corruption Commission, which included intensified financial fines of up to JD60,000 against journalists who publish or spread information about acts of corruption proven to be untrue. According to the results, 80% of media practitioners confirmed that the article was restrictive of media freedom, 78.8% argued that it forces journalists to avoid writing about corruption cases, 72.2% believed that it undermines the role of media in fighting corruption, and 70% were confident that it weakens the system of integrity. On the other hand, 50% believed that it limits the spread of rumors and false news.

The results of the survey showed that the government's media has been outside the realm of the media scene and that the Arab Spring's revolutions did not affect it. Rather on the contrary, figures showed that indicators of the Jordan Radio, Jordan TV, and the Jordan News Agency (Petra) have receded. The rate of freedom at Jordan Radio registered 33.4% and a little less at Jordan TV, 31%, while the Jordan News Agency maintained its progress among the official media outlets with the rate of 40.3%.

These figures and rates need to be studied in

order to understand the reasons for the receding performance of the official media. It is because this media has ignored the pivotal events that occurred in 2011 or because it is used to promote the official story, which is characterized by weakness, during the protests, keeping in mind that this story has stopped being the only one in view of the new media revolution.

The electronic media outlets were the ones that have recorded the unprecedented progress and openness. Private televisions had a noticeable presence, while the electronic press was the most prominent in obtaining all types of internal information and details, remaining as the source of "headache" for the government and one of controversy regarding mechanisms of dealing with it.

The other side of the electronic media indicated that its image is no longer bright and that the solidarity shown towards it by the media scene has receded, particularly in relation to its professionalism and commitment to ethical standards.

Figures said that 34% of journalists believed that the optional registration of electronic websites, which was introduced to the Press and Publications Law, is a regulative procedure, 32% believed that it is a way to prevent the launch of new news websites, and 28% believed that it is a necessary procedure to identify the legal responsibilities of news websites, while 5% believed that this legal amendment had no effect.

Journalists have agreed in their positions from the electronic media with regard to some issues. 83% of journalists believed that it plays a conclusive role in improving the level of freedoms, while 75% believed that it defends freedoms, and 64% said that it provide the groundwork for dialogue development in society.

The journalists began to disagree when asked about the electronic media's professional role, registering the rate of 55%. The rate of those who believed

that it provides credible information did not exceed 57%, while only 27% believed that it played a role in limiting rumors, 30% believed it contributed to ending the media chaos, and 31% believed it limits offenses to people's dignity.

Journalists also unanimously agreed that the electronic media has provided people with the freedom to express their opinions and voice their comments, registering a rate of 93%.

With regard to professionalism and ethics, the state of shaken confidence in the electronic media continued. 55% of polled journalists believed that it published comments that do not violate or offend the rights of others, while 50% believed that it did not accept to publish comments that are aggressive in nature or that entail sexual connotations or that offend a specific race or ethnicity.

In the context of the electronic media, the journalists welcomed the decision of the Al-Bakhit government to cancel a decision by the Samir Al-Rifa'i government to withhold news websites from state and government employees. 75% of journalists considered it the right of the employees to have access to information and knowledge.

The interesting development in terms of the journalists' view of mechanisms to regulate news website was the fact that 40.6% believed that it is better to regulate them in accordance with codes of professional conduct, while 22% preferred that they are regulated according to the Press and Publications Law, 19% called for leaving them without any regulatory or professional restrictions, and 11% supported their regulation according to the Penal Code. Yet, the majority of 79.4% supported a new law that regulates the work of the electronic media, and it is noteworthy that the percentage of supporters of this approach has declined from 2010, when it was 83.4%.

The belief among the media practitioners that the government and its apparatuses are withholding

electronic websites continued at the rate of 62.3%.

Attempts to tame the journalists and to buy them in have not stopped. The journalists' efforts to advance media freedom beyond this worrisome phenomenon, which is to control the media, have not had much effect.

16.7% of the surveyed journalists admitted that they experienced containment attempts by gift-giving or financial donations or job appointments. This phenomenon only decreased by 2% from 2010 when it stood at 18.6%.

The government maintained its leading role in such containment attempts, registering the rate of 27.7%. If attempts exercised by semi-governmental institutions are added to this rate, the total rate would rise to 34.9%.

This phenomenon causes increasing concern among the public, particularly since the majority of journalists (71.6%) said that containment efforts do not affect their approaches and tendencies. The phenomenon seems to get more complicated when 47.5% of the journalists acknowledged that they have heard of colleagues who experienced such attempts. The total of those who directly experienced these attempts or who heard of others' experience was 64.2%.

Although these indicators are not good within the media scene, the media institutions have not put in place codes for professional conduct that would counter these phenomena and have not undertaken any serious investigation to stop these allegations or to end the conflict of interest that is clear for some media practitioners.

The picture became complete regarding the containment attempts when 86% of the media practitioners participating in the survey acknowledged that the phenomenon of nepotism (Wasta) is spread, while 70% acknowledged accepting gifts, 62% acknowledged writing news

items and investigations that were paid for, 61.7% acknowledged obtaining material gains, and 57% acknowledged accepting bribes.

With regard to the media freedom status in 2011, it is given that the map of violations against journalists has changes. While detention and arrest were the major concerns that existed before, the situation has changed. Detention rated only 0.6% in 2011 compared with 4.6% in 2007.

Meanwhile, lawsuits filed against journalists and the trials of journalists did not end, although they decreased, registering a rate of 5.2% in 2011 compared with 6.1% in 2010.

Lawsuits filed by the government continued to rank the highest at the rate of 30.7%, followed by those filed by normal citizens at the rate of 27%, then officials in government at the rate of 26.8%, by private companies at the rate of 26.8%, by semi-government institutions at the rate of 22.8%, by leaders of civil society institutions at the rate of 11.4%, by the security apparatus at the rate of 7.9%, by the Lower House of Parliament at the rate of 3.8%, and finally by political party leaders at the rate of 3.8%.

It is noteworthy that the Media Legal Aid Unit (MELAD), which functions under CDFJ and provides legal assistance to media practitioners, is the party that litigates the most on behalf of journalists.

It is also important to note that the number of cases filed against journalists decreased after their inclusion in the royal general pardon, maintaining those cases that are filed for claims of personal rights only, in addition to the increase of cases filed against the electronic media and the decrease of cases filed against the press, particularly the weekly press, most of which have stopped publishing.

The Media Freedom Status Report seeks to compile a comprehensive picture about the violations against

the media. For the purpose of institutionalizing this effort, we have established SANAD, the Unit for Monitoring and Documenting Violations against the Media, which monitors such violations on a daily basis and carries field interviews with persons who filed complaints and reports.

Due to the fact that some media practitioners do not disclose problems or violations they face, the survey has added questions to discover the unknown violations to SANAD, in a manner that would lead to a comprehensive survey of the status of violations and provide a realistic picture of their dangers.

The reality of the situation: 41% of media practitioners acknowledged that they faced harassment and various types of pressures, some of which would qualify as a violation of their freedom and rights.

The question on pressures and acts of harassment was reviewed, whereby it became more accurate and linkage was made between the form of the violation and its legal definition adopted in international law.

Ultimately, the question included the following pressures, acts of harassment or violations: Withholding information; slander and defamation, meaning "using ill terms and words that undermine the journalist's dignity, whether directly or via any means of communication"; threats; restricting freedom, meaning "placing a person in a holding cell or a detention center or any other place without legitimate cause and in a haphazard manner"; security summons; security investigation; banning satellite or television broadcasting; physical assault; withholding electronic websites; or any other violation that has not been stated.

During the process of reviewing the question, some of the pressures, such as prior censorship and intervention contrary to professional standards, were removed, because we found it difficult to

prove these actions.

In the details, withholding information continued to rate at 25%, while slander and defamation rated 15%, threat rated 12.8%, restricting freedom rated 1%, security summons rated 3.6%, security investigation rated 1.6%, banning satellite and television broadcasting rated 2.2%, physical beating and assault rated 3%, and withholding websites rated 3.4%.

In view of the incidents experienced by Jordan in 2011 during the protests, the rate of physical violations was confirmed. A total of 75 media practitioners and journalists suffered from slander, defamation and abuse to their dignity, while 45 journalists suffered from threats, 15 journalists suffered from physical assaults, and only 5 journalists suffered from freedom restriction.

Despite these grave transgressions, which were danger to journalists' life and safety and which contradict the Constitution, the law and the international agreements ratified by Jordan, all the perpetrators, whether security personnel or persons commonly known as "thugs", have so far escaped punishment and were not held accountable or put on trial.

As for the parties that are responsible for the violations, respondents believed that the government ranked first, followed by the security apparatus, in the case of withholding information, while in the case of slander and defamation, influential persons ranked first (12.8), followed by the security apparatus (9.3%). In the case of sources of threat, the security apparatus ranked first (16%), followed by ministers and government officials (12.8%). In the case of restricting freedom, the security apparatus ranked first (51%), followed by the government (12.1%) and the State Security Court (11.8%).

With regard to the part that is behind security summons, the security apparatus continued to rank

first at the rate of 66.7%, followed by the thugs at 11.2%. The interesting thing was that journalists themselves have joined the list, rated 11.2%, while the security apparatus remained the only party responsible for physical violations against journalists (100%).

In view of the revolutions and the protest movements, self-censorship that journalists exercised on themselves decreased slightly, rating 87%. Some taboo subjects, such as the discussion of religion and sex, were unaffected and media practitioners continued to refrain from discussing religion (81%) and sex issues (71%).

Moreover, journalists' motives for exercising self-censorship remained the same despite all the changes. According to the survey, 97.4% practiced self-censorship in order not to stir prejudices and bring harm to national unity, while 97.2% practiced it to protect the homeland's security and interests, 96.5% for ethical purposes, 94.5% to obtain moral incentives, 87.5% for religious aspects, and 74.1% because it contradicts with values and customs.

The armed forces continued to occupy the top subject-matter that journalists refrained from criticizing (90%), followed by the judiciary (80%), the tribal leaders (79.7%), men of religion (70%), and the security apparatus (65.3%).

In the details, one could note that fear of criticizing the security apparatus has decreased from 86.5% in 2010 to 65.3% in 2011.

The new aspect, which is noted for the first time, is that 11.6% of the journalists referred to the fact that they avoid criticizing the royal family, which is an indication that journalists never made before in any of the previous surveys.

Second: Complaints and Violations

This year, CDFJ sought to deal with the complaints it receives from media practitioners regarding the assaults and violations, from which they suffered and which affected their media freedoms and human rights in light of the principles and standards it approved and adopted in 2010. Having said that, and in view of the changes and transformations that the region, including Jordan, has been experiencing in connection to the Arab Spring, there was a need to focus on specific aspects, especially since the violations against media practitioners in 2011 were characterized as being serious, en mass and extensive, and sometimes systematic. Additionally, a high percentage of the violations were focused on the personal freedom of media practitioners and their physical wellbeing. The noticeable phenomenon that was observed and registered in 2011 indicated that physical attacks and beatings, slander and incarceration have become an all too familiar and common practices, particularly when the media practitioners were covering the demonstrations and marches that were demanding freedom and change.

While CDFJ's task of monitoring, documenting and investigating relied in the first place on complaints and the questionnaire on complaints and violations, as well as on analyzing the complaints and verifying the evidence that support the allegation in the complaint, it focus this year was on the severe, extensive and en mass violations. Nevertheless, it did not ignore the issue of receiving complaints and self-monitoring of violations. It has continued performing this task in addition to what it has been doing every year, but it is also focused on the extensive and systematic violations that media practitioners faced and that coincided with the Arab Spring and the popular demands for freedom and democracy. For this reason, CDFJ has maintain the shape of the complaints and violations' report and its main elements as they were in last year's report, but it provided details on a number of items related to the severe violations committed against media freedoms in 2011, as well as to the systematic violations, which were most commonly and prominently characterized by the

fact that they involved a policy of escaping punishment and preventing victims from achieving justice.

The complaints and violations report this year includes a number of major aspects, including the definition of the process of monitoring and observing violations against media freedoms and the rights of media practitioners. This is a conceptual aspect that CDFJ decided to retain in this year's report due to its importance in terms of raising the awareness of media practitioners and the public authorities, as well as others, regarding the importance of the process of monitoring and documentation, its methods, and its main dimensions. The report also includes other aspects, which include the work methodology adopted by CDFJ this year for the process of monitoring, documenting and examining the violations and the developments that occurred to it, rendering more suitable with the changes that occurred in 2011, as well as the violations that affected media freedoms and the rights of media practitioners in 2011, focusing on the severe, extensive and systematic type of violations, in addition to the recommendations that CDFJ believes will end the assault on media freedom and media practitioners' human rights.

1. Investigating and Monitoring Violations and Documentation

CDFJ, through the SANAD Unit for Monitoring and Documenting Violations against the Media, monitors, documents and investigates these violations. Despite the intersecting aspects involved in the processes of monitoring and investigating, they are nevertheless different processes, in addition to the fact that they are complicated processes, not easy ones from the practical viewpoint, particularly in the framework of media rights and freedoms.

1.1. Concept of monitoring and documentation:

Monitoring the rights of media practitioners and media freedoms means the process of monitoring the total and effective respect of human rights that are acknowledged in the international and national laws, which public authorities must respect and guarantee for the media practitioners as being human beings, in addition to their other rights and freedoms necessary to enable them to perform their duties and roles without

repercussion. The process of monitoring the violations against them is one that aims at collecting information and investigating the facts in order to identify the public and private practices that restrict the freedom of media practitioners and prevent or deny them their human rights.

One could say that monitoring the rights and freedoms of media practitioners is a process that aims at monitoring and analyzing these rights and freedoms during a reasonably long period of time, while the process of investigation aims at verifying the occurrence of alleged violations against the said rights and freedoms. In all cases, the investigation helps a great deal the process of monitoring.

As for documenting violations, it means the process of recording and categorizing the information, the evidence and the facts that were obtained through the process of investigation and monitoring in a manner that would make them easily retrievable and usable for different purposes. The process of documentation is not limited to only the recording the information and evidence related to any violation against the rights and freedoms of media practitioners, but is also inclusive of finding a methodological and scientific system for categorizing the violations and making it easily referenced and retrieved whenever there is need to do so. The main objective of documentation is the provision of accurate information supported by evidence regarding violations of media rights and freedom and human rights.

1.2. The Purposes of Monitoring and Documentation

If the process of investigating facts and collecting evidence in the field of human rights is aimed at general goals and objectives, this process also seeks, when it comes to the rights and freedoms of media practitioners, to achieve additional and specific goals and objectives. The most important of these objectives can be summarized as follows:

- A. Verifying the state's compliance with commitments arising from international human rights charters and agreements.
- B. Providing assistance to victims.
- C. Rallying public opinion.

- D. Pursuing perpetrators of violations and giving justice to victims.
- E. Understanding the patterns of violations.
- F. Identifying and addressing the obstacles and challenges.

Sources of Information and Monitoring Methods

The basic issues that determine the success of the monitoring process include the monitoring method itself, as well as the sources that are used to investigate and to collect evidence regarding the allegations and complaints involving violations of the human rights and freedoms of media practitioners.

The process of monitoring and investigation assumes more than one style and form. It could be done through visits and field interviews, or through the creation of work groups to collect and document information and evidence, or through visits to detention locations, or by following up on the publications and reports of the various media outlets and the statements issued by the state. There are different means, but all these must be used professionally and accurately. The main difference between the process of monitoring and investigation and the process of conducting media investigations on human rights is that the latter does not rely on a literal understanding of the international standards for human rights. In other words, CDFJ, in its monitoring and investigation of the violations of media practitioners' rights, bases its work on an accurate understanding of the international standards for human rights. Yet, these standards are not applied stringently in the monitoring process, since a little leniency is necessary to determine the nature of the investigation process, its methods, and its content.

This is in as far as the methods and forms of monitoring are concerned. As for the sources of information and evidence, these are not the tools that are used in the monitoring process, but rather the resource from which information and evidence are taken to verify the occurrence of a violation of one or more rights. If a journalist submits a complaint claiming that he suffered from a violation of one of his rights, this claim or allegation is subjected to a process of scrutiny and

investigation. The victim's story or the complainant's version of events is not sufficient to say that a violation has occurred. Through the process of monitoring and investigation, available information is collected, analyzed and evaluated in order to verify the actual event or occurrence. Usually, an extensive and flexible method of investigation and evidence collection is adopted, but, in all cases, the process must be sensitized to the validity and credibility of the evidence.

1.3 Difficulties and Challenges

It is granted that the process of monitoring the violations of media practitioners' rights and freedoms is neither simple nor easy. It is a complicated process that requires vision and skill. What makes more difficult is the fact that it faces, in a many cases and in addition to its inherent difficulty, several challenges and obstacles that render it extremely difficult in a significant number of cases. Some of these important obstacles include: The policy of disclosing or revealing the violation, the delay in submitting the complaint, and the low level of awareness of human rights and the method used to commit the violation.

1.4 SANAD Unit for Monitoring and Documenting Violations against Media Practitioners

In May 2010, CDFJ launched the SANAD program for monitoring and documenting violations against media practitioners. It is a step designed to institutionalize the work related to the monitoring and documentation of violations against the media, which we started ten years ago as part of the Media Freedom Status Report, issued annually on the International Day for Press Freedom on May 3. This was the beginning of transforming this program into the SANAD Unit for Monitoring and Documenting Violations against the Media, rendering it parallel to the work of the Media Legal Aid Unit (MELAD).

CDFJ hopes that SANAD, established in 2011, will achieve its set objectives and purposes, but the Unit's success is relatively dependent on the prevalent environment in Jordan, particularly the legal, political

and social environment. It is also subject to the Unit's ability to make a qualitative leap in the area of monitoring violations of the rights and freedoms of media practitioners through the scientific and methodological handling of complaints and situations related to these violations. Establishing the SANAD Unit was based on CDFJ's firm belief that there are a set of objective reasons and motives previously noted by CDFJ throughout the years. These could be summarized as follows:

1.4.1 Reasons for Establishing SANAD Unit

Through its years of work, CDFJ has noted that dealing with attacks on the human rights and freedoms of media practitioners is neither methodological nor visionary and that merely providing legal assistance to media practitioners when they are defendants or complained against is not sufficient to resolve their humanitarian and professional situations and dilemmas. A set of reasons and factors came together, pushing CDFJ to establish the SANAD Unit. These reasons can be summarized as follows:

- A. The need to raise the media practitioners' awareness of violations
- B. The lack of disclosure
- C. The lack of scientific and methodological handling of cases involving a violation
- D. Measurement of the actual level of respect for the media practitioners' rights and media freedom
- E. The media practitioners' poor documentation of violations
- F. Deterrence and legal pursuit and the provision of legal aid

1.4.2 Suitability of the Legal, Political and Social Environment

The suitability of the legal, political and social environment to the project's objectives and purposes is one of the key factors for the success of any project or unit in the area of monitoring and documenting human rights violations. This fact applies to the context under which the SANAD Unit was established. This requires the examination and study of this environment and its compatibility with the Unit's objectives and purposes, which essentially have to do with monitoring violations

related to media freedom and media practitioners' rights. CDFJ has relied on the idea of the compatibility of the legal, political and social environment with the SANAD program, keeping in mind that it includes a variety of elements that render it suitable. These elements are:

- A. The publication of human rights agreements in the Official Gazette
- B. The direct application of human rights agreements in the Jordanian judiciary
- C. The presence of independent monitoring entities and non-governmental organizations
- D. The importance of democracy in managing public affairs and the phenomena of the Arab Spring and the popular movement in Jordan

1.4.3 Rights and Freedoms Monitored by SANAD

SANAD covers only the human rights and media freedoms that are internationally acknowledged for other media practitioners. It does not monitor violations against these rights and freedoms unless they are caused by the practice of media work. In other words, the rights and freedoms that are monitored and documented by CDFJ through SANAD are ones that have been violated in the process of the media practitioners and journalists' exercise or practice of their media work and activities. SANAD monitors and documents the violations of the following rights and freedoms:

1.4.3.1 *The right not to be subjected to torture or other cruel, inhumane, or degrading treatment or punishment*

"Torture" refers to any conduct, whether positive or negative, that causes severe physical, mental, or psychological pain to the victim, and that is committed, allowed, or prompted by a public official or any other person acting in an official capacity, for the purpose of obtaining information or admission, or of punishing the victim for what he has committed, or intimidating or coercing or discriminating against him. In this sense, torture may occur by beating a journalist, detaining him without legal basis in bad conditions, threatening to assault him or a third party related to him physically or psychologically, or depriving him of food or sleep during his detention.

With regard to cruel or inhumane treatment or punishment, it means being subjected to a conduct, which causes severe physical, mental, or psychological pain and which is committed by a public official or any other person working for him or in agreement with him. This includes cruel or inhumane treatment or punishment, threats, detention for unknown reasons, or interventions and pressures that might harm the journalist.

The degrading treatment or punishment means inflicting physical, mental or psychological pain for the purpose of undermining the journalist, or affecting his reputation or dignity before himself or before others.

1.4.3.2 *The right to liberty and personal security*

The international human rights conventions ensure the right to liberty and personal security for each human being. It is considered as one of the fundamental rights, of which a person cannot be deprived except for legal reasons or in a non-arbitrary approach. Deprivation of liberty appears in many forms and shapes, such as arrests, detentions, or imprisonments. It could also be a sequestration of freedom without having any of the afore-mentioned descriptions.

Arrest means deprivation and restriction of a person's personal freedom for the purpose of investigation. An arrest usually takes place within the framework of suspicion of a criminal act and is done by the judicial enforcement personnel (public security) for the purpose of gathering evidence and investigating a crime. In this sense, it is stipulated in the Jordanian law that it must not be in excess of (24) hours and must be called for by reasonable foundation and required by the law.

Detention means deprivation and restriction of a person's freedom by the public prosecution or the court within the framework of suspicion that this person has committed a crime or his trial for a crime he has been charged with. In all cases, the detention must adhere to certain conditions, most important of which is that it is stipulated in the law and occurs according to it, that it is necessary and compliant with the purpose for which it was legalized, and that the detention decision

is subject to the possibility legal contestation. As for incarceration or imprisonment, it means restricting or depriving an individual of his freedom in accordance with a penalty issued against him by a final judicial decision. Deprivation of freedom is an exceptional measure, and must not be resorted to except in its narrowest limits, and under very accurate and highly defined conditions and criteria. Any restrictions on personal freedom or the detention of a person in cases other those mentioned, inclusive of health quarantine or deprivation of liberty due to mental and nervous illness, must occur under certain conditions, and is otherwise considered illegal deprivation of freedom by the international human rights standards.

Illegal deprivation of liberty is the restriction of freedom for reasons not stated in the law, while arbitrary deprivation of liberty is the restriction of freedom due to the absence of the conditions of necessity and appropriateness. In both cases, the deprivation of freedom is forbidden under the International Human Rights Law.

1.4.3.3 Freedom of opinion and expression

Freedom of opinion and expression in the context of media means the freedom of all workers in the media sector, with all its types and means, to express their opinion and to disclose the available information freely and without any negative consequences. It also covers their right to seek various forms of information, and to transfer, to confer, and to publish the information freely and smoothly. Freedom of opinion and expression protects the information owned by the journalists, its sources, and other means of expressions.

Some of the common forms of violations of the freedom of opinion and expression are: imposing prior censorship, preventing the publication, broadcast, or display of information, blocking websites, confiscating materials after printing, mistreatment or being subjected to cruel and inhumane treatment due to published material, inequality between journalists themselves or among organizations, exposure to threats and attacks for publishing informative material, and subjecting the media work to prior authorization or licensing or rejecting it.

1.4.3.4 Right to access information

The right to access information is one of the key components of the right of freedom of opinion and expression. The concept of freedom of opinion and expression, according to international human rights agreements, includes the right to seek all types of information in the possession of public authorities, being the party entrusted with it. This information is not the property of the state or its public authorities, but rather the state and its authorities have obtained it by virtue of its activities, its tasks, and functions. Freedom of opinion and expression, freedom of the media, and democracy require that this information must be publicly available in accordance with the principle of maximum and public disclosure of it. Access to information should be guaranteed in law and practice.

1.4.3.5 Right to a fair trial

It is one of the fundamental rights that must be respected and secured for journalists as for others. This right states that a set of rights and guarantees must be ensured for any journalist, whether plaintiff or defendant, complainant or accused, or charged. One of the most important guarantees is for a journalist's lawsuit to be entitled to a fair hearing by an impartial and independent tribunal established by law and to respect his right to defense and the presumption of innocence.

1.4.3.6 Right to privacy

Journalists' houses and places of work might be subjected to raids for the purpose of inspection or any other reason related to the practice of media work. Their reputation and their family's reputation might also be targeted, and they might be subjected to threats of disclosing their private lives or family secrets. As an example, the public authority could reveal the private secrets for one of the journalists and threat him to prevent the publication of certain information. In addition to involving mistreatment, as previously defined, it also constitutes an assault on the sanctity of private life.

1.4.3.7 Right to life

It is one of the rights guaranteed in Article (6) of the International Covenant on Civil and Political Rights. The prejudice against any individual's life, including

that of a journalist, due to the practice of professional activities, is not permissible. It is one of the rights that cannot be compromised and may not be subjected to violation for any professional reason. Furthermore, journalists shall not be subjected to any threat of murder due to their jobs.

2. The Updated Methodology for Monitoring and Documenting Violations

To monitor the violations against media freedom in 2011, SANAD adopted a variety of sources to obtain the relevant information, most important of which are the complaints and notifications received by SANAD, self-monitoring, and the opinion survey that CDFJ conducts annually to determine the status of media freedom in Jordan. SANAD's method of monitoring and documentation can be summarized as follows:

2.1 The concept of the complaint or notification and method of filing them:

The concept of complaint in the context of monitoring violations against media practitioners refers to a claim submitted by a person working in media regardless of his union situation. This person states that his human rights and/or his media freedom were violated in a certain situation, regardless of the source of this violation or the responsible party and regardless whether it was done by an official or regular person. CDFJ receives complaints via the telephone, the facsimile, and the e-mail or by filling out the form prepared for this purpose by CDFJ.

A. The notification: It is a notice submitted by one or more media practitioners to CDFJ by any means, regardless of its type, and is related to his or any other media practitioner's suffering from a problem that affects human rights and media freedom resulting from the exercise of media work. The notification does not include a complaint on the part of the person, but rather a mere notice of the occurrence of the problem or violation. CDFJ may receive the notification through the information form, the telephone, the facsimile, the e-mail or any other means. Like the information form, the notification usually includes a complaint about a violation of media freedoms or the rights of media practitioners.

B. Complaint form: It is a form prepared by CDFJ for the purpose of obtaining information about problems suffered by one or more media practitioners affecting their human rights and media freedoms and resulting from their exercise of their media work. It is one of the most important tools that CDFJ uses to monitor violations. In most cases, this form includes a complaint about a violation of media freedoms or the rights of media practitioners. One of the characteristics of the complaint is that it is filled out by a media practitioner who was directly affected by the violation.

C. Case monitoring: It is a process that CDFJ begins upon its own initiative with the aim of arriving at information about problems affecting the human rights and media freedoms of media practitioners resulting from their exercise of their media work. The process could be done by monitoring other audio-visual, print and electronic media outlets. The characteristic of this tool is that CDFJ moves on it of its own accord and not on the basis of information received from others about a specific problem.

This year, CDFJ has removed the two issues of withholding information and prior censorship from the list included in the complaint and notification forms. The reason for this exclusion is that previous years' experience has conclusively shown that it is impossible to prove the occurrence of information withholding and prior censorship in light of the media practitioners' actual practice. CDFJ has held a brainstorming session on 14/1/2012, which included journalists, editors and lawyers to discuss the two issues in order to examine the actual reality of these violations and how they are handled. The most important findings and results of this session will be presented later in the part dedicated to the discussion of violations.

The process of filling out the information form is usually done under the supervision of monitors who work in CDFJ or directly by the complainant or victim. CDFJ has diligently sent out monitors, who have been trained, to the various media organizations to distribute the information form to workers and have them fill them out. Another method used by CDFJ to facilitate the process of receiving complaints is contacting media

practitioners by telephone and asking them about the violations they encountered in 2011 and then filling out the information form with the acquired data.

In any case, the complaint itself is not evidence of the occurrence of the violation unless it is based on proofs and analysis that prove its claim. That is why CDFJ, this year, has maintained the mechanism it created last year to check, analyze and categorize the complaints according to scientifically and methodologically driven analysis.

CDFJ has also adopted a new method for collecting information about some violations that were difficult to prove in the past. This method involved the organization of focus groups that include media practitioners and lawyers with the aim of finding specific answers to questions related to the aforementioned problems. This is designed to formulate preliminary trends that would allow for the development of mechanisms to deal with the problems, monitor and document them in the future.

The year 2011 was characterized by the occurrence of several cases of assault on media practitioners' human rights and media freedom that could be described as systematic, extensive and severe. These are clear and proven violations, whether there have been complaints about them or not. CDFJ has sought to understand their contexts and their methods and to analyze and document them in a scientific and methodological manner in accordance with comprehensive legal approaches.

2.2 Examining and analyzing complaints and notifications

In 2011, CDFJ endeavored to have complaints examined, checked, and analyzed on a scientific, systematic and perceptive basis, since the main objective of SANAD is to monitor violations in their exact technical term, and to document them in line with the human rights and freedoms principles recognized by international human rights international documents.

The process of examining, checking and analyzing complaints is undertaken in multiple phases. It begins with a legal review by a professional legal team working within the framework of SANAD, and is followed by

a comprehensive scientific review. In both cases, the complaint is checked for eligibility and soundness. If the complaint proves to be acceptable and sound in terms of the format, it is checked on the basis of the subject-matter. As a result, the complaint may or may not encompass an actual violation of media freedoms and the rights of media practitioners.

Upon the complaint's fulfillment of the conditions, CDFJ, through the legal and scientific mechanisms, would analyze the subject-matter of the complaint, study and examine it. In 2011, the process of examining and analyzing the subject-matter of the complaint involved a set of principles, most important of which are the international and national legal provisions that must be respected and adopted in the area of the human rights and media freedoms of media practitioners. These provisions were included in a set of international agreements that were published in the Official Gazette and valid Jordanian laws based on the International Convention on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination Against Women, the Access to Information Law, the Public Assembly Law, the Press and Publications Law, and other laws that regulate the audio-visual media, the Penal Code, the provisions of the Jordanian Constitution, and the Universal Declaration on Human Rights. The process of studying the complaints in 2011 was focused on the connection of its subject-matter to the media practitioner's media work and professional activity.

CDFJ's categorization of the violations is considered a qualitative step in the process of monitoring violations of media freedom, because it is more realistic and comprehensive and closer to the process of understanding the nature, realities, and patterns of the violations and their interchangeable effect on the actual enjoyment of media freedom in Jordan.

2.3 Facts about the 2011 complaints

Like 2010, CDFJ noticed an increase in the number of complaints in 2011, as it received complaints that exceeded the number it had received in 2010, during which the SANAD program was launched and became a functional Unit in 2011. CDFJ has received (78) complaints, whether directly or by contacting media practitioners or by asking them to fill out the information form related to complaints and violations.

The high number of complaints received by CDFJ this year, compared with 2010 and 2011, represents a qualitative leap that reflects the media practitioners' increasing awareness of the importance of filing complaints and documenting the violations that affect their rights and freedoms, as well as of the vital role that CDFJ has come to play in this area. The atmosphere of change that has prevailed in the region, including Jordan, might have played a major role in encouraging media practitioners to file complaints about violations they experienced, particularly since they have seen the importance of the approach that is based on human rights and the rule of law in stages of democratic transformation and shifts from a totalitarian rule to a democratic and open rule. The complaints and notifications submitted this year had many characteristics, most important of which are:

- A. The difficulty or impossibility of proving claims made in some complaints
- B. Refraining from notifying official parties of cases
- C. Poor level of awareness of human rights and confusion between a violation and an exercise of authority
- D. Increasing desire for disclosure by media practitioners
- E. Complaints resulting from attacks by parliamentarians and persons of influence
- F. Diversity of problems stated in complaints and increased claims of severe and extensive violations
- G. Decreased number of general complaints
- H. Interest in documenting violations for the purpose of pursuing the perpetrators

2.4 Presenting and analyzing examples of complaints

CDFJ found that it is important for the report to include a presentation of a number of complaints that were received in 2011 and analyze them. CDFJ preferred to present the complaints that it decided to hold and not to follow up, in order to show the reasons why these cases were not followed up on due to lack of information or lacking documentation or due to mistakenly thinking that they constituted a violation when they were not, in so that journalists would know to avoid such cases. It must also be stressed that CDFJ's selection of certain complaints does not mean that these complaints are more important than other, but rather CDFJ has put in place a set of standards by which to govern the selection of these complaints. These standards are: the availability of information that render the complaint viable for examination and analysis; the importance of the complaint in uncovering the most significant challenges and difficulties that would make it impossible to follow up on the complaint; and that they reflect the reality of the complaints received by CDFJ this year as indicated below.

3. The Status of Violations of Media Practitioners' Rights and Media Freedoms in 2011

The year 2011 witnessed the violation of public, en masse and severe violation, in addition to individual violations monitored and verified by CDFJ every year. In 2011, CDFJ was able to verify the occurrence of a variety of severe violations of the rights of media practitioners and media freedoms, which were en masse and/or severe, as well as individual violations. CDFJ had information about these violations through the complaints that it received and the cases that it monitored on its own without complaints. Of a total of (78) complaints and (52) monitored cases in 2011, CDFJ found that (106) of them involved a violation of one or more rights related to media practitioners or media freedoms.

This year, the rising number of violations that originated from private entities or parties or ordinary

persons was noteworthy when compared with previous years. CDFJ monitors violations originating from the public and private sectors, because international agreements on human rights, which constitute the first point of reference in the area of protecting the media practitioners' rights, commit party countries to ensuring respect and protection for these rights in the public and private domains.

CDFJ viewed the violations that occurred in 2011 as subject to the following categorization: En mass and/or severe violation; individual violations; violations proven to be difficult to verify despite their occurrence. Before presenting these violations, reference must be made to the most important distinguishing and common elements. This year was characterized by the presence of common elements among these violations. The report will address these elements together, but will dedicate a special item to one of the most important of these elements, namely the fact that perpetrators escaped punishment and the victims' difficult access to fairness and justice.

3.1 Common and/or distinguishing elements for the 2011 violations:

Violations against media practitioners and the media were marked by the presence of several elements that were common to them as well as distinguishing when compared with the violations committed in past years. These can be summarized as follows:

A. The majority of violations that occurred against media practitioners in 2011 were related to physical safety (banning torture and other forms of abuse), personal freedom, haphazard and illegal detention, threats to life, piracy on electronic websites, fabrication of some news or false information and publishing them in a manner that is misleading to the media and media practitioners.

B. The systematic and extensive nature of many of the violations, particularly those that were committed against media practitioners while covering the popular demonstrations, sit-ins and the activities of the popular movement in Jordan. This was clear in the events of the Al-Nakheel Square, the Interior

Ministry Circle, Al-Mafraq, and the 15 May March of Return. The complaints, as well as the opinion survey's questionnaire, indicated that a large part of the violations and the attacks had originated from security sources, and that the attacks took the form of verbal abuse, freedom restriction, physical assault, and security summons. The violations, the occurrence of which was verified by CDFJ in 2011, reflected a type of systematic and regulated conduct in committing the violation or attack. In Al-Nakheel Square, for instance, the systematic manner was very clear. Violations indicated that the journalists and media practitioners were targeted, that their cameras were the target of the attacks, and that the security apparatus that participated in the actions that constituted the violations had, according to a pre-set vision and pre-prepared framework, purposefully attacked the media practitioners and destroyed whatever was in their possession in terms of audio and visual tools that could be evidence of the events and its occurrence, in addition to the fact that media practitioners were targeted while they were wearing a piece of clothing that distinguished them as journalists and media practitioners.

C. Various sources of violations: Attacks and violations that were investigated, verified and documented by CDFJ, through complaints or the opinion survey, revealed the increasing violations originating from a security party or from regular people. The slander and defamation was done by regular people, while the cursing, humiliation and beating was done by security parties, and the threat was done by both parties. What is noteworthy is that various security parties were responsible for threat of killing, the curses and the physical assault.

D. Perpetrators' escape from punishment: Despite the expansive volume of violations, particularly physical violations, which affected basic rights of the media practitioners and constituted an insult for their dignity and physical safety, not to mention the fact that they brought mistreatment and physical and verbal assaults to them, none of the persons who perpetrated these assaults were legally pursued and tried.

3.2 Most significant severe or en masse violations

The year 2010 was characterized by the committal of severe or en masse violations against media practitioners during the events of the Interior Ministry Circle (25 March), the March of Return (15 May), the Al-Nakheel Square (15 July), and AL-Mafraq. These violations were characterized by their widespread nature, whereby they focused first and foremost on the violation of the right of media practitioners to their physical safety and assumed the form of verbal and physical mistreatment. Following is a presentation of the most important of these violations:

3.2.1 Violations related to the events of the Interior Ministry Circle (25 March)

More than 20 media practitioners, whether journalists, correspondents or photographers, were the subject of severe and extensive assault during their coverage of the March 24 Movement's demonstration at the Interior Ministry Circle.

These assaults assumed the form of severe beating with batons, kicking, and cursing against human dignity, in addition to the "thugs" stoning and beating the media practitioners on the head in plain view of the security forces and the gendarmerie. These assaults brought great harm and damage to many of the journalists, causing fractures to legs, arms and heads and many of them were admitted into hospitals. Additionally, the cameras that were in their possession were broken and destroyed.

Without a doubt, the aforementioned violations are severe and extensive violations, including mistreatment, banning journalists from exercising their work and depriving them of media freedom. The security personnel and the gendarmerie were responsible, for they themselves have directly caused severe physical and psychological damage to the journalists as a result of committing physical and verbal assaults, and they did nothing about similar attacks committed against them by regular people, the "thugs", in plain view of the security personnel.

3.2.2 Violations related to Al-Mafraq events

Some of the other cases where severe and en masse violations were committed against media practitioners and media freedoms occurred during Al-Mafraq events on 23/12/2011. The attacks against the media practitioners in this case were characterized by the fact that they affected their basic rights, their physical safety, their human dignity, and their personal freedom, in addition to threatening some with killing and causing severe physical and psychological damage.

CDFJ also monitored several cases where the editors of many of the electronic websites were subjected to pressures by security apparatus to remove the news item about the attacks by thugs on Al-Mafraq demonstration. Media practitioners also indicated that their organizations were subjected to pressure by state apparatus to "open fire on the Islamists and the popular movement" especially after the Al-Mafraq events.

The violations indicated here involve a violation of the media practitioners' right to physical safety and the right not to be subject to mistreatment, in addition to the fact that they constitute a blatant and severe attack on media freedom. They also clearly show that state interventions in the media are no longer limited to preventing media practitioners from covering an event, but have started to take the form of direct intervention and dictates, not to mention that they have started to attack the dignity of journalists, their physical safety and personal freedom.

3.2.3 Violations related to Al-Nakheel Square events

The attack committed by the security personnel and the gendarmerie against the media practitioners during their coverage of the events of Al-Nakheel Square demonstration on 15/7/2011 is considered one of the most severe attacks. In an initial report issued in this regard on 30/7/2011, CDFJ proved that this attack was extensive, deliberate and systematic.

Through the process of monitoring and investigation conducted following this attack, CDFJ proved that this attack was deliberate, staged and purposeful, particularly since a high number of male and female



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Impunity

Media Freedom Status in Jordan 2011

media practitioners suffered beatings, curses, and the destruction of their cameras and mobile phones, although they were wearing vests distributed by the public security to distinguish them from other participants in the demonstration. These vests were distributed to them upon an agreement reached between CDFJ, the Press Association and the Public Security so that media practitioners might be protected and not attacked on the pretext that could not be distinguish from the other participants in the demonstration. Information gathered by CDFJ showed that many of the victimized journalists were mistreated after they disclosed their identity as journalists and media practitioners to the security personnel and the gendarmerie or because they were seen covering the events using their cameras and their mobile phones.

The attacks of Al-Nakheel Square constitute an unprecedented event, particularly because they were not restricted or simple. Although the attacks were not the first of their kind in 2011, but they characterized by the high number of journalists, correspondents and photographers who were deliberately targeted in a systematic way with beatings, curses and mistreatment, leading to severe injuries to many of them.

CDFJ was able to document (19) cases of assault on male and female media practitioners targeted on 15/7/2011 by the security personnel, the gendarmerie, the traffic police and persons in official uniform from other security parties. The most important cases, where CDFJ verified that attacks occurred against media practitioners, can be summarized as follows:

1. Sami Mahasneh suffered severe injuries, including a broken right forearm, a broken thumb, and severe injuries to his left eye near the visual nerve, and he was beaten with the security personnel's batons and boots.
2. Ra'ed Awartani from Jordan Days suffered from a broken neck due to beatings from the security personnel, in addition to breaking his camera.
3. Yazan Khawas from Normina TV was beaten on his left hand that was carrying a microphone, leading to damage to his hand's tendons.
4. Mohammad Al-Najjar from Al-Jazeera.net suffered beatings and curses by the security personnel and was prevented from covering and photographing the events.
5. Yaser Abu Hilala, the director of Al-Jazeera TV, suffered beatings and curses to prevent him from covering the events.
6. Amal Ghabayen from Ammun News was prevented by the security personnel from photographing their attack on one of the demonstrators, and she was cursed using foul languages and she was pursued to try to seize her camera and beat her up.
7. Ahmad Malkawi from Saraya News was beaten and his camera was broken by the security personnel.
8. Ali Al-Zu'bi from Normina TV was beaten by security personnel with a thick stick from the back and in a focused manner on his hand to drop his camera.
9. Mohammad Al-Fdailat from Amman Net was cursed using foul language by security personnel and prevented from accessing the site.
10. Anas Damra from Ammun News was assaulted by security personnel with a baton from the back because he tried to prevent the public security personnel from beating journalist Mohammad Al-Kiswani.
11. Mohammad Abu Qutti from Reuters was severely beaten by security personnel and they broke one of his cameras because he was filming the attack on and beatings of the demonstrators by security personnel and the gendarmerie, in addition to his attempt to help other journalists who were being severely beaten and verbally assaulted.
12. Rana Za'rour from Al-Arabiya TV was cursed using foul language by security personnel and prevented from filming.
13. Hiba Kwan from Saraya News suffered similar violence at the hands of security personnel.
14. Islam Sawalha from Amman Post was asked by security personnel to stop filming and was beaten from behind on his head as he was wearing a helmet. His camera fell as a result, but when he continued filming using his mobile telephone, the security personnel and the traffic police, or those wearing similar uniforms, beat him on his hand, causing his mobile to fall.
15. Nidal Salameh from Al-Sawsanah news website was beaten by the gendarmerie and he was also cursed using foul and degrading language, and his

camera was taken from him and broken.

16. Amer Abu Hamdeh from the BBC office in Amman was attacked from behind with an armor carried by a security personnel when he was filming the events, and then he was beaten again with a belt on his neck and hand by a security personnel to stop him from filming.

17. Fahim Karim from the New York Times was physically attacked.

18. Khalil Mazra'awi from Al-Dustour was beaten.

19. Mohammad Hannoun from the Associated Press was beaten.

As it became clear to CDFJ, severe physical, psychological and material damages were incurred in the previously-mentioned cases, as well as in others, as a result of attacks by the security personnel and the gendarmerie on the media practitioners. These cases shared common characteristics, such as targeting the journalist's hand to drop the camera or beating from behind to hide the identity of the perpetrator from the victim, in addition to the fact that the majority of victimized journalists were wearing press vests, making it clear to the security personnel and the gendarmerie that they were not demonstrators.

Most of the cases, which were documented by CDFJ, showed a specific pattern in the actions or attacks by the security personnel and the gendarmerie. This confirms that the systematic characteristic of the attack by the security personnel, the gendarmerie, and other members of the security apparatus who wore their uniforms without indicating their names or ranks in order to hide their identity. This is in addition to the fact that the attack on the media practitioners occurred while they were wearing vests that identify them and distinguish them from the other demonstrators. Moreover, the verbal curses uttered by the security personnel included clear terms that indicate that the journalists were targeted.

The attack that the various security personnel were engaged in against the media practitioners in Al-Nakheel Square constitutes a clear and blatant violation of the provisions of the Jordanian Constitution, the Jordanian law, and the human rights agreements that Jordan had ratified and that were published in the

Official Gazette. This attack is an attack on the freedom of opinion and expression, including media freedom, the ban on torture and other forms of cruel, inhumane, or degrading treatment or punishment, the right to peaceful assembly, and the right to access justice and effective means of fairness, in addition to the that it is a violation of the United Nations' principles related to the use of force in the context of enforcing the law. These are all violations that require bringing justice to the victims and compensating them, as well as holding the perpetrators criminally, civilly, and administratively responsible.

With regard to CDFJ's role in dealing with Al-Nakheel Square events, a preliminary report was issued on 15/7/2011 about the events, after it carried out a fact-finding and data collection process. CDFJ became clearly aware at that time of the responsibility of all the security apparatuses for the attacks. CDFJ started procedures for criminal and civil litigation against the perpetrators to bring justice to the victims. Indeed, some of the victimized journalists had started to seek the representation of the lawyers of MELAD, but later retracted their decision, with the exception of two colleagues, Nidal Salameh and Islam Sawalha. Legal opinions later agreed that the cases of these two journalists were not tight enough from the legal point of view and the legal measures would not have any benefit in light of the events.

3.2.4 Violations related to coverage of the "March of the Return"

Media practitioners suffered another severe, en masse and systematic attack by personnel who belong to a variety of security apparatuses, inclusive of the public security and the gendarmerie, as well as the "thugs", while they were covering the events of the March of the Return on 15/5/2011 in Al-Karama area.

As in the case of the other severe violations, CDFJ noted that this violation was intentional and targeted. The perpetrators targeted the media practitioners' cameras and the media tools used to cover the event and attacked them physically and verbally, as well as breaking their cars and equipment and seizing their tapes, returning only those that were not related to the

March's incidents and keeping those that document the violations committed by the security personnel against the participants in the March that called for the right of return to Palestine.

CDFJ sees that the attacks committed against the media practitioners while they were covering the events of the "March of the Return" are not different from the other severe violations, in which the various security apparatuses were involved. CDFJ also believes that this is a series of severe and en masse violations that were based on mistreatment, physical and verbal attacks, and degrading the media practitioners in order to prevent them from exercising their work freely and to gag the freedom of the press and the media.

3.3 Individual violations

In addition the severe, extensive and en masse violation, many other individual violations were committed against media practitioners. These individual violations affected more than one right related to the internationally acknowledged rights and freedoms, which Jordan is committed to respect, ensure and protect. It is noteworthy that the majority of these violations are related to more than one right or freedom, because human rights violations, by nature and due to the interconnection among the various human rights, are characterized by the fact that they are composite and multi-faceted. The violations that CDFJ has verified in 2011, in addition to the afore-mentioned severe violations, were related to an extensive set of human rights and media freedoms, such as those related threats to take life, the ban on torture and other forms of cruel, inhumane, or degrading treatment or punishment, the right to personal freedom and safety, the freedom of expression and the media, the right to access information, the right to peaceful assembly, the ban on calling for hatred, animosity or violence, and the right to access justice and effective fairness.

With regard to the right to access information and the right to access justice, this part of the report will not present the individual violations related to them. Relevant violations will be addressed in a special part of the report, because we have learned from experience that it is difficult, and maybe even impossible to

find evidence of the violation of the right to access information. This has forced CDFJ to deal with them in a different manner and with a different mechanism this year.

Of a total of (78) complaints and (52) monitored cases in 2011, CDFJ found that (106) of them involved a violation of one or more rights related to media practitioners or media freedoms. Following is a presentation of some of these violations:

3.3.1 Violations related to threats to take life

In 2011, CDFJ noted the increase of the number of violations related to threats to attack the right to life. CDFJ has monitored some of them and verified their occurrence. It is noteworthy that these violations were committed by regular persons and parliamentarians. The most important violations documented by CDFJ in this context are:

- A. Hiyam Awad was threatened by several thugs
- B. Threatening to kill Shadi Samhan of Amman Jo
- C. Threatening to kill Ahmad Al-Hiyar of Watan News
- D. Threatening to kill Yousef Damra of Al-Ghad newspaper

3.3.2 Severe violations of the ban on torture and other cruel treatment

Like 2010, the year 2011 was characterized by the multiple complaints, the subject-matter of which involved claims of mistreatment in all shapes and forms, inclusive of course of physical and verbal attacks, threats, security summons resulting from media work, and illegal or random detention in bad conditions.

In addition to the severe violations to journalists' dignity and their right not to be subjected to mistreatment, which CDFJ monitored as part of the severe or en masse violations, CDFJ was able to verify the occurrence of individual violations that are related to the ban on mistreatment, physical harm, and dignity of journalists. Following is a presentation of some of these violations:

3.3.2.1 Physical attack on Nidal Salameh from Al-Sawsana

In the complaint filed by Nidal Salameh, he said that he went to Salhoub to cover a speech rally. When the Director of the Political Office of the Islamic Action Front started to deliver his speech, the "thugs" began to sabotage and disrupt the rally. Salameh filmed that. One of the thugs snatched the camera from him to no avail. After that, a group of thugs started beating Mu'ath Malkawi, the correspondent of Saraya. Salameh went to help him, but the thugs gathered and started beating him, taking his camera and breaking it, in addition to that a stone hit his left hand and bruised it. Nidal Salameh and Mu'ath Malkawi stressed that they were wearing their press badges.

The attack on Nidal Salameh is a physical attack and is a violation of his right to his physical safety and is a cruel, inhuman and degrading treatment that violated Article (7) of the International Convention on Civil and Political Rights and Article (16) of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. It also violates media freedom and constitutes a crime according to the Jordanian Penal Code. The same applies to the case of Mu'ath Malkawi.

In this context, CDFJ believes that the policy of perpetrators escaping legal pursuit is what strengthened such attacks on media practitioners in 2011.

3.3.2.2 Degrading treatment of Naser Shadid from the BBC by airport security personnel

Naser Shadid said that, upon arriving in the Queen Alia International Airport in the afternoon of 15/8/2011, he was asked for his home address and his telephone number, adding that this request is repeated by the airport security personnel every time he gives them his passport.

He added that he has been asked the same question for the past (11) years and every time he travels, which he estimated to be more than (60) flights. Shadid said that, because of the repeated and boring treatment, he told the security personnel that he did not have an address or a telephone number. The security personnel shouted at him and demanded that he entered the back room. As soon as he did, the security personnel threw his passport

against the wall and shouted "I want to trample you. I want to kick you in the head" more than once, and then asked Shadid to go to the Intelligence because there is a summons for him. Shadid stressed that these practices have become typical by the airport's security, including questioning him about the reason why he was deported from India when he was a correspondent for Al-Jazeera in 2000.

CDFJ believe that this repeated and systematic attack against Shadid is degrading and is a violation of the ban of mistreatment. It is also a violation of his right of movement and constitutes contempt against him according to the Jordanian law.

3.3.2.3 Mistreating Mohammad Al-Hawamdeh from Khaberni by a parliamentarian

Mohammad Al-Hawamdeh indicated in his complaint that, at around 11:30 p.m. on Saturday 3/12/2011, Khaberni news website received a letter that included a threat from an anonymous source. Ten minutes later, the news website received a call from one of the members of parliament, whereby the deputy went on to curse and threaten the website for publishing his name by mistake in a report about the names of deputies who gave or withheld the vote of confidence to Al-Khasawneh government, although the website had corrected this mistake. The deputy told Al-Hawamdeh that he "will trample him" and "bring the office down on his head", as well as other sentences that Al-Hawamdeh refrained from saying. Al-Hawamdeh indicated that he and two other colleagues, Ghaith Al-Adayleh and Mahmoud Al-Mughrabi, who also suffered the deputy's threats and curses, had filed a complaint at the Shmeisani Police Station.

The incident stated by Al-Hawamdeh was proven by the fact that there was more than one person who either suffered the incident or witnessed it, in addition to the fact that that it was registered in the records of the security parties.

In any case, Al-Hawamdeh was subjected to mistreatment and more particularly to degrading by the deputy, which constitutes an attack on the freedom of the media and the right not to be subjected to mistreatment

as guaranteed in human rights conventions and the Jordanian law.

3.3.2.4 The attack on Islam Sawalha from Amman Post during the sit-in of the coordination committee of the opposition parties and the popular movement

In his complaint, Islam Sawalha said that, while he was covering the sit-in that was staged at the Fourth Circle on 16/7/2011, which was organized by the coordination committee of the opposition parties and the popular and youth movement, and after the protesters left the area and anti-demonstration arrived in the area, someone accosted him and took the camera that he was filming with, and then beat him on his face and shoulder. This person and another started to curse him and kick him in plain view of the security personnel, who did not stop the attack. Sawalha indicated that the security personnel asked him to leave and not to instigate those present. He refused to leave until they return his camera. Five minutes later, one of the security officers brought his camera and said that he found it on the ground.

Sawalha added in his complaint that the person who attacked him gave his name and his place of residence and told him to file a complaint if he can. This person left the area and was neither pursued nor investigated. The strange thing is that the security personnel took Sawalha in their security car so that the "thugs" would not follow him, and instead of capturing them, they evaded the "thugs." Sawalha had provided a video that documented the afore-mentioned attack.

The attack on Sawalha involves mistreatment that could reach the point of cruel, inhuman and degrading treatment that is banned in accordance with Article (7) of the International Convention on Civil and Political Rights and Article (16) of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the Jordanian law.

3.3.2.5 The attack on Hassan Al-Tamimi from Al-Ghad newspaper by security personnel

CDFJ had monitored the incident that was published on many news websites and where Hassan Al-Tamimi was attacked by security personnel as he was covering the

sit-in of the Salafis in Al-Zarqa on 15/4/2011. CDFJ contacted Al-Tamami to get information from him about the incident. He said that he was preparing to film the sit-in when a security officer by the name of Hasan Al-Momanu grabbed his arm and twisted it, telling him "I want to see the photos you took." Al-Tamimi told him that he did not take any photos and that the photos in the camera were of him and his family. He took the camera from him by force and said in an audible voice "I want to see." He checked the photos and when he was sure that there were no photos of the sit-in, he sent the camera back with a civilian dressed man and asked him not to talk about it.

Al-Tamimi added that when the security personnel and the demonstrators clashed, he was covering the events. He was surprised with a man in a suit striking him from the back on his legs, causing him to fall to the ground and to suffer bruises. Al-Tamimi said that he suffered many pressures to prevent the publication of the news item on the websites.

The attack on Al-Tamimi involves clear mistreatment, as well as a violation of media freedom by preventing him from coverage. These are violations of both the human rights conventions and the Jordanian law.

3.3.3 Severe violations of personal freedom

In addition to the afore-mentioned violations and attacks, CDFJ was able to document several attacks related to the personal freedom of media practitioners and denying them their freedom in a random and illegal manner. While the violation of personal freedom and the denial of freedom are closely interconnected with mistreatment, these are violations in their own right and require to be treated as such. Following is a presentation of some of these violations:

3.3.3.1 Arresting Ala' Al-Fazza' from Khabar Jo by the State Security Court public prosecutor

In his complaint, Ala' Al-Fazza' said that he published on 28/5/2011 on Khabar Jo a news item entitled "Calling for Prince Hamzeh as crown prince; a facebook page with the participation of former and current ministers and deputies." Al-Fazza' explained that the news item

was published in a neutral and an unbiased tone of voice and presented an objective content of that facebook page, adding that the news item did not include any evaluation or opinion on his part.

Al-Fazza' continued to say that, on 31/5/2011, he received a call from the State Security Court's public prosecutor Fawwaz Al-Utoun, asking him to come in "to chat and have a cup of coffee the next morning." When Al-Fazza' saw the State Security Court's public prosecutor on the morning of 1/6/2011, he was questioned about the published news item and was informed that he was charged with working on changing the constitution in an illegal manner in violation of the provisions of Article (136) of the Penal Code. Al-Fazza's request to record his statement, namely that he did publish a news item and did not work on changing the constitution, was rejected. Al-Fazza' continued to say in his complaint that they insisted on adding a sentence that he did not say, namely that he knew after publishing the item that it was against the law. His request to record his statement that what he published falls under the freedom of opinion and expression was also denied. The public prosecutor issued a decision to detain him for (14) days in Al-Juwaydeh prison. Al-Fazza' stressed that he was not allowed to speak with the lawyers when they arrived to inform them of the charges attributed to him and the reason for the detention. He remained in detention for five days, from 1/6-5/6/2011. CDFJ had an important role to play in following up on Al-Fazza's case. The necessary legal assistance was provided to Al-Fazza' through MELAD unit, whether before the public prosecutor or after his arrest at Al-Juwaydeh prison. Lawyers working with MELAD went to him where he was arrested and got from him the authority to represent him at all proceedings adopted before the public prosecution. They called him continuously during his detention. SANAD also played a role in monitoring and documenting the violation, and in coordinating with MELAD regarding the procedures that needed to be take to help Al-Fazza' following his detention and his denial of freedom.

It is clear to CDFJ that this case involves several violations of Ala' Al-Fazza's human rights and the freedom of media and publication. The most important of these violations is denying Al-Fazza' his freedom by

detaining him for an act that falls within the context of the freedom of media and publication.

CDFJ believes that the fact that the action done by Al-Fazza' constitutes a crime in the Penal Code does not prevent the presence of a violation of his personal freedom, which is guaranteed by Article (9) of the International Convention on Civil and Political Rights, and of the freedom of opinion and expression stated in Article (19) of the same convention and the general statement number (34) of the Human Rights Committee overseeing the application of the convention. Moreover, the case involves the violation of the guarantees of a fair trial, as stipulated in Article (14) of the same convention.

3.3.3.2 Denying the freedom of Ziad Al-Tahrawi from Al-Baida' newspaper by the director of the Civilian Consumer Society/Ras Al-Ein

One of the severe violations of personal freedom, which received the attention of CDFJ, was the denial of the freedom of Ziad Al-Tahrawi and jeopardizing his personal freedom by the director of the Civilian Consumer Society/Ras Al-Ein. Al-Tahrawi said that on 13/8/2011 he saw a massive gathering of people in front of the Society and asked them about the reason. They told him that the director of the Society is adopting negative actions, including closing the door two hours before the official end of the working day and not dealing with the public in a civilized manner. Al-Tahrawi added that he tried to go in to see the situation for himself, when one of the employees pushed him and prevented him from entering. Al-Tahrawi told him that he did not want to buy anything, that he is a journalist and that he wants to see the market. The employee said "What do you want me to do? Go away." Al-Tahrawi responded by saying that he wanted to meet the director, and the employee said that the director is "busy." Al-Tahrawi managed to go in and to see the director, and after a discussion, the director shouted "I can do whatever I want, and anyone who does not like it should not come here. I have authorities from the director general to close the market at any time." The director left Al-Tahrawi and gave orders to shut the door on Al-Tahrawi. In his complaint, Al-Tahrawi said that when he asked the director to open the door, he

laughed and said to an employee: "Open the door and let us see others."

The news websites published the news of this attack. From Al-Tahrawi's complaint, one could see that the description of what happened with him was accurate and that the entire story matches. In any case, the conduct of the director of the Consumer Society constitutes a clear violation of the Al-Tahrawi's right to personal freedom and a violation of Article (178) of the Jordanian Penal Code.

3.3.4 Severe violations of the freedom of media, expression and publication

In 2011, CDFJ received a large number of complaints and cases related to violations of the freedom of the media, expression and publication. CDFJ studied the cases and found that some of them truly involved a violation of this freedom and documented them. The forms of attacks on this freedom were varied, but they were different to an extent from those monitored and documented by CDFJ in past years. In 2010, the main forms of violations monitored by CDFJ were: Banning publication, prior censorship, suspending the license of a media organization, threat and mistreatment. This year, the main and most common form of the violation of the freedom of the media and publication involved harassment, threat and attacks on the properties of the media practitioners or the media organizations. Although the report included a presentation of violations that involve mistreatment, this part of the report, which is dedicated to the severe violations of the freedom of the media and publication, presents a number of violations that are exclusively related to this freedom, regardless of the form of the attack. The most important cases in this regard are:

3.3.4.1 Attacking the office of the Agence France Presse

One of the most prominent violations of media freedom in 2011 was the attack on the office of the Agence France Presse in Amman on 15/6/2011. Nearly ten people attacked the office and destroyed its contents. This attack had coincided with the agency's publication of information about stone-throwing at King Abdullah II's motorcade.

CDFJ had monitored the incident and issued a statement, condemning the attack and calling for holding the perpetrators accountable. As for the details, it became apparent that a group of around ten people, who were angry and carrying metal bars and sticks, attacked the office, broke its windows and destroyed its furniture and some of the files in the waiting area. They tried to enter the office but could not. These details were provided by Kamal Taha, who was in the office at the time of the attack and who managed to get out safely using a side door. He also said that he had quickly locked the doors to the inside office so that the attackers would be able to come in.

The director of the agency, Randa Habib, said that she had received a phone call before the attack from a person who accused her of assaulting the state of security, threatening her with "We will make you pay dearly."

CDFJ believes that the attack on the office of Agence France Presse in Amman is a link in a chain of attacks that have been recurring and that are aimed at preventing the freedom of the media and publication and terrorizing the media and the media practitioners.

This attack is a severe violation of the freedom of the media and publication, which is guaranteed in Article (19) of the Convention on Civil and Political Rights and a violation of the right of victims to access methods of effective fairness and compensation for damages incurred by the attack.

3.3.4.2 Slandering Oraib Al-Rantawi from Al-Dustour because of his article entitled "From where do these reformers come?"

Another prominent violation of the freedom of opinion and expression is what Oraib Al-Rantawi suffered due to an article entitled "From where do these reformers come?" Al-Rantawi was subject to a process that sought to harm his reputation and undermine his journalistic stature, in addition to other threats that he received after the publication of the article.

In the statement issued in this regard and after monitoring the case, CDFJ stressed that Al-Rantawi

published an article in which he expressed his point of view regardless of whoever would agree or disagree with him and that the campaign of slander and threat constitutes a violation of his right of the freedom of opinion and expression that is guaranteed by international human rights conventions, not to mention a violation of the provisions of the Jordanian law.

In this context, CDFJ emphasized that the most important principles of democracy and freedom of opinion and expression are pluralism, tolerance and accepting others' opinions. This is what Al-Dustour confirmed in its statement following the publication of Al-Rantawi's article and the campaign against him. It considered the article as an expression of Al-Rantawi's personal opinion and said that it published it as such.

3.3.4.3 Attacking Al-Ghad newspaper and workers to prevent the distribution of an issue

The attack on the premises of the Al-Ghad newspapers and the threat of its workers and employees in plain view of the security personnel provides a clear picture of the volume and nature of the violations that have affected the freedom of media and publication in Jordan in 2011.

At dawn on Friday 11/11/2011, a group of people attacked the premises of Al-Ghad newspaper and tried to prevent its distribution because of a news item related to the investigation committee examining the escape of a ship from Aqaba. The group attacked one of the distributors and broke his leg, and threatened the employees in the newspaper. The attack occurred despite the presence of the public security personnel who did nothing, which facilitated the continuation of the attack.

In its statement in this regard, CDFJ considered this incident a dangerous development against the freedom of the media, revealing the state's hesitancy in enforcing the law to protect press freedoms. The statement said that it is strange and dangerous for citizens, some of whom in a place of authority, to undertake violations and threats against the media practitioners and to practice acts of thuggery against the media, as well as to violate the law in plain view of the government

and its security apparatus, without holding any of the perpetrators accountable.

This attack is a violation of the freedom of the media and publication. It is also a violation of the Jordanian Penal Code. This violation does not only involve regular person, but also the public authorities and the security apparatus for keeping silent and not undertaking the necessary measure to prevent or stop the attack and pursue the perpetrators.

3.3.4.4 Forcing Ghaith Al-Adayleh from Khaberni to reveal sources of information he published

In his complaint to CDFJ, Ghaith Al-Adayleh indicated that he received a phone call from a security personnel asking him to refer to the Criminal Investigation Directorate in Amman to discuss something that the caller refused to disclose. Al-Adayleh rejected the request, because of the vagueness of the request and the lack of a court order.

Al-Adayleh added that, after the phone call, two men in civilian clothing, arrived at Khaberni and gave him a memo, on which the phrase "very very urgent" was written. The memo was issued by the Amman public prosecutor and included the need for him to provide the identity of the person who gave Al-Adayleh documents from the office of the speaker of the Lower House of Parliament, which Khaberni had published in relation to 24 deputies delaying their financial disclosure. Al-Adayleh indicated that he had responded with an official letter in which he refused to disclose the source of his information, stressing that relevant provisions stipulated in the Press and Publications Law and the Press Association Law.

Al-Adayleh's complaint is related to the attempt to force him to reveal the sources of information and documents that he had received in a personal capacity. It is, as such, a violation of a fixed principle of the freedom of the media and publication, namely the sanctity and confidentiality of the journalist's source of information.

3.3.4.5 *The resignation of Dr. Mohammad Al-Habashneh from Ro'ya TV due to security pressures*

Another violation monitored by CDFJ in 2011 is the resignation of Dr. Mohammad Al-Habashneh from Ro'ya TV after the channel's management insisted that he should cancel hosting Engineer Laith Shbeilat on the program of "Nabad Al-Share'." The management's insistence, according to Dr. Al-Habashneh, came via a telephone call from the security forces, asking it not to conduct the interview.

Dr. Al-Habashneh sent a letter to the Minister of State for Media Affairs, in which he indicated his desire to clarify that "security interventions in media freedoms in Jordan are still strongly present," that "the owners of the channel were pressured to stop hosting a Jordanian person on Nabad Al-Share'," and that he did not think that "Laith Shbeilat's opinion and stand constitute a risk to Jordan."

The intervention of the security apparatus in this case and the television channel's position constitute a clear violation of the freedom of the media and expression. Moreover, this intervention pushed Dr. Al-Habashneh to leave his job due to the unprofessional intervention in the exercise of his work, constituting a clear violation of the freedom of opinion, expression and the media.

3.3.5 **violations of the freedom to form and join societies**

One of the basic rights that public authorities must respect and ensure for the media practitioners is the right to form societies and the freedom to join or not to join them. In 2011, CDFJ has monitored one case that involved a clear violation of this right, but the Jordanian courts gave them justice. Following is a presentation of the only case that CDFJ documented in this regard:

3.3.5.1 *The Press Associations objection to licensing the "Federation of Electronic Media" society*

A number of media practitioners and journalists from the electronic media outlets established the Federation of Electronic Media and received a license from the relevant parties. The Press Association strongly

protested the formation and licensing of this society and said that it would decisively stop attempts to disrupt and divide up the entity of the press association through the creation of new regulatory frameworks. The Association held the official parties responsible for granting licenses to such societies.

The Association contested the licensing decision at the Higher Court of Justice on 16/10/2011 and filed lawsuit number 350/2011. The Court rejected the lawsuit on 11/1/2012.

CDFJ would like to take advantage of this incident to confirm two issues: The right to form societies is guaranteed by international agreements and Jordanian laws, foremost of which is the constitution, and forcing a journalist by law to join the Press Association constitutes a clear violation of Article 22/1) of the International Convention on Civil and Political Rights published in the Official Gazette.

3.4 **Violations that are difficult or impossible to prove**

Past experiences in the area of monitoring and documenting violations of the rights and freedoms of media practitioners proved to be difficult and even impossible to prove, particularly in the area of withholding information and interference in violation of professional standards (prior censorship). In 2011, CDFJ sought to monitor these two violations in a different manner by organizing focus group discussions. CDFJ held a session in December 2011 and invited a number of chief editors, two newspapers and media practitioners in order to discuss the matter of withholding information and prior censorship.

Discussions and in-depth talks revealed real problem regarding the media practitioners' access to information and their full independence in facing unprofessional interventions. Following is a presentation of the most important issues and conclusion derived from that session:

3.4.1 **Withholding information**

The right to access information is one of the rights

ensured for the people in general and for media practitioners in particular. It is one of the basic components of the freedom of the media, publication and expression. CDFJ had prepared a number of questions related to withholding information to be discussed during the session. One of these questions asked about the meaning of withholding information from the viewpoint of the attendees. Is the process of accessing information in Jordan easy? How do journalists access information? What are the main obstacles and challenges they face in this regard? What parties are the most that withhold information? The participants confirmed that the problem of accessing information in Jordan is no longer restricted to media practitioners, but is rather involved with the promotion and distribution of false or fabricated information that influential parties try to promote. The parties that partake in this process include the government, businessmen, security apparatus, tribes, and parliamentarians. Moreover, influential persons suspected of involvement in corruption seek to withhold information or fabricate information.

Participants also referred to the difficulty for media organizations and their workers to stand up to these influential people. It has become a common practice for the media organizations to suffer pressures to publish news items saying that the number of participants in a demonstration does not exceed a few dozen when the real number is in the thousands.

As for the forms of intervention to prevent the media practitioners from accessing information, the participants agreed that they include telephone calls, pressure on the management and piracy. The participants indicated that the intervention has become raw and harsh and takes the form of orders.

From discussion, it became apparent that the officials and influential persons' information phobia has become clear and noticeable in 2011 and that the state and all its institutions have come to feel noticeably confused by the journalists' request for information. It appears that withholding information from media practitioners, which is something that security and non-security parties and official and non-official institutions take part in, is aimed at distorting or ignoring an event. One of

the characteristics of the violations of the right to access information in 2011 is that they targeted the distortion of information related to corruption, demonstrations and the popular movement.

One of the other issued noted by the participants is that the Law to guarantee the right of access to information does not allow the journalist or media practitioner any advantages to get information, but rather impedes their access.

In any case, CDFJ believes that the session revealed the fact that media practitioners are not aware of the law to guarantee the right of access to information and the method of requesting information. One of the journalists attending the session said that applied for information from the Land and Survey Department on a land registered in the name of the treasury, the ownership of which was transferred to other parties. The Department responded by saying that the requested information is confidential. The journalist contested the decision with the Higher Court of Justice, which rejected the case on the basis of the management's right to decide.

From the discussions, it became clear that one of the important violations of the access to information is the result of the deficiency of Jordanian legislation currently in effect. Additionally, legislation in effect in Jordan do not include sufficient guarantees against withholding information and considering it a violation of the freedom of the media, expression and publication.

The participants suggested that media organizations and workers in them adopt a clear unified position to confront the withholding of information and the interventions that prevent media practitioners from accessing information. They suggested creating a "black list" of the officials who withhold information.

The participants also agreed on the importance of raising the journalists' awareness of the law that guarantees the right of access to information, in order to be able to change or amend it.

3.4.2 Prior censorship and unprofessional interventions

CDFJ prepared a set of questions on the issue of prior censorship and unprofessional interventions to be discussed during the previously mentioned session. These questions included: What are the forms of prior censorship being exercised against your media work? What issues are subject to prior censorship? Which party usually practices prior censorship? What are the reasons given for practicing prior censorship? Do you complain about cases of prior censorship? Is that material subjected to prior censorship published by other parties?

The participants indicated that prior censorship and unprofessional interventions still exist and that generally everyone submits to these interventions, but that the extent depends on the chief editor.

The participants also indicated that the issue is not government by objective standards and rules, but is rather dependent on the chief editor's ability to shoulder the pressures that are exercised on him to prevent the publication of a certain journalistic material. It was clear from the discussion that media organizations do not have a professional guide that determines the rules that would be referred to when reviewing materials and that the process simply involves informing the journalist that his article or report was banned or parts of it were deleted due to pressures and interventions.

The participants distinguished between two types of censorship exercised by the security apparatus. These are:

Prior censorship: It is subjecting reports, articles and media investigations to a pre-publication review through the chief editors and desk editors. It is a procedure that does not rely on professional standards, but rather on the compliance of the material with political, economic and social approaches of the government and its security apparatus.

Typically, there is a circle of coordination inside the media organizations with the intelligence department and the other security apparatuses and state institutions,

whereby materials that are believed to cross the "red lines" or violation the official approaches are discussed and reviewed.

Post censorship: It is a process that is usually practiced on the weekly press, which the security apparatus could not control. Censorship used to take place after the paper is sent to print, where the employees of daily newspapers would inform the security apparatus of the contents of the paper, after which the journey of pressures would begin on the weekly newspaper to remove items or report or to reject the printing. This issue receded because most of the weekly newspapers have stopped issuing.

Nowadays, post censorship increases on the electronic media. Given that this media is not subject to licensing mechanisms and that establishing news websites involves low financial costs, these websites have spread and it became difficult to communicate with them or contain them.

The security apparatus handles the process of post censorship on electronic media through pressures and direct calls to remove some news. When friendly attempts fail, pressures begin to involve the legal aspect and lawsuits. Finally and if the subject-matter is very upsetting, they resort to blocking the websites or what is known as piracy.

It must be noted here that one of the most serious aspects of the relationship between the media and the security is the use of some of these websites to leak the information that the security apparatus wants.

The participants confirmed that, when the media organization or the chief editor does not respond to interventions and pressures, the intervening party, which usually a security party, does not continue to call and pressure except in very sensitive cases.

One of the most important issues raised by the participants is that the editorial board usually submits to the interventions of external parties, and more dangerously, there is self-censorship exercised by the media organizations themselves without any external interventions.

Regarding prior censorship and interference, contrary to professional standards, participants arrived at a number of conclusions that can be summarized as follows:

- A.** It will not be possible to stop this kind of censorship unless media practitioners and institutions adopted a unified strategy to deal with prior censorship and obscuring websites.
- B.** It is impossible to halt interference contrary to professional standards without taking a unified group stand to face up to this form of prohibited interference and refusing to succumb to it.
- C.** The need for media agencies and institutions and websites to cooperate to publish any material that was prevented by prior censorship as a group and in all newspapers and websites.
- D.** There is a clear relationship between yielding to interferences and prior censorship, and the dominance of capital on media institutions, especially press institutions.
- E.** Among the important reasons that lead to yielding to interferences which violate professional standards and prior censorship is the absence of a professional manual that can be referred to, for identifying what should be done regarding the media content, and approve publishing or amending it, or even prohibiting publishing it.
- F.** It is noticed that prior censorship and interference, contrary to professional standards targets local media institutions more than international ones operating in Jordan.
- J.** It is important to make sure there is no legal commitment on the media institutions to respond to unprofessional interferences and prior censorship. But it is also necessary to provide legislative protection to enable these institutions to stand against this form of interference or censorship.

5.3 Escaping Punishment and Inaccessibility to Justice

The issue of the perpetrators and violators against media practitioners escaping punishment, and the legislative and practical obstacles preventing victims from accessing justice, compensation and fairness drew the attention of CDFJ in 2011.

Towards the end of last year, CDFJ organized a discussion session about this issue, which included journalists, media practitioners and a representative from the Gendarmerie Directorate. CDFJ prepared a number of questions for the participants to present at the meeting. Questions around which the discussion centered may be summarized as follows:

Why do journalists refrain from revealing the violations they are exposed to? What are the most common violations? Why don't journalists file complaints with relevant parties to pursue violators? Do you believe that resorting to courts to obtain justice for you are exposed to is possible and effective? What role do you expect from courts to give you justice? Do you find that the parties you work with or for take the initiative routinely to submit complaints regarding the violations you are exposed to, and support your moves in resorting to the judiciary to obtain justice? Do you find that there is a connection between exacerbated serious violations of media practitioners' rights and the system of escaping pursuit and punishment in Jordan? What are the main challenges and obstacles that prevent media practitioners who are victims of these violations from acquiring justice? What are the violations that you believe should be referred to courts of justice? Who are the parties responsible for these violations, in your opinion? What are the arrangements you propose to activate the process of accessing justice?

Journalists and media practitioners who participated in the session emphasized that they rarely submitted complaints to pursue perpetrators and those who committed violations against them, and that serious violations inflicted on them this year by members of various security systems and "bullies" who assaulted them in front of security men, did not submit any complaints to relevant parties because they believe that these violations and assaults are sponsored by the security systems.

Some journalists who participated in the session pointed out that they were careful, more than once, to photograph the "bullies" who assaulted journalists and media practitioners, and that they presented these pictures to relevant security systems, which did not investigate or pursue the perpetrators. Furthermore,

some "bullies" have become well-known to all because they participate in all assaults.

Regarding the basic challenges and obstacles facing journalists, preventing them from accessing justice when violations are committed against them, the most important is that security parties behind these violations are careful to conceal the identities of these members and people participating in the violations. CDFJ has noticed that the security men who participate in committing these violations do not carry name tags or numbers. They also wear a standard uniform that conceals the department or system they belong to, such as public security, gendarmerie or public intelligence. Perpetrators are also careful to commit the violation against journalists and media practitioners in a manner that makes it impossible to identify them, as was clear in the Palm Square assaults.

Among the other constraints that result in the perpetrators escaping punishment is the group participation by security men or "bullies" in the assault, which makes identifying perpetrators an impossible task. Furthermore, security sponsorship, as CDFJ believes, of these bullies contributes to their escaping punishment, and the fact that they are not legally pursued. This sponsorship is evident in the fact that the criminals were not detained, although the violations were committed in front of the security men. Furthermore, relevant security systems did not investigate or interrogate these people in order to prosecute them. Some cases which CDFJ documented revealed that some relevant sources refused to receive complaints from the victims, because the perpetrators were not identified by name, accurately by the complainant, or because of lack of legal jurisdiction, as each party believes that a different party is responsible, based on the nature of the perpetrator's identity, especially if they are associated with a different security agency.

According to CDFJ, among the other obstacles which enhance the system of escaping punishment and the inability of victims to access justice is that journalists and media practitioners themselves lack the skills necessary to document the assaults against them, and do not take the initiative to file complaints regarding them. CDFJ emphasizes in this respect that parties

responsible for pursuit and investigation are invited to undertake their responsibilities and start pursuing perpetrators of serious violations against journalists, especially those that touch on their lives, physical safety, personal freedom and property, regardless of whether the victim filed a complaint or not. This is a responsibility that was established in international and Jordanian laws alike.

Human rights agreements place on the Jordanian authorities specific responsibilities in the field of providing justice to victims of serious violations, including: Performing an independent, quick and effective investigation that leads to pursuing the suspected perpetrators and referring them to an independent and neutral court, to be punished if proven guilty, whether they are normal citizens or officials, provide effective, neutral and independent means of justice to compensate them for the physical and moral damages inflicted on them, suspending perpetrators from work and taking disciplinary action against them, revealing the names of perpetrators and violators, guarantee that the act is not repeated and compensate the victims and apologize to them. Public authorities should also be compelled to prevent assaults by normal citizens, such as "bullies and thugs". It is not sufficient to prevent them from committing violations of media practitioners' rights. They are compelled to refrain from violating rights and to prevent others from violating rights and freedoms, or keep silent when violations are committed. This is a commitment that is imposed on them by the Jordanian law, which compels public employees, including security forces, to perform their duties, assigning criminal responsibilities in case they fail to perform these duties.

Participants also clarified that members of different security forces do not distinguish between journalists and participants in demonstrations and sit-ins, and that when they agreed to distinguish them through wearing special vests for journalists, they did not respect that and targeted them systematically and intentionally during the Palm Square events.

Participants in the meeting mentioned that the parties they work for do not urge them to file complaints regarding violations they are exposed to, and that they

rarely did so. Media establishments regard violations against media perpetrators as personal violations which do not concern them, and do not address them as violations that affect them and are connected to their very function, objectives and activities.

CDFJ agrees, in this context, with journalist and media practitioners who participated in the meeting, in that there is a close connection between the exacerbated serious violations against journalists and media practitioners in 2011, and the system of escaping pursuit and punishment applied in Jordan in the field of serious violations of human rights in general and the media practitioners' rights and freedoms in particular.

CDFJ believes that the responsibility of public authorities for serious violations committed against the media practitioners in 2011 are evident and completely proven, especially the responsibility of various security agencies which participated in these violations or cooperated in committing them, or kept silent and accepted them. No official party responsible for these violations can escape responsibility for them for any reason or justification. They did not take the necessary measures to prevent these assaults or their repetition, at the very least. It also did not initiate any serious or actual large scale and independent measures aimed at identifying all perpetrators, whether they were officials or normal people, for the purpose of initiating legal cases against them and punishing them with a penalty that is commensurate with the seriousness of their acts.

The policy of escaping punishment from which the "bullies and thugs", and those working in various security systems, chiefs and subordinates benefit, contribute to repeating the serious violations against media practitioners. It is not acceptable any more to say that they are individual violations. Repetition and the wide-scale nature of these acts are sufficient evidence of a system based on unaccountability and violators escaping punishment, as well as depriving the victims from accessing justice.

CDFJ believes that the serious and repeated assaults by security and gendarmerie forces and others against media practitioners who participate in covering sit-ins, the popular movement and all other political and

group activities, in addition to revealing the truth and exposing corruption and the corrupt, represent serious violations of the provisions of the Jordanian constitution, the Jordanian Law and human rights agreements which Jordan published in the Official Gazette . In addition, they involve a violation of the torture-prohibition and other methods of abuse, the freedom of media and publishing, and the principles of the United Nations regarding the use of force in implementing the law and the privacy of personal property, as well as prohibiting the call for violence and hatred or perpetrating them. These are all violations that require justice for the victims, compensating them and holding the perpetrators responsible criminally, civilly, and administratively on equal levels.

4. Recommendations

CDFJ believes that it has become, after the establishment of the Monitoring and Documenting Violations against Journalists Unit (SANAD), capable of insightfully, scientifically and systematically investigating violations perpetrated against journalists and their media freedoms. More importantly, it has become more capable of understanding the reality of these violations, their reasons, forms and the most important parties behind them, as well as the challenges that prevent treating them and providing justice to their victims.

In light of the conclusions and facts arrived at by CDFJ, and which were presented earlier, and since the most important two features distinguishing the violations against journalists and media freedoms are those that were considered serious in 2011, and that their perpetrators and those who colluded in committing them are still outside the circle of pursuit and accountability, CDFJ has adopted a number of recommendations aimed at two specific sectors or parties, summarized as follows:

A. Public Prosecution and Judicial Agencies:

1. CDFJ appeals to the Public Prosecution and the official public prosecutor to take the initiative and open a wide and effective investigation in the serious

and individual violations referred to in this report, especially those that involve threats on the lives of media practitioners, abusing them or assaulting their property, with the intention of referring those who are suspected of being involved in them, whether they were perpetrators, inciters or knowledgeable and accepting of them, to the judiciary, and punishing those proven guilty of committing them.

2. Investigations and pursuits referred to above should be performed on the basis of standards for providing justice to the victims of human rights violations applied internationally, including those related to punishing perpetrators and compensating victims.
3. Guarantee that all victims among colleagues and media practitioners are compensated for all material and moral damage inflicted on them in 2011 as a result of the violations committed against them.

B. Security Systems

1. The need to commit all members of the security forces to respecting the sanctity of the media work, and the need to refrain from violating the dignity, rights and media freedoms media practitioners. In addition, preventive measures must be taken to prevent the occurrence of similar violations in future.
2. Take the necessary precautions to make sure that every member of the security, gendarmerie and intelligence who participates in operations to withhold the law should show his name and/or number clearly and legibly.
3. Train the members of public security and gendarmerie, and all other security systems in international standards related to human rights, including respecting the sanctity of media practitioners, and refraining from constraining their practice of their activities and media freedoms, distinguishing them from others in case of law enforcement operations.
4. Suspend anyone suspected of involvement in assaults against media practitioners, or ignoring violations against them in 2011, and terminating their services after proving their involvement in the act, in accordance with a final and conclusive judicial decision to be issued by an independent court of law that has no connections with the agencies or systems suspected of involvement in the violations against media practitioners.
5. Security systems and public authorities involved in the assaults mentioned in this report to reveal publicly

the names of those responsible for them, or those who colluded in the act, or those who knew but kept silent, or those who issued the orders to carry out the assaults, to apologize for the acts and guarantee that they are not repeated.

C. Parliamentarians

1. CDFJ urges members of parliament to ratify legislation or legislative amendments that enhance the freedom of information, publishing and expressions, cancelling all crimes of opinion that conflict with issues of right to freedom of opinion and expression as guaranteed by the international law.
2. CDFJ calls upon members of the parliament to ratify legislative amendments that eliminate escaping punishment and inaccessibility to justice through amending the Public Security, gendarmerie and Intelligence Law, making courts of law responsible for addressing issues of torture and other forms of abuse, arbitrary or illegal deprivation of freedom, and serious violations of human rights when perpetrated by members of these systems instead of special courts affiliated to these systems.
3. CDFJ hopes that parliamentarians will work at enacting the necessary legislative provisions to prevent prior censorship of media outlets, guaranteeing the right of media practitioners to accessing information effectively, and respect the principles of practicing freedom of opinion and expression as mentioned in article 19 (shared) of the International Declaration of Human Rights, and the International Charter for Civil and political rights, and ratifying the necessary legislations to protect media practitioners from incitation campaigns and calls for violence and hatred against them, especially that CDFJ has noticed that some serious group violations, as was the case in the Palm Square case, were followed by incitation campaigns against media practitioners.

D. Media Practitioners

1. CDFJ hopes that media institutions and agencies will take the initiative to protect media practitioners who work for them or on their behalf, through documenting violations against them, and to follow up on complaints by their media practitioners with the violating parties, including working at pursuing those involved in these issues if the violation involves a criminal act, and/or

adopt demands to be just with media practitioners who were victimized by these violations and to compensate them, as a form of deterrence, so that these violations are not repeated.

2. CDFJ calls upon all media institutions to ratify and approve a professional media alternative for the institution, to be consulted as a judge to identify the media material to be published, and what should be amended or not published, in order to put an end to the prior censorship and interference, contrary to professional standards.

3. Work at creating a joint black list among all media institutions, to include the names of people and parties that refrain from providing information to journalists, or those that practice pressure on these institutions and their employees, to prevent publishing media material.

4. CDFJ urges all media practitioners to submit complaints at the security stations and relevant parties against people suspected of involvement in committing serious violations against them, and demanding them to make sure the document violations against them and taking the initiative to refer to CDFJ for the Protection and Freedom of Journalists regarding them and for this purpose.

E. The Government

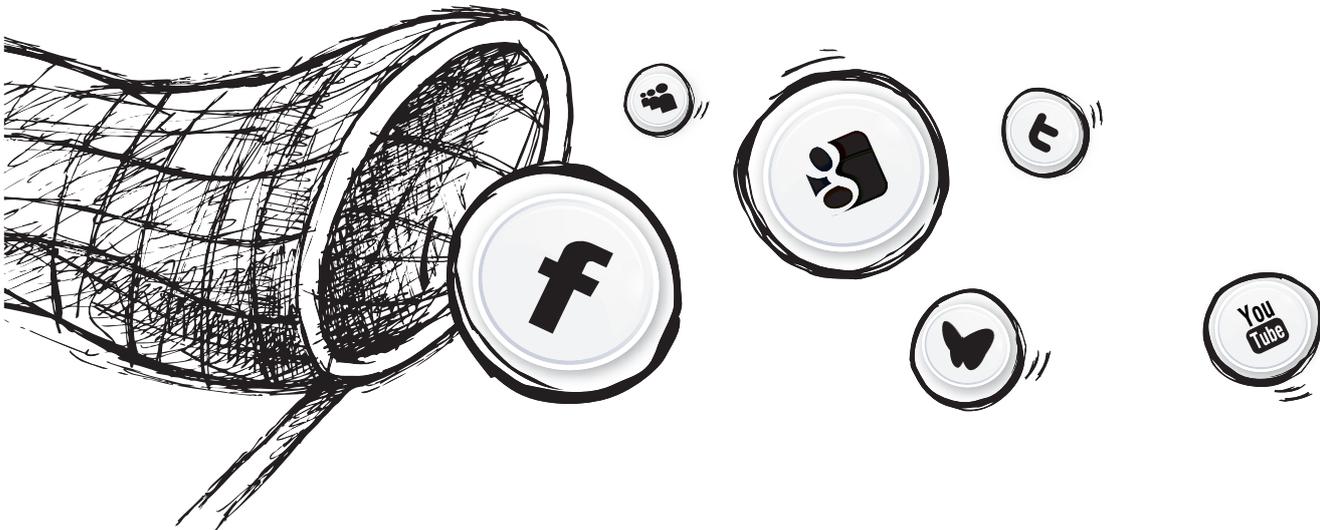
1. CDFJ urges the government to submit the necessary draft laws to make Jordanian legislations totally compatible with international standards related to the freedom of information, opinion and expression, and all other rights and freedoms approved by the international law, that should be respected and guaranteed for media practitioners.

2. CDFJs calls upon the government to work at changing the administrative and governmental practices and behaviors related to dealing with media practitioners, which involve clear violations of media freedoms and human rights which Jordan complies with according to human rights agreements, including refraining from threatening media practitioners or interfering in their work, or practicing all forms of preventing them from revealing the truth to the general public.

3. The need for relevant government parties to classify information in accordance with the provisions of the Law Guaranteeing Access to Information, so that it is possible to activate the law and abide by its provisions and texts.

4. Ratify public policies aimed at protecting the media and media practitioners and facilitating their mission and practice of their freedoms and rights freely.

Media Freedom .. is our Freedom



Third: Media Studies & Researches

The Jordanian Media and the Popular Movement: Vulnerability and Impact

This study aimed at responding to the premise that the Jordanian popular movement, which was influenced by the Arab Spring, gave the Jordanian media a wider space for expression and publishing, and contributed to raising the ceiling of media and public freedoms to an unprecedented level.

This study also aimed at answering a question whose echo resonates at an international level, namely: “Was the Arab media the maker of revolutions or simply a conduit to deliver the news of its events, and was only influenced by it?”

This premise is also based on other supporting premises related to the level to which the alternative or new media, social communication websites contribute to supporting media freedoms with a higher ceiling than the past, in addition to its media and communication role and in disseminating information, as well as providing communication between the protestors on one side and media outlet on the other, to the extent that some satellite channels rely on products from social networks in their coverage of events in Arab countries witnessing a hot Arab Spring, at a time when the local authorities in these countries prevent the press and media outlets from reaching the location of the event.

In the first chapter of this study, it was necessary to stop at the new media and its role in the Arab revolutions and the Arab media; a role that was and will stay for some period to come a subject for questions, research and study, especially after questioning this role was transferred from Arab circles to international ones, and this question changed from being a local Arab question to a global one with which the world became, and continues to be busy.

The study stopped, in this chapter at an idea that

believes there is a line of connection between the new media and the Arab revolutions, which is what was clear in the revolutions of Egypt, Libya, Syria, Yemen, and Bahrain, and the protests Jordan is witnessing for over 17 months now.

The study indicates in this chapter that the Arab Spring revolutions are indebted to the modern communications revolution, the electronic media and the social communications network “new media”, which helped extend bridges of communication among people, at a time when modern communication devices, especially cellular telephones, entered the Arab people’s battle with its regimes, becoming a main source of information, pictures, and recordings, to become the only supplier of news and events to satellite channels and news agencies.

The study also stopped to examine the internet revolution in the Arab World and its role in spreading the new social media, pointing out that the internet has become a “democratic snowball” moving around the Arab World, and that the number of internet users in Egypt before January 25, 2011 was 21.2 million, but after the revolution, it increased to 23 million. Jordanian official figures reveal that the number of internet users increased to exceed 2.8 million users, with a prevalence rate of 45% by the end of the third quarter of the same year, as a result of the influences of the Arab Spring and the Jordanian popular protest movement demanding political reform.

The study addressed the effects of the Facebook on the Arab region during the Arab revolutions, where a large increase in the number of subscribers to this media network in the Arab World increased after the Arab Spring and Arab revolutions events. From 17 million people who had Facebook accounts in the Arab World in 2011, there are now 36 million people in the Arab World after the Arab revolutions, with an increase of 68% over the beginning of 2011. Jordan recorded a clear increase in this field, reaching 2.1 million users.

As for the use of Twitter, the number of its users in 2011 in the Arab World during the first quarter of 2011 reached about 1.1 million, sending 22.7 million tweets related to the Arab Spring Events.

Jordan remains an Arab country with low use of Twitter (55,859 users) during the first quarter of 2011, with a daily average number of tweets of 7100 during the same period.

The study also addressed the role of Youtube in the Arab Spring, pointing out that there is insufficient documented information about the number of Arabs who use Youtube or browse it frequently. The case is the same for Jordan in specific, but according to expert expectations, the number is very large and may be close to the number of those who use Facebook in Jordan, and perhaps a bit more. The same applies to the role of personal blogsites, where the Arab World suffers from their low number and their weakness compared to their role around the world. The study also addressed the role of cellular phones in covering the events of the Arab Spring events, after assuming the role of television cameras in hot areas where journalists are prevented from accessing, which led the Arab and international news agencies and satellite channels to depend on what is recorded on cellular phones, despite the low quality of the product, artistically and professionally.

The study also examined the adage of whether the media was the maker of Arab Revolutions or simply a conduit conveying its events. The study addressed the deliberations of the "Conference of Defenders of Media Freedom in the Arab World", organized by CDFJ for the Protection and Freedom of Journalists in December 2011 in Amman. Participants in the conference had decided that the media does not make a revolution, but relates its events and affects public opinion regarding it.

The study mentioned that media outlets played the role of the revolutions inciter in their different locations, through the transformation of the new media or social outlets into a real source of feeding covering the events of revolutions after Arab regimes resorted to disconnecting communications and withholding internet access to people, who found other alternatives to overcome state obstructions to prevent news about the Arab revolutions leaking to the outside world.

The study referred to the debate raging nowadays regarding the new media trends after the Arab

revolutions, and the level to which it adheres to professional standards in covering the news, and the legitimacy of relying only on what people send from their locations in the heart of events through video messages, and posting them on Youtube, or through loading them on Facebook or Twitter, and the level of professionalism and objectivity involved in all these broadcast and publishing operations, especially if they are initiated in countries that prevent media coverage and prevent journalists from accessing locations of events.

The study saw that the Arab media is facing many challenges in this respect, including:

1. Neutrality, credibility and integrity
2. The ability to convince the Arab receiver that what he reads or sees is completely true and has not been altered or distorted.
3. Totally prevent outside security and totalitarian interference in the media, and reformulate the relationship between security and media.
4. Challenge the ownership of media outlets, and challenging the ownership of private capital.
5. Dispose of the residues of previous regimes and their policies based on the principles of prevention and detention.
6. The manner of disposing of self-censorship which Arab journalists and media practitioners were used to imposing on themselves under repressive Arab regimes.
7. The manner in which to make use of the freedoms and democracies climate in enhancing a media that is more democratic and free.

The study came to the conclusion that some of these challenges and fears have started to form a real obsession for media practitioners and observers. Arab countries that witnesses a change in their political regimes have started to enter some form of media chaos, to add to the political scene some new fears regarding, this time fear from falling anew into the trap of new authorities that does not wish to have a free media on its side.

The study adds that it is completely clear that the state of public and media freedoms in the Arab world witnessed a wide divergence and relaxation as a result of the Arab Spring. But in return, governments were

led to defend themselves and protect their presence, whether through resorting to enacting new laws and legislations to pressure the freedom of expression and the media, or through the use of force in dealing with popular movements and protests demanding political reform.

The study said that media freedoms in the Arab Spring countries were divided between a clear increase and a large retreat. According to the international classification set by “Journalists without Borders”, some Arab countries which witnessed revolutions advanced a few points in the international classification, while some countries retreated a few points. Egypt is an example. Jordan retreated 8 points as a result of the popular movement effects and the government’s dealings with the media.

The study also addressed the future of media freedoms, basically connected with the magnitude and seriousness of the challenges facing the media in view of the Arab Spring and the protest movements, starting with the changes in the forms of official censorship, repression, quarantine, obscuration, up to challenging professionalism, objectivity and credibility, which are challenges that impose themselves now and strongly on the Jordanian and Arab media equally.

The study addressed, in its second chapter, the Jordanian scene from two angles: The Jordanian media and the popular movement, and the government position. Under the title “An Outlook at the Jordanian Scene: A map with Two Legends ... Constraints of the Law and the Invention of Courage”, the study said that Jordan retreated 8 points in its international classification in freedom of the press, according to the report by “Journalists beyond Borders”, as a result of the method adopted by the government towards journalists who were exposed many times to assault and beatings.

The study said that the Jordanian media scene is being shared by many forces of ebb and flow, for at a time when marches and demonstrations were subjected to assaults, whether by the police or the “thugs and bullies”. Journalists were on the receiving end of many of these assaults, and were being beaten as was the case in the Palms Square and the Interior Circle sit-in, and

even the Jordan Valley March and other protests where journalists were performing their professional and functional roles while doing their job, at a time when the government, on the other side, was enacting legislations and laws to stifle journalism as was mentioned in the Anti-Corruption Authority Law and the amendment of the Press and Publications Law and others.

The study pointed out that the Jordanian press, and especially the electronic press, recorded a real positive leap towards grabbing its freedom and soaring in its wide space. Despite the fact that the ceiling of expression and publication has gone way up in the electronic media, compared to what the situation was before the Arab Spring events and its local effects in Jordan, the print media found itself pressed to be on par with the local electronic journalism first, and the Arab journalism second, which pushed it, though a little, to have the courage to publish, sometimes bordering on the red lines.

The third chapter of the study also addressed the public opinion survey which was done specifically for this study by CDFJ for the Protection and Freedom of Journalists, on the effect of the Jordanian popular movement and its effects on the freedom of the media. The survey included a 500 member sample that responded to questions distributed over many basic axes to measure the extent to which the Jordanian public opinion evaluates the positive and negative effects imposed by the Arab Spring, the Arab protest revolutions, the protest marches and the Jordanian popular movements on the freedom of expression and the media in Jordan.

The results of the survey showed the following:

1. The major percentage of the sample members surveyed believe that the events of the Arab Spring and Jordanian popular protests contributed to raising the level of media freedom, although the ranks in the sample responses varied widely between large, medium and low.

The total of those who believe in the need to raise the level of media freedoms at various levels was 95.4%. This is a very large percentage, against 4.0% only, who

do not believe at all that it contributed to raising media freedoms in Jordan.

2. The largest percentage of the sample surveyed believe that the Jordanian popular protests and the Arab Spring events contributed to the flow of new information to people. The percentage of those who believe this reached 96.4%, though at different levels of “large, medium, and small”, while those who do not believe this at all recorded a very low percentage of 3% only.

3. The sample surveyed believes that the Jordanian local protests helped the Jordanian media cross red lines, though at different levels of “large, medium and small”. The total percentage of this conviction was 20.7% against 6.7% who said that the protests did not contribute at all to crossing red lines.

4. Answers from the surveyed sample to the question about the contribution of Jordanian local protests in reducing government and security interference in Jordanian media reveal a lower percentage than previous ones, reaching in total 87% with three options, “large, medium and small”. The percentage of those who believe that it did not at all exceed the level of government interference, reached 12.3%, which is a high percentage if measured at the same rate of the last two questions.

5. Answers of the surveyed sample with its different levels of “large, medium and small” indicate that 81.5% believe that popular protests gave the Jordanian media wider spaces to promote rumors in Jordan, against a clear increase in the percentage of those who deny that, at a rate of 17.1%.

6. The percentage of those who believe that the Jordanian popular movement contributed with different levels of “large, medium and small” to the receded journalists fear from legal pursuit, at 87.4%, of which 9.2% believe that it contributed to a small extent, while 11.4% said that the popular movement did not contribute at all to the receding journalists fear of legal pursuits.

7. The survey results reveal that 84.3% believe that the popular movement contributed to reducing self-censorship among journalist in Jordan in accordance with the three different answers of “large, medium and small”. It is noticed that this question is connected contextually with the previous question.

It is noticed that the percentage of those who believe that it did not contribute at all increased when answering

this question compared to the answer to the previous question, reaching 14.3%.

8. 97.1% of the respondents in the sample believe that the Jordanian daily newspapers covered the Jordanian protests according to the three levels of “large, medium and small”, at the time when half the total surveyed sample mentioned that they covered it at a medium level.

It is noticed that those who answered that “it was not covered at all” was very low, reaching 20% only.

9. 86.7% of the total surveyed sample members believe that private broadcasting stations covered the Jordanian popular movement, according to the total answers which said that stations did that despite the clear disparity between the answers rates of “large, medium and small”. The rank “large” received a percentage of 44.1% that private stations did the covering at a medium level, while the rank “medium” received the percentage of 24.3%, and a “low” rank the percentage of 18.3%. The percentage of those who believe that stations did not at all cover the popular movement reached 3.6%, which is a very low percentage.

10. Official Jordanian media, represented in the government TV and government radio broadcasting recorded the lowest rates regarding the space provided by the official media (TV and Radio) for covering Jordanian popular protests.

The percentage of those who believed that the TV covered the popular movement was 66.7% in the total ranks of “large, medium and small”. It is also noticed that the percentage of those who voted at a low rank was 4.2%, which is the same voting percentage for the official Jordanian radio.

The percentage of those who saw that the space provided by TV for coverage at low rank, was 46.6%. Almost the same percentage was also recorded for the Jordanian radio, with 46.3%, while the percentage of those who believed that television provided space for coverage at a medium level reached 25.9%, which is almost the same percentage for radio, amounting to 24.4%.

It is also noted that the percentage of those who saw that the official media represented in television and radio did not cover at all the Jordanian popular movement reached 20.9% for television and 19.5% for radio.

11. As opposed to the official media, the responding sample sees the private television as more superior.



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The total of those who answered that private television channels gave space at “large, medium and small” levels to cover the popular movement was 94.0%, which is a clear superiority over the official media. The percentage of those who gave it a large rate was 32.7%, medium rate was 47.7%, and the “small rating went down to 13.6%. The percentage of those who saw that private television did not give coverage was 2.0%, which is a clear and large difference between this and the rate given to official television and radio.

12. Websites received the largest percentage in this survey. 97.9% of the sample surveyed believed that websites granted space for covering the popular movement. 76.1% of the responding sample members believe that websites granted space for covering the popular movement at a high rate, while 19% saw that they covered it at a medium rate.

One can notice in the sample’s responses that 2.8% only saw that website covered the movement at a small level, while the responses of those who believe that electronic websites hardly covered the movement was almost non-existent, reaching 4% only.

Realities show that websites enjoy people’s confidence, and that they are followed at a much higher rate than all other print, audio and video media, and those independent or owned by the government.

13. It is clear that the above result related to websites has imposed itself on the responding sample’s evaluation regarding the level to which the Jordanian media relies on the social communication websites. 94.4% stated that Jordanian media has relied on social networks websites, according to the ranking of largely positive (48.3%), medium (33.7%) and small (13.4%).

14. Responses of the surveyed sample revealed that 85.5% believe that the government interfered in the Jordanian media’s covering of the protest movements, and that 45.4% of this sample believe that this interference was at a medium level, against 24% who believed that it interfered to a large extent. 16.4% believed the government interfered to a small extent.

These realities reveal that the responding sample does not trust the government’s impartiality and neutrality towards covering local protests, and its discontent with the Jordanian media’s independence, whether independent or official.

The study stopped in the first chapter to study the

results of three other surveys that were completed by the Brookings’s Institute that “covered a number of Arab countries, including Jordan,” the Jerusalem Center for Political Studies, and CDFJ for Journalists’ Protection and Freedom, in cooperation with the Strategic Studies Center at the University of Jordan. All these converged in their joint interest in identifying people’s opinions in the Arab Spring events, and the effect of the media and modern communication methods on the media and their trends, what they follow in media outlets and what level of credibility they give to various media outlets.

The study came out with a comparative result in which it said that the three surveys were in full agreement about the effects of the media on the Arab revolutions and on raising the ceiling of freedoms in Jordan, and that websites received the top position in the surveyed sample’s interest and role in raising the ceiling of media freedoms. This, however, placed the websites in an objectivity problem and a credibility test.

The study also analyzed in chapter 5 the position of the Jordanian media between the popular movement and the harshness of the security forces, and whether or not the Jordanian media has actually changed into a victim of the violations.

The study also said that the Jordanian media looked, in the local Jordanian protest, as if it was facing real and dangerous challenges. At the time when journalists were subjected to assaults at the hands of the security and gendarmerie forces, they were also totally exposed to the “bullies and thugs”, who carried out systematic assaults against the demonstrators in various locations.

The study added that the Jordanian media practitioners fell as real victims to the security’s treatment with the popular protests. No attackers were recorded at all against a journalist or a media practitioner by the protestors, yet all cases of assault and violation by two parties were recorded, namely:

1. The bullies and thugs.
2. The Public Security and Gendarmerie forces.

The study also pointed out that among the most important reasons that led to the spreading of the bullying and thuggery phenomenon is that they fully

avoided legal punishment. In Jordan, not a single legal case was recorded against any of the bullies or thugs who assaulted the protestors or the journalists.

The study emphasized that the phenomenon of “dodging punishment” is doubtlessly what enhanced the growth of the bullying and thuggery phenomenon. Despite the government’s and the public security’s assertions that these will be tried in courts of law, no real case was recorded before the judiciary, which enhanced the growth of this serious phenomenon on one hand, and also enhanced the principle of dodging punishment, which led, in the absolute end, to the provision of direct government support, which seemed to be intentional, to protect the bullies in face of the demonstrators, protestors, and journalists.

The study examined, at length, three totally revealed cases in which journalists were exposed to violations and assaults by the public security and gendarmeries forces. These are:

1. Interior Circle events.
2. The “Right of Return” march.
3. Palm Square.

The study also examined a number of reports that undertook to count the violations against journalists and Jordanian media practitioners, addressing at length the report by CDFJ for the Protection and Freedom of journalists, which is published today as part of CDFJ’s report, on the state of media freedoms in the Kingdom.

The study stated that CDFJ for the Protection and Freedom of Journalists noticed, while monitoring cases of journalists’ violation of freedoms, a noticeable increase in the number of violations in 2011; the year of the Arab Spring, and the Jordanian popular movement demanding political, economic and social reforms.

The study quoted the report as saying that it received a large number of complaints this year 2011, compared to the past 2 years, 2009 and 2010, attributing this to what it called “a quantum leap that reflects the increase in the media practitioners’ awareness of the importance of submitting complaints and documenting violations that touch their rights and freedoms, and the vital role now played by CDFJ for the Protection and Freedom of

Journalists plays in this context, adding that “this may be attributed to the climates of change witnessed by the region, including Jordan, which has a large role in urging media practitioners to submit complaints related to assaults against them, especially that they felt the importance of the approach based on human rights and the rule of law during the democratic change stages, and the transfer from totalitarian governance to democratic and open rule.”

The study pointed out that CDFJ mentioned in its report that “it received in 2011, 78 complaints and statements, directly or through contacting media practitioners, or through requesting them to fill out a form on the information related to the complaints and violations. This number does not include any of the cases monitored by CDFJ itself. The number mentioned is restricted to the complaints and reports, and not the problems or assaults that the SANAD Unit monitored by it through monitoring methods used by CDFJ, and without receiving any complaints or reports regarding them by media practitioners.”

The study added, quoting a report by CDFJ for the Protection and Freedom of Journalists that “among the 78 complaints and 52 cases monitored by CDFJ in 2011, it was clear to CDFJ that 106 of them involve violations related to one or more of media practitioners’ rights or media freedoms. Problems mentioned in the complaints and the increase in claims related to serious and widespread violations are varied.”

The study also stopped at another report issued by the Jerusalem Center for Political Studies at the end of February of the current year, explaining that the number of violations of press freedoms in the Kingdom during last year 2011 amounted to 87 violations that included various types of violations, including violations that were not common in the past, such as physical assaults against journalists. It also witnessed new parties entering the arena of perpetrators violating media freedoms, and the issue is not restricted any more to violations practiced by official parties.

The Jerusalem Center for Political Studies’ report connected between the increase in violations and their intensity, and the outbreak of the popular movement

demanding political and economic reforms in the Kingdom, as there were an increase and a concentration in the media coverage of this movement, in addition to an increase in the freedom of journalism ceiling, crossing many red lines that were imposed on media outlets in various ways, or were self-imposed by them through soft containment and internal control, emphasizing the presence of a direct relationship between the increase in violations and the reform popular movement march.

The Jerusalem Center mentioned in its report that the intensity of media freedoms violations were accelerating or receding, connected in this to two main factors:

- 1) The receding intensity of the reform movement after receiving a severe blow at the Interior Roundabout, and the dispersion of this movement's leadership and its internal split, with the accompanying unprecedented government media campaign aimed at abusing the movement and turning society's components against it. This campaign, described by some writers and media practitioners as "Macarthyian", and attempts to terrorize the movement's powers, and with them the media and the press, resulted in the movement receding, and with it the media coverage of it.
- 2) The large counter campaign, waged by media outlets, journalists, writers, personalities and local, Arab and international civil society organizations, in response to these violations, which compelled the government and the security apparatus to retreat and attempt to control the "bullies", preventing them from assaulting the demonstrators and media practitioners accompanying the demonstrations and sit-ins. Other complications, however, which are not raw or declared, continued, such as petitioning security departments and initiating cases before the State Security Court against some journalists.

The study examined, in the sixth and last chapter, testimonies by journalists and political activists regarding their evaluation and perceptions of the Jordanian media's performance in covering the popular movement, and what this movement added in terms of positive and negative aspects of the Jordanian media.

The study pointed, in this chapter, to the presence of

what it called clear "discrepancies" that appeared in the media's performance while it worked at covering the Jordanian popular movement, which submitted demands related to political and economic reform and combating corruption, reaching to crossing what was known before as the red lines, and calling things by their names. The satellite media, at least, does not resort to naming the intelligence apparatus as "security systems" but called them by their name, directly. This seemed too early when journalists staged a sit-in at the Mahmoud Al-Kayed Circle, with a clear and direct influence by the Jordanian popular movement.

The study addressed the main features of these testimonies, mentioning that they revolve around the following issues:

1. Emphasize the high ceiling of media freedoms as a result of the influences of the Jordanian popular movement and the Arab Spring.
2. Pressure from the Jordanian popular movement on the media and its various outlets to identify with it and its demands. Hence, the media felt obliged to go along with the popular media, which raised the ceiling of its political and reformatory demands and its direct criticism of the government.
3. The popular movement pressed the official media to slightly raise its ceiling of freedom, but it remained completely attracted to the official side because it expresses the official position and promotes it.
4. Websites (electronic press) registered a very large leap in raising the ceiling of media freedoms, in identification with the popular movement, which changed into a rich news material in the electronic media.
5. A phenomenon of competition over covering news and the activities of the popular movement appeared, which led the electronic media to fall into the trap of objectivity and professionalism, which were largely affected in the context of the competition over news and coverage.
6. The popular movement resulted into the Jordanian media and media practitioners obtaining some sort of liberty from the security hold and direct security interference in the media practitioners' and journalists'

work, and the direct security interference disappeared to a large extent.

7. Security apparatuses were compelled to retreat a few steps backwards to give a chance to the media and the popular movement to work serving each other. The security systems aimed from this retreat to provide a larger space of media freedoms and protests so that they do not fall in direct confrontation with both sides.

8. The popular movement and the media's performance towards it led to the media practitioner and journalists falling in the trap of repeated attacks by bullies and thugs, in addition to assaults on them by security forces, at a time when the "threat by proxy" appeared, meaning that media practitioners started receiving threats from people directly, and not from the security forces.

9. The role of the Press Association was exposed. This role was not up to the realities of internal events and the developments witnessed by the Jordanian media. In one of the testimonies, it was mentioned that the "Jordanian Spring" has not arrived at the Press Association.

10. One of the most prominent features witnessed by journalists in the Jordanian popular movement is the increase of violations against them, against the dedication of the state's principle which is based on the principle of "dodging the penalty". No case was recorded whereby the government referred a violator of the journalists' rights to the judiciary. Perhaps the most prominent evidence to this is the security forces' report on the Palm Square events, presented to the Press Association, which nevertheless filed it and never presented it to the judiciary.

11. Receded level of self-censorship by journalists as a result of the Jordanian complaints and the Arab Spring.

The study was concluded with a number of recommendations, in addition to the results it arrived at, emphasizing that the Jordanian media witnessed true quantum leaps where the ceiling of freedoms is concerned. Some media outlets, however, actually fell victim to a shakeup in objectivity standards.

The study added in its results that the popular movement literally pushed the Jordanian media to totally agree with it, and raise its ceiling of coverage of the reform

movement demands. This resulted into affecting the official media, which tried, on its part, though bashfully, to raise a little the ceiling of its media freedom and rhetoric.

Recommendations

Faced with these facts, the study arrived at the following recommendation:

First: In the field of social media:

1. Establish an umbrella of civil society institutions to defend social media in facing any government decisions that may target its role or mission, or attempt to hassle its activists.
2. Invite the government to open the doors for competition for companies operating in the field of communications to enhance competition, which will reflect positively on providing communications services to the public at low prices.
3. Install constraints that prevent countries and/or companies from withholding communications and internet services from people within the context of limiting freedoms, and criminalizing such acts as violations of basic human rights.
4. Maintain internet freedom and keep it outside the umbrella of laws that constrict freedoms, facing up to any legislative attempts to impose any restrictions under the pretext of regulation.

Second: Legislation and Laws

1. Assert the voluntary nature of joining unions and associations, and reject the principle of mandatory subscription, based on the International Declaration of Human Rights and the International Charter of Civil and Political Rights, and dedicate the right to form and establish unions and associations and the freedom to join them.

Based on this, the study sees that self-organization chosen by journalists is the best practice to develop the professional status.

2. Activate the law guaranteeing access to information, introducing basic changes to it to guarantee a larger flow of information from their source to media practitioners

without complications, and work towards canceling the imposition of the State Documents and Secrets Law.

3. Urge the government and the parliament to immediately review the legislations package that includes restrictions on the freedom of expression and the media to become compatible with international standards.

Third: Media Practitioners and the Association of Journalist

1. Activate the Jordan Press Association's role in the direction of defending the rights of media practitioners, work at protecting them from violations, and pursue cases of violations they are exposed to before courts of law.

2. The need for media practitioners to commit to neutrality, objectivity and credibility in reporting events.

3. Embark on a wide campaign to train journalists on the principles of professional protection and safety in conflict and danger areas.

4. Act quickly to approve a "badge" for journalists along the same lines as in other countries which distinguish journalists and protect them. This badge will be issued in coordination with official parties.

Fourth: Security Parties

1. Hold the government, the security apparatus and the

judiciary the responsibility for implementing the law and pursuing any perpetrator who violates journalists' rights, asserting the rule of law principle and the inevitability of punishment.

2. Guarantee the right of media practitioners in independent coverage in tension and demonstration areas, adopting a professional "code of conduct" for media practitioners and employees entrusted with the task of implementing the law that governs the relationship and operating mechanisms between them in the field.

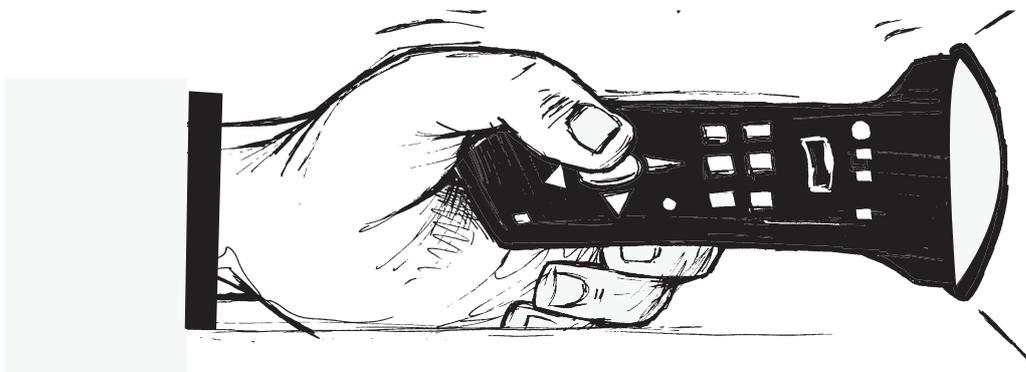
3. Work at fulfilling the principle of fairness towards media practitioners who are victims of violations, compensating them financially and morally.

4. Stop policies of soft containment practiced by the government and security agencies towards journalists and media practitioners, and refraining from direct interference in their work.

5. Hold joint and conferences and workshops between journalists and security systems to train them in human rights and the manner of dealing with media practitioners in the field while covering protests and demonstrations, and training media practitioners in covering hot events and how to deal with security forces in the field.

Fifth: Civil Society Institutions

1. Continuous coordination among civil society institutions concerned with human rights and defending



Media is the eye that monitors
and holds accountable

media rights, the government and its security apparatus to guarantee the freedom of independent media work, particularly in conflict and tension areas, and guarantee an effective move to protect them.

2. Emphasize the importance of monitoring violations to which journalists are exposed, to publish them and practice pressure for the purpose of punishing perpetrators, making sure they receive their penalties.

3. Civil society institutions are to undertake the new role of social media and defend its right to operate and publish, and its freedom of movement and receiving and publishing information.

4. Organize advocacy campaigns to introduce social alternative media, and their role in serving society.



Assault on colleague Sami Mahasneh



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Impunity



Continues Defense of Journalists and Outreach to Lawyers and Judges

MELAD handled 69 lawsuits and attended 922 cases with journalists in courts in 2011

General amnesty included 38 cases, 40 verdicts of not guilty and not responsible, and 5 convictions

The work of CDFJ's Media Legal Aid Unit (MELAD) has kept abreast with the developments and changes that occurred to the quantity and quality of cases filed against journalists during 2011. MELAD has exerted the same level of professionalism and efficiency that it committed to since its establishment in 2001.

During 2011, MELAD provided litigation services in 15 new lawsuits filed against journalists. All the cases, with the exception of two cases filed against two journalists from the weekly press, were filed against journalists who were working in electronic news websites. At the same time, MELAD continued its litigation services in 42 cases filed against journalists before 2011 and were before the Court of First Instance, while another 12 cases were before the Court of Appeal. This brings the number of cases undertaken by MELAD to a total of 69 cases.

The number and quality of press and publications cases that MELAD handled in 2011 are closely connected with the unstable legal approach regarding the party that is legally specialized to examine lawsuits filed against electronic websites, particularly after amending the Press and Publications Law in 2011, which restricted the application of the Press and Publications Law only on electronic websites that opted to register in the Press and

Publications Department. This has transferred the cases from the Public Prosecution to a variety of courts, which in turn referred them back to the Public Prosecution.

Moreover, a large number of persons working in the electronic websites, against whom lawsuits were filed, were surprised about the issuance of verdicts against them in absentia. This was due to the fact that they were not aware of these cases in the first place, since there were no clear addresses for the persons concerned that would enable the courts to inform them of the dates and times of the court hearings.

The quantity of cases handled by MELAD was also affected by the general amnesty, which came into effect on 1/6/2011 and which included press and publications cases. This has led to dropping (38) cases in their entirety, while claims for personal rights and civil compensation remained in (31) cases despite the fact that the criminal public rights in those cases were dropped.

As for the quality of the crimes attributed to journalists in those cases, they are the same crimes that are most commonly used by the Public Prosecution in press and publications cases. These are violations of Article 5 and Article 7 of the Press and Publications Law, which are

related to not investigating the reality, not being objective, balanced and honest, lack of impartiality in the publication of the news item, and disrespecting private lives, as well as the crimes of defamation, slander and libel. New crimes never before observed were, however, used by the Public Prosecution. These are the crimes of addressing messages of threat and humiliation via means of communications in violation of the provisions of Article 75/A of the Communications Law, as well as undermining individuals' dignity and reputation and spreading false information in violation of the Press and Publications Law.

Some of the other prominent charges leveled against the journalists included the violations of the Protection of State Secrets and Documents Law, which was examined by the Amman Criminal Court of First Instance, being the court specialized with press and publications cases. This is a new charge that has not been used before the civilian law against journalists. Yet, no verdict was issued in this lawsuit due to the fact that the claim of public rights was dropped in light of the general amnesty law.

The Public Prosecution did not charge these crimes against journalists only, but also against the news websites. The Public Prosecution also did not base these charges and crimes on statements made within the news reports published on the electronic websites, but rather on the readers' comments on those news reports. It has also sought to apply crimes related to lack of objectivity, balance and integrity on readers' comments.

Although the total number of cases handled by MELAD in 2011 was only 69 cases, MELAD's lawyers have however, attended 922 court sessions. This reflects the difference in the timeline for applying the legal measures in cases filed against electronic websites, as MELAD's lawyers were attending an average of four sessions in a single month for a single case. The reason for that were the many delays related to summoning witnesses, listening to them and offering evidences.

During 2011, MELAD's lawyers cross-examined (88) witnesses, whether for the prosecution or the claimant of civil compensation or for defense of the journalists. MELAD has also submitted a total of (78) defense arguments, which included defenses and objections on behalf of the journalist.

The cross-examination of witnesses or the submission of defense memoranda would not have occurred without the quarterly meetings and the legal consultation among the lawyers on one hand and between the lawyers and the journalists on the other. The number of such meetings held for this were reached (69) meetings.

Moreover, in 2011, there were legal rulings in (49) cases concluding innocence, no responsibility, and dropping the claim of public right, while rulings in (5) cases rendered guilty sentences against journalists in crimes violating Articles (5), (7) and 38/D of the Press and Publications Law. These cases were appealed before the Court of Appeals.

MELAD has continued in 2011 its outreach to journalists, lawyers and judges related to press and publications cases by holding three training workshops for journalists and media practitioners from the print, audio-visual, and electronic media. A total of 86 journalists participated in these workshops.

MELAD has also finalized the process of documenting press and publications cases for the years 200-2008. The documentation was published in a book entitled "The Final Say II", which included a detailed analysis of the Jordanian judiciary's approaches and trends in dealing with press and publications cases, in addition to the analysis of public trends vis-à-vis the decisions of the Public Prosecution and the defenses provided by the lawyers in these cases.

Many judges, specialized lawyers and media practitioners have also participated in a scientific seminar to discuss the most important topics included in the "Final Say II" book.

On a different note, CDFJ, in partnership with the Judicial Council and with the support of the European Union, has implemented the law and the media program, which included three specialized workshops on the judiciary's role in media cases, in which 67 judges took part. Another specialized workshop for judges was also organized to discuss the mechanisms of the legal handling of the electronic media, in which 33 judges took part. This program has issued the manual, called "The Judiciary's Specialization in Handling Media Cases" to benefit judges and students of the Judicial Institute.

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Impunity



مركز حماية وحرية الصحفيين

Center for Defending Freedom of Journalists

Vision

Creating a democratic environment in the Arab Countries that protects media freedom and freedom of expression and enhances the society's right in knowledge through building professional Journalists committed to the international standards of independent and free media.

Mission

CDFJ is a non-government organization, committed to defending the freedom and security of journalists through addressing the violations to which they are exposed, and building sustainable professional capacities as well as enabling them to have free access to information, along with developing and changing restrictive media related legislations, and building a supportive political, social, and cultural environment for free and independent media.

CDFJ Objectives:

- Supporting the freedom and independence of media organizations and journalists.
- Defending journalists, protecting their safety, and stand against the violations committed against them.
- Strengthening the professionalism of media and its role in defending democracy, freedoms and reform.
- Developing the legislative, political, social, and cultural environments that embrace media and journalists.

Note:

The executive summary in English & the full report in Arabic are available at our website: www.cdfj.org, For more information or remarks you may contact us at tel. 06-5160820, email: ghaith@cdfj.org.



وحدة المساعدة القانونية للإعلاميين
Media Legal Aid Unit

Objectives:

1. Assigning lawyers to defend journalists who are detained or prosecuted for carrying out their duties.
2. Providing legal consultation to journalists without increasing restrictions or self-censorship.
3. Enhancing the legal awareness of the journalists and helping them exercise their constitutional rights of expression and defending the society's right to knowledge without violating the law.
4. Exhorting lawyers to give attention to journalism and media freedom issues, and developing their legal skills in this field.
5. Presenting draft laws to the parliament and government to improve the legal structure governing the freedom of media in Jordan in harmony with the international standards.
6. Establishing streams of communication with the judicial authority to enhance press freedoms and create an understanding of the international standards for the freedom of media.

Mechanism of work:

1. Rebuilding the media legal aid unit by recruiting specialized qualified lawyers, organizing the unit's mechanisms of work and activating the voluntary efforts of lawyers.
2. Organizing advanced and specialized training for a number of lawyers who took part in previous training workshops with CDFJ, and involving new lawyers who are already engaged in defending newspapers, radio and TV stations to enrich their experience and encourage them to support the efforts of media legal aid unit
3. Re-distributing and restructuring the work of media legal aid unit MELAD along three lines:
 - Defending journalists before juridical authorities and extending legal advice through building a network of lawyers which can provide legal protection for the journalists in a proper and professional manner.
 - Documenting the lawsuits filed against journalists and institutions in Jordanian courts.
 - Studying and analyzing verdicts issued in press and publication cases to determine their compatibility with international standards and to identify the Jordanian judiciary trends in dealing with media-related cases.
4. establishing a forum for exchanging expertise on the freedom of media between judges, lawyers, and journalists
5. providing legal advice to journalists through the following website: www.cdfj.org/look/law.tpl
6. Activating the hotline service and providing journalists with the names and telephone numbers of lawyers working with the media legal aid unit to seek their assistance in urgent cases.

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لا تصيد حرية الصحافة والإعلام

Impunity

٢٥ آذار

Media Freedom Status in Jordan 2011



Vision:

Reduction of violations committed against journalists and media institutions in order to promote freedom and independence of the media.

Mission:

Monitoring and documenting the assaults and violations against journalists and media institutions during exercising their jobs, and working on holding accountable the violators.

Goals:

- Forming a national team of journalists, lawyers, and researchers to monitor and document violations against journalists and media outlets according to international standards.
- Encouraging journalists to disclose problems and violations they are subject to during their jobs and the mechanisms of reporting them.
- Developing and institutionalizing the methods of monitoring and tracking violations against journalists.
- Raising awareness for journalists about their rights, and introducing them to the international standards of media freedom and the types and variety of violations they might be subject to.
- Calling for the government to undertake procedures that would limit violations against media and holding the violators accountable.
- Urging the parliament to adopt developments on the legislations that ensure a free media in order to limit violations committed.
- Offering the support and assistance to the Media Legal Aid Unit for Journalists MELAD in cases for journalists subject to violations; assisting them to gaining fair compensations on the violations committed against them, and holding the violators responsible.
- Using United-Nations mechanisms to limit violations committed against journalists.

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سما



مركز حماية وحرية الصحفيين

Center for Defending Freedom of Journalists

Amman - University Street - Saeed Tamimi St. Near Ministry Of Agriculture
P.O.Box 961167 Amman 11196 Jordan Tel. (962-6) 5160820/5 Fax.(962-6)5602785
E-mail: info@cdfj.org Web: http://www.cdfj.org