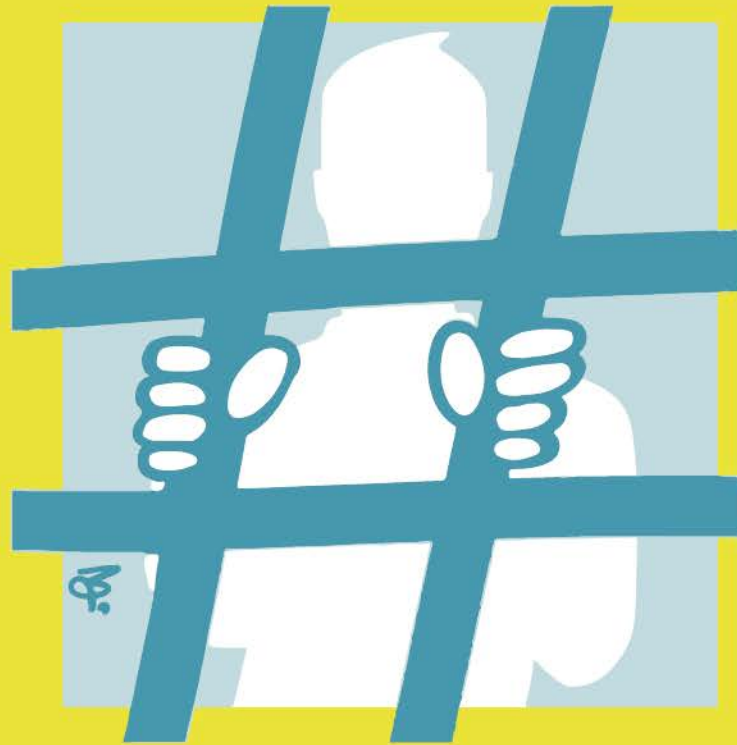


BEHIND BARS

Media Freedom Status in Jordan

2015



Executive Summary



مركز حماية وحرية الصحفيين

Center for Defending Freedom of Journalists

BEHIND BARS

Media Freedom Status in Jordan 2015

Executive Summary

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Preface

They Use the Laws to Extend Barbed Wire

*Nidal Mansour

I would like to admit publicly and before everyone, fifteen years after the first Report on the Media Freedom Status in Jordan was published, that the freedom of the media in Jordan is well, and that we receive no communications interfering in our work or any threats because of our positions. The strongest evidence to this is that the report continues to be published regularly.

We have tired of grandstanding since the Center for Defending the Freedom of Journalists (CDFJ) was established in 1998 and until now. We are tired and thoroughly bored of hearing the same old scratched record that gloats about the presence of media freedoms in Jordan, compared to Syria, Iraq, and other neighboring countries, and all the totalitarian regimes governed by tyrants.

Thank you. We are grateful that we are allowed to open our mouths in places other than the dentist's. We are grateful that we are not languishing in jail, like colleagues in other countries where you would not dare to utter the letters forming the word «freedom.»

Yes, Jordan is different, and because it is, we continue to dream that it deserves the best. It deserves «a freedom whose limit is the sky,» as King Abdullah II said, and we have used this as our slogan since the outset of our work.

Every time they talk about the Media Freedom Status in Jordan compared to worse countries, I say to them: «Is it not our right to direct your vision to the freedom of expression and the media in Sweden, for example? Do our people and media not deserve freedom? Do they not have the right to open a ray of hope for the future?»

Fifteen years have passed since this report was first published, and we have worked and dreamt of the freedom of the media. We continue to remain loyally on the path. We have not been halted by attempts to brutalize civil society institutions, or attempts to tarnish their image and the reputation of those

defending human rights in them.

In this year 2015, as is the case in every year, we examine the «body» of the freedom of the media, which has been riddled with wounds. We attempt to assess the scene in all its details. What was the situation? What happened?

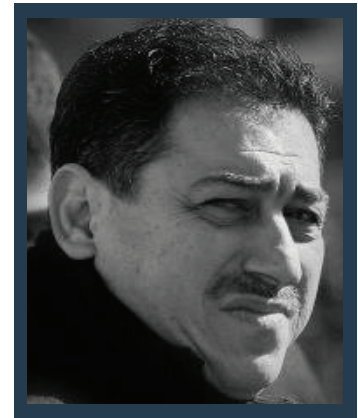
The indisputable fact for the past three years is that «the spring of the Arab media» has set, as did the «Arab spring.» The rose buds that blossomed into freedom were stomped by their boots, and they have moved on, leaving us to lament a time that has gone, whose slogans are gone with the wind.

Jordan was never an exception. The Arab Spring has receded as well, and every day that passes, margins get tighter. They are devouring what was left, and extending barbed wires with the items of the «law,» besieging us, stifling our voices.

In 2012 they suddenly ratified the Press and Publications Law, requiring licensing the electronic media. In June of the following year, they started to implement the law in spite of all promises, inside and out, to review it. The result of this law was that 291 websites were blocked.

During the Universal Periodic Review at the Human Rights Council in Geneva in the same year, the Government of Jordan (GoJ) pledged to review this law and lift restrictions on Internet freedom, agreeing to 15 recommendations to support the media freedom. None of these recommendations found its way to implementation.

I admit once more that the GoJ is best at «courting» the international community, and cannot tolerate angering it. It extends one promise after another, knowing that their memory is made of dust, and



that the voice on interests is more permanent and more important than human rights and civil society institutions.

To be fair, the GoJ never closed the doors to dialogue and listening to our remarks. It excels at absorbing our rage when push comes to shove. However, at the end of the day, everything falls on deaf ears.

The issue does not require long and tedious inference. It will suffice to remember that amending the Press and Publications law was accompanied by government promises that this law is meant for protecting licensed websites' journalists from penalties that deprive them of freedom, present in the Penal Code and other laws.

The echo of these words, promises, and benefits, though an illusion, continues to resonate in my ears. Nevertheless, the GoJ found no embarrassment in «licking» back their breaking its own promises, ratifying with the parliament a law for electronic crime, which was turned into a trap for journalists. Later on, Article 11 of this law became the most serious, permitting public prosecutors and judges to detain and jail media practitioners, and even social communication users.

They returned, more aggressively than ever. They were not deterred by the King's words a few years earlier: «Detaining journalists should never be repeated.»

Detention was repeated more than once in 2015. More than 10 journalists were detained in a precedent not witnessed for long years. Detention became the worse indicator for freedom of the media.

The scenario that took place exemplifies what we said in the preface of our 2014 report. «When they implemented the electronic media licensing, we raised our voices in rejection. They lavishly sweet-talked us about benefits and incentives, promising that this law will mark the end of journalists' detention and imprisonment. Their promises turned into vapor before the ink with which the law was written, and the prison and law constraints remained.

The Media Freedom Status Report 2015 may document fewer violations than have been recorded in recent years. Perhaps many journalists preferred to remain silent rather than reveal what is happening

with them. Perhaps it is painful to have one's daily bread threatened, and not all violations are important enough to be revealed anymore. Perhaps after the law became a tool of constraint, most media practitioners preferred to impose self-censorship in their minds so that detention and imprisonment does not become their fate.

The truth cannot be concealed from anyone. The smaller the friction between media practitioners and the authorities becomes and the more journalists avoid touching red lines and taboos, the smaller the potential for committing violations and threats. This is the reality after the popular movement stopped in Jordan.

Not much has changed in the status of the media in 2015. It can be said that the journalists' living security crisis has deepened much more, and it has become commonplace to see journalists on the sidewalks without work. It has also become commonplace to hear that a media establishment closed down after it exhausted all means of searching for survival.

After laws that are more oppressive and wasteful of rights, and after inveterate media institutions went bankrupt, and after media practitioners were threatened of losing their livelihoods, journalists laugh when you talk to them about concealing information, or withholding coverage, or interfering in their work and independence. These have become marginal issues, compared to the monumental challenges they face.

More than 15 years have passed since CDFJ was established, and 15 years since the Media Freedom Status in Jordan report was first published in Jordan. We shall continue on the tough road and shall not raise the white flag. We have done and achieved a great deal in defense of the freedom of the media, and we shall remain a thorn in their throats.

«We shall light a candle, and shall never stop cursing the dark», because we love Jordan and protect it, and want it to be a tower of which we are proud, not a wall that we climb.

***Executive President - CDFJ**

INTRODUCTION

The Media Freedom Status in Jordan, in its 2015 version, provides a comprehensive overview of the Media Freedom Status in Jordan.

It represents a continuity of the method adopted by CDFJ for journalists for the past 15 years, whereby the efforts of its team, members, and different projects culminate in the form of an annual report from which the reality of the media and journalism in Jordan can be concluded, presenting their problems and investigating obstructions facing their growth and prosperity.

The report, published by CDFJ, also provides a unique and unprecedented source at the level of providing investigative and analytical data regarding violations against journalists and their media institutions. CDFJ publishes its annual reports based on investigative and documentation efforts exerted by its team throughout the year, based on the best research practices in the field of monitoring and documenting facts related to violations against freedom of expression, within which the freedom of the media falls as a central element of human rights as stipulated in international charters and conventions.

The Media Freedom Status in Jordan annual report also provides a methodological framework for studying and diagnosing the environment incubating media outlets' work and practicing media work, and contributes to enhancing the capabilities of decision-makers, legislators, and civil society organizations at the local and international levels. This allows it to crystallize policies that aim at rectifying current imbalances in accordance with international standards and best practices.

In general, the report does not seek to paint a dark picture of the state of media freedom in Jordan, but rather to present a realistic picture based on facts and evidence, within a framework of examining practices and in comparison with the requirements of local and international legal frameworks to which Jordan is committed.

The facts of this report were based on the monitoring and documentation activities carried out by the «AIN» program affiliated with CDFJ, which monitored and documented 922 violations against journalists and media institutions in Jordan between 2010 and 2015. The AIN program only covers humanitarian rights recognized internationally for all people, including media practitioners and media rights, and only monitors violations against these rights and freedoms when the reason or motive behind them is the practice of media work.

Throughout the year 2015, AIN Program for Monitoring and Documenting Violations against Media Practitioners in Jordan recorded 57 violations of the rights of media practitioners and media freedoms in Jordan. These violations took place in 23 cases of assault, of which 19 were individual cases, and 4 were group cases targeting all journalists. These were distributed over 17 types of violations, the most prominent of which was preventing radio and satellite transmission, detention, prevention from coverage, withholding information, harassment, and unfair trials.

The work methodology in the Media Freedoms in Jordan Report for 2015 was based on two fundamental axes.

The first axis is an «opinion survey» organized by CDFJ among Jordanian journalists. Perhaps the most significant results of this survey was the testimony of 107 journalists out of 251 journalists surveyed, in response to the survey questions, indicating that they were subjected to harassment or pressure in 2015.

The second axis can be summarized in receiving, studying, and monitoring complaints from journalists. CDFJ received 12 complaint forms in 2015, all of which included violations against media freedoms. CDFJ also received two reports, and the AIN program team monitored 9 violations, some of which represent circulars issued by the Media Commission which included violations against media freedoms, affecting all media institutions and journalists, related to prohibitions on publication.

Number and percentage of the violations which included in the complaint forms 2015

Violations Percentage %

Number of Violations

Number of Forms



The report recorded the emergence of a number of phenomena during 2015, most prominent of which is perhaps journalists refraining from submitting complaints regarding violations they were exposed to. The average number of complaints received by AIN program was the lowest for the past 10 years.

What also emerged was an increase in pressure exerted on media outlets and independent journalism in Jordan. CDFJ noticed that 19 media practitioners from various media institutions, in the fields of print or electronic media, satellite channels, and reporters, while all journalists who were subjected to violations worked for private and independent media institutions. It was also noted that all media institutions that were subjected to violations were from the private independent media sector.

Another noticeable development is that the scope of «blocking» was expanded in 2015, including news websites and satellite channels, which were prohibited from satellite broadcasting. The «blocking» phenomenon also included prohibition of publishing notices issued by the GoJ's official institutions and agencies.

CDFJ is pursuing, with great attention, the issue of impunity among violators of media freedom and the lack of accountability for the violations they commit against media practitioners, including exemption from litigation in a court of law. The unaccountability of media freedom violators provides an incentive to repeat the practice of assault against journalists and their media institutions.

CDFJ strives to ensure that its annual report about the Media Freedom Status in Jordan represents a tool for reform and change, and calls on the executive authority to take seriously the commitments it accepted at the international level, and to start implementing these commitments urgently and without any delays. The report presents, in its next sections, a detailed description of the nature of these commitments and the developments witnessed in 2015 in terms of discussing or implementing them.

922 violations were monitored and documented against journalists and media institutions in Jordan between 2010 and 2015.





EXECUTIVE SUMMARY

Section 1:

1. Surveying Journalists' Opinion on the Media Freedom Status in Jordan 2015

Media freedoms in Jordan were exposed to a setback and a painful blow with the increase in media practitioners' detention in 2015. This followed the ratification of the Information Systems and Cyber Crimes Law last June, and the decision by the Law Interpretation Bureau that considered Article 11 of this law applicable in crimes of libel and slander committed by websites and social communications media users.

Article 11 of the Information Systems and Cyber Crimes Law provides public prosecutors and judges with the jurisdiction to detain and imprison media practitioners and social communications website users, after journalists were tried in accordance with the Press and Publications Law, which does not include freedom-depriving penalties.

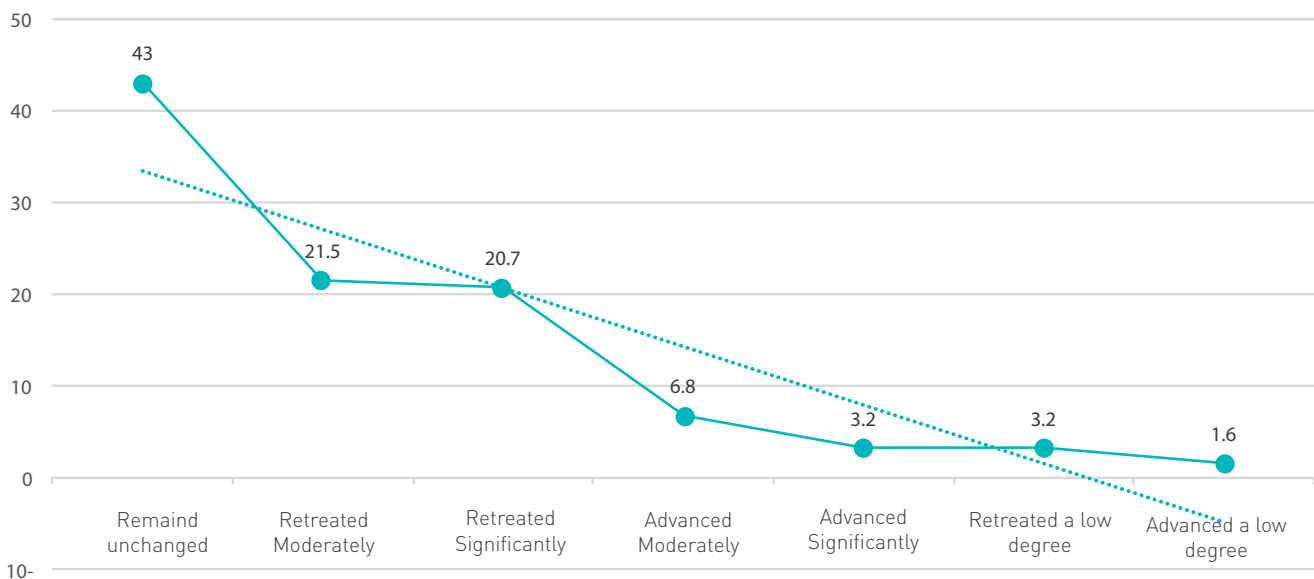
The media freedoms indicator registered the worst ever results since CDFJ started implementing the survey of the Media Freedom Status fifteen years ago.

In 2015, the report described the Media Freedom Status in Jordan as low at 32%, which is the worst since 2006.

About 88.4% of journalists believe that the Media Freedom Status deteriorated in 2015 at different levels, from largely to slightly, or that they remained the same. This reveals a state of extensive pessimism among media practitioners towards the state of the media.

This belief further reinforces the mathematical mean indicator for the state of media freedoms, which reached 24.5% -- a low that was never reached before.

Media Freedom status in 2015



In the same direction, media voices that believe legislation forms a constraint on media freedoms have become noticeably higher, registering the worst figures since 2006. 58.2% of journalists stated that laws represent a constraint on media freedom in Jordan, while 2006 registered the highest of 61.6%.

The depressing reality of the legislations, in the journalists' opinion, is part and parcel of the violations they are being subjected to. 2015 witnessed the detention of 10 media practitioners, particularly after the Cyber Crimes Law came into effect in slander and libel cases of which media practitioners are being accused, and after they were shocked previously when the anti-terrorism law was used to harass them and detain them for long periods of time.

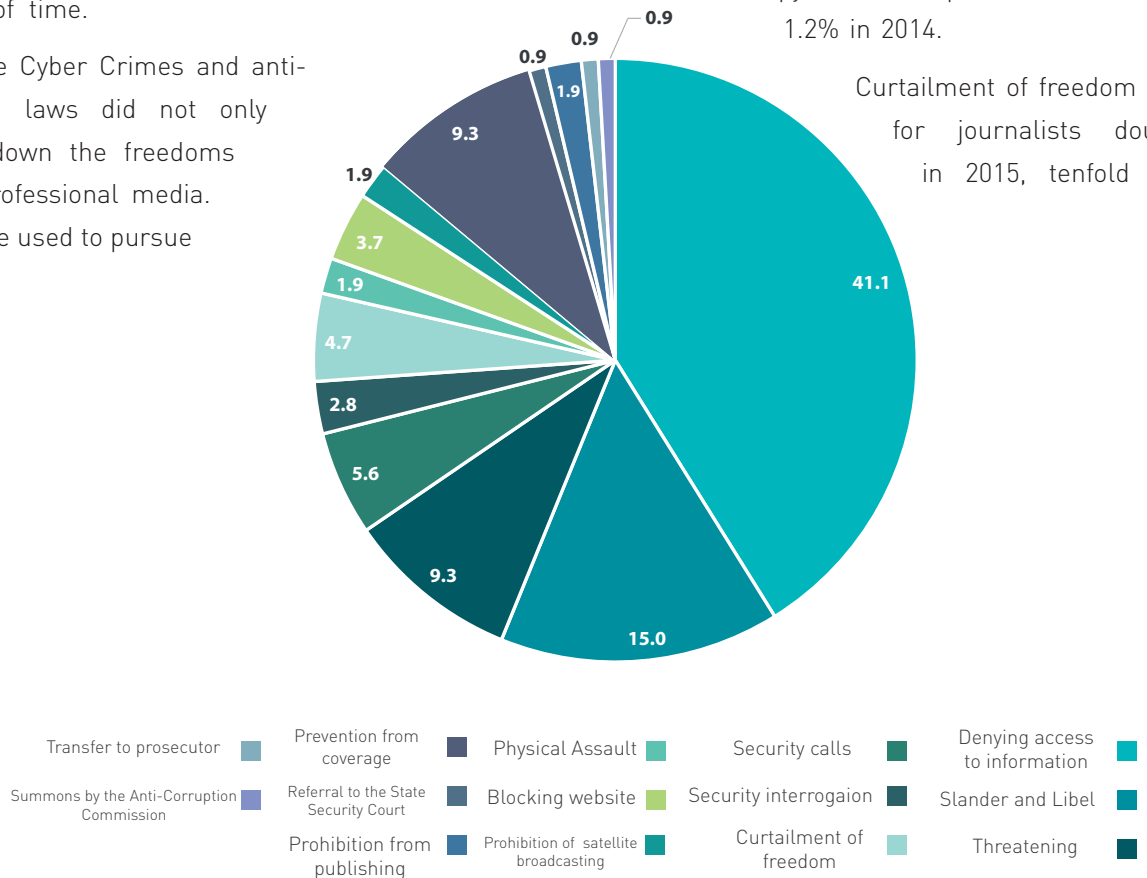
Using the Cyber Crimes and anti-terrorism laws did not only narrow down the freedoms of the professional media. Both were used to pursue

social media users, some of whom were detained and imprisoned.

The survey revealed that 69 media practitioners were subjected to pressures and harassment, representing 27.5% of the survey participants.

Denying access to information scored highest on the scale of pressures and harassment to which journalists are subjected. 41% of respondents said they had experienced this, a rate that had from the previous year when it stood at 21.4%. The «slander and libel» violation to which media practitioners are subjected occupied the second rank at 15%, followed by threatening and prevention from coverage, reaching 9.3%. Security calls to journalists jumped to occupy the fourth position at 5.6% from 1.2% in 2014.

Curtailment of freedom rates for journalists doubled in 2015, tenfold from



Pressures and Harassment are subjected to journalists 2015

its rate in 2014, reaching 4.7% from 0.4% the year before. This is directly due to the use of laws as a means for constraining and pressuring journalists.

The 2015 Media Freedom Status survey included 251 journalists (male and female), and was keen on discussing new issues and their ramifications on media outlets. It sheds light, for the first time, on the effects of social communications media on journalists and the professional media. It attempted to assess the extent of people's trust in social media, the extent to which journalists depend on it, and the extent to which they are considered sources of knowledge that strengthen societal accountability mechanisms.

The survey also sought to discuss the commitment of social media outlets to ethical and legal standards, and the degree to which they adhere to honesty and respect for human rights, refraining from spreading hate speech and incitement of violence.

The survey attempted to explore the effect of new media on conventional media outlets, including asking whether they represent a threat to conventional media and to what extent social media outlets become a main source of information for the professional media.

It stopped at the legislative amendments, particularly the Cyber Crimes Law, which permits the detention and imprisonment of social media users. It asked whether this will increase self-censorship among users, increasing their cautiousness when writing and causing them to avoid criticizing the state, the government, the security forces, the armed forces.

The survey assigned questions for media practitioners' livelihood security and highlighted the threats that face them, as well as solutions they propose to face this serious threat.

The future of print media was one of the new questions that the survey rang alarm bells about. Is

the newspaper destined to wither away in Jordan? What are the perceptions that journalists present to save the printed newspaper?

The last station at which the opinion survey for 2015 stopped was the idea of establishing a Bureau for Media Complaints, and to what extent this idea meets with the approval or objection of journalists, and what is the most appropriate mechanism for establishing such a bureau and guaranteeing its independence?

The survey asked journalists about their perspective for establishing the Independent Media Station, for which the government set a special regulation, their conviction in its independence, and its ability to raise the ceiling for freedoms and developing the television media in Jordan.

Returning to the noticeable indicators in this survey, the year 2015 registered a noticeable increase in the ratio of detaining journalists compared to the previous five years. 1.6% of media practitioners were detained for issues related to the media. This ratio was small at 0.8% in 2014, indicating that it doubled in 2015 compared to 2014.

Compared to the data of previous years, 2013 registered a high ratio in cases of detaining media practitioners, at 1.7%, with a small difference from 2015, which reveals a return to the detention policy in media issues.

The year 2015 also registered a noticeable and unprecedented increase, compared to previous years, in the numbers of media practitioners who were tried in cases related to the media. Twenty nine journalists were tried in 2015, at a high ratio of 11.6%, which is the highest ratio of trials for media practitioners recorded since 2010.

The number of media practitioners' trials in media-related cases started to increase substantially in 2013. This was due to referring publications cases

to special courts, in addition to stringent legislation and its implementation which was used as a constraining tool for the freedom of the media. This is the same result we arrived at in the survey in 2014; the year the anti-terrorism law become applicable.

The survey also revealed that individuals and private companies were at the top of the list of parties raising court cases against journalists in 2015, at a ratio of 31%, followed by government employees who raised court cases against journalists in 2015 at a ratio of 24%, maintaining the same ratio in 2014 after private companies at 25%. They were the first party raising court cases against journalists in 2013 at a ratio of 42%. They were also in the first position in the 2012 survey at 34.6%, and at the same third position with private companies in 2011 at 26.8% each.

Current members of the House of Representatives came third in 2015 in terms of parties raising court cases against journalists, at a rate of 17.2%, registering a slight decrease over 2014, when the percentage was 20.8%.

Semi-governmental institutions came fourth among of parties raising court cases against journalists, at 10.3% of the 2015 total, registering also a decrease from its 2014 ratio of 12.5%. The rate in 2013 was 25.8%, and 22.8% in 2011.

Adding court cases raised by the government, its officials, and semi-governmental institutions, the government will top the list of parties raising court cases against the media once again, at a ratio of 41.3%.

1.1 The Survey Sample

The Opinion Survey for this year included six main parts: The Media Freedom Status and legislations, violations, self-censorship, social communication

outlets, supporting media outlets and journalists' job security, and media complaints bureau.

This survey used the method of collecting data through telephone calls with the targeted sample. The sample population is composed of 1153 media practitioners based on the Press Association records and CDFJ lists during the survey period from 20/12/2015 to 1/1/2016.

The systematic random sampling technique was used in designing the study, at a 95% level of confidence, and a standard deviation of 5.4%. The study sample was composed of 251 journalists (male and female) who were divided into 2 categories, those working in the government sector, representing 23.2%, and those working in the private sector at 76.8%. The ratio of male journalists was 77.6% and that of female journalists 22.4%.

Journalists and media practitioners were distributed within each category by gender, relative to size as well. The number of male journalists was 195 at the ratio of 77.6%, and the number of female journalists and media practitioners was 56, at a ratio of 22.4%. The ratio of journalists and media practitioners working and registered at the Press Association was 79.4%, and the ratio of journalists and media practitioners working but not registered with the Press Association was 20.6%.

In this study, we used 5 age groups. We noticed that those within the 36-45 and 46-56 age groups are the larger groups, totaling 163 respondents from the sample, with a total ratio of 65%, which is considered very high. This led us to develop a work plan to be implemented in next year's report to perform a comprehensive evaluation of the study sample.

Regarding the educational levels of the study sample, 94% of the sample members surveyed have a degree, ranging from middle diploma to higher education. Those with middle diplomas were

8.8%, those holding Bachelor's degrees had the highest ratio of 61.8%, and those holding graduate degrees (Masters and PhDs) were 23.5%. Areas of specialization of those surveyed varied widely.

Regarding years of experience of the responding sample's members, 45.4% of respondents had experience in journalism and media of over 20 years, 30.7% had 10-19 years of experience, and 23.9% of the study population had 1-9 years of experience.

Those working in daily newspapers formed the largest portion in the sample population at 39.8%, followed by those in websites at 22.7%, television and satellite channels at 14.7%, and those in news agencies at 13.5%. The ratios of those working as independent media practitioners and those in publications were equal at 2.8% and the ratios of those working in local radio stations and in magazines were also equal at 1.2%.

32.7% of the study sample members work in other secondary functions in addition to their media work, indicating a blatant violation of the Press Association Law, which requires full-time work in the profession. It also indicates the lack of monitoring and attention on behalf of the press Association in implementing the law. In addition, livelihood requirements and low salaries press media practitioners to seek other sources of income, which leads to influences on neutrality, objectivity, integrity, and independence in some cases of secondary work.

1.2 Containment of Media Practitioners

The opinion survey, once again, reveals the omnipresent fact that attempts to contain media practitioners never stopped in 2015. 17% of media practitioners stated that they were subjected to containment attempts, temptations, or concessions while practicing their media work in 2015.

Businessmen came at the top of parties that attempted most to contain media practitioners, at a ratio of 29% in 2015. The government retreated to the second position at 21%, from 25% in 2014.

More than half the responding sample, 51.4%, admitted that they heard about journalists who were subjected to attempts at containment, temptation, or concessions while practicing media work in 2015, against 46.6% who denied ever hearing about this. Those who responded that they did not know were 2% only.

In view of these responses, those subjected to containment directly, and those who heard about it were 172 respondents, with a total ratio of 68.5%. This is the same ratio as previous years.

1.3 Media Corruption

Since last year CDFJ strove to diagnose, in more detail, the phenomena of corruption and where such phenomena is abundant in media outlets. It added more specific questions regarding the use of Wasta (favoritism), bribery, blackmail, spreading news, paid investigative reports, accepting gifts, and the lack of attention to conflict of interests.

CDFJ's objective from this was to shed light in detail on these negative phenomena to find out where they are concentrated and to analyze the reasons behind them in order to deal with them and confront them.

We at CDFJ believe that some corruption phenomena are more prevalent in some media institutions than others, due to their size, modes of operation, and frames of references.

Survey results indicate that the Wasta (favoritism) phenomenon is more prevalent in official media outlets. 92% of respondents believed that this phenomenon is prevalent at large, medium, and

small levels in official media outlets, and specifically Petra and Radio and Television. 6.8% denied its presence completely. The mathematical mean of those responding that Wasta is more prevalent in the official media was 79%.

The mathematical mean indicators for the prevalence of bribery in official media outlets, namely, Petra and Radio and Television, showed a slight decrease in the 2015 survey, at 50.3%, down from 51.8% in 2014.

The mathematical mean indicator for the presence of bribery in the daily newspapers registered a clear decrease in 2015, reaching 51%, down from 55.8% in 2014. 67.7% of respondents saw this phenomenon in daily newspapers to a large, medium, and small extent, against 73.5% in 2014.

Regarding the spread of bribery in weekly newspapers, 63.3% of respondents indicated that it exists to a large, medium, and small extent in 2015. The mathematical mean indicator was 53.7%, with a decrease of 5% over the 2014 mathematical mean, which was 58.7%.

Websites came first among media outlets as far as the spread of bribery among them is concerned in 2015, with a mathematical average indicator of 71.9%, registering a slight increase over 2014 at 69.8%.

The high percentage of those who believe that bribery does exist and is prevalent in websites is based on the fact that most of these sites are personal and owned mostly by one person, or a small number of individuals, who in most cases do not have a code of conduct or oversight to govern their work.

It is noticeable that the rate of accepting bribes and related accusations are receding in large media outlets, where publishing decisions go through many references, and where no one person takes such a decision without control. This also applies to official media outlets and daily newspapers more

than website media.

The mathematical mean indicator for the spread of bribery in private radios increased in 2015 by about three degrees, to 63.2% from 60% in 2014.

Results of the 2015 survey showed an increase of three degrees in the mathematical mean indicator for the spread of bribery in private television channels at 63% from 60% in the 2014 survey.

Accusations against websites of practicing blackmail increased, with their mathematical mean reaching 77.3%, surpassing the 2014 percentage of 73%. Accusations against the official media decreased to 44%.

75% of respondents stated that this phenomenon was prevalent in daily newspapers to a large, medium, and low extent. The mathematical average indicator for the prevalence of this phenomenon in weekly newspapers has increased by less than one point in the 2015 survey, reaching 59.3% from 58.7% in the 2014 survey.

Private radio stations came in second place directly after websites in terms of the mathematical mean indicators, as far as the prevalence of the blackmail phenomenon is concerned in 2015, reaching 65.5% from 59% in 2014.

Private television stations came third with a miniscule difference from private radio stations, according to the mathematical mean indicators for the prevalence of the blackmail phenomenon in private TV stations, which registered an increase of 5% in the 2015 survey, with a mathematical mean of 65.1%, from 60% in 2014.

The mathematical average indicators for the phenomenon of writing paid news and investigations decreased for the official media, and daily and weekly newspapers. These indicators increased clearly for websites, private radio stations, and private TV

stations according to the results of the 2015 survey compared with the 2014 results.

The mathematical average indicator for the phenomenon of writing paid news and investigative reports did not decrease substantially in the official media, reaching 50.3% in 2015, from 51.3% in 2014.

The mathematical average indicator for the spread of this phenomenon in daily newspapers decreased from 62.6% in 2014 to 58% in 2015.

The mathematical average indicator for the prevalence of this phenomenon in weekly newspapers decreased from 67.7% in 2014 by about 5% in 2015, reaching 62.8%.

The mathematical average indicator for the spread of this phenomenon in websites increased from 77.3% in 2014 to 80.5% in 2015, with websites maintaining the top position over two years. The survey sample maintained a conviction that the phenomenon of paid news and investigations in websites is rampant.

Journalists admit that there are many negative phenomena in the media and that they have serious effects. However they fail to do anything to rectify the situation, at a time when their indicators increase substantially, together with corruption levels.

The mathematical mean indicator for responses regarding the effects of some negative phenomena in the media environment on the freedom of the media reached a very high level of 91.8%, which reveals a genuine clarity among journalists in responding to this question, and the consensus among the overwhelming majority to consider such phenomena as negatively affecting the freedom of the media. This is a full recognition of the seriousness of these negative phenomena, and it should be addressed through codes of conduct and professional manuals for journalists to deal with these phenomena.

In spite of the decrease in the mathematical average

in 2015 compared to 2014, when it was 95%, these means remain high compared to previous years when the mathematical mean was 89% in 2013, 91% in 2012, and 90% in 2011. The mathematical mean ration in 2010 was 92%.

1.4 Self-Censorship

The spread of the self-censorship phenomenon among journalists and media practitioners continues to represent a real problem that deserves study and follow-up. It is not preferable that a journalist works in a newsroom with a censor inside his head and on his pen and ideas, because he has ahead of him a number of prohibitions and taboos that he would not dare address or talk about.

Self-censorship for Jordanian media practitioners does not only mean censorship over the journalist's professional freedom, but rather reaches the level of an assault against the people's right to access information and facts. The presence of self-censorship scratches this right and affects it negatively.

Self-censorship indicators among Jordanian journalists during the past few years oscillated up and down, but remained at a very high level that requires work to end it, so that the media can advance and grow in a climate of more freedom, transparency, and openness.

The self-censorship indicator decreased in 2015 to 93.2% compared to 95.2 in 2014. It was 91% in 2013. It had also registered a decrease in 2012 reaching 85.8%, with a 2 degree decrease from 87%. It was 93.5% in 2010.

We should repeat here what we arrived at in the Media Freedom Status in Jordan Report in 2014, that self-censorship is closely connected to the livelihood security of journalists. Whenever the journalists'

«daily bread» is threatened, the more they impose self-censorship on themselves in order to keep their work. It is also connected to interventions through which the journalist pass when practicing their work, let alone the constraining social environment, and attention not to address religious issues which impose taboos that journalists prefer to avoid friction with.

The ratio of Jordanian media practitioners who impose self-censorship on themselves reached 93.2%, or 243 respondents out of the total sample population of 251 media practitioners (male and female) who responded to the survey questions. Only 6% of the respondents denied imposing self-censorship. These were 15 respondents of the total sample population. 1%, or 2 respondents refused to respond whether they impose self-censorship on themselves or not.

Avoiding publishing anything that contradicts religions was the major prompt for self-censorship among journalists, at 86% in 2015, with a decrease of one point only compared to 2014, when the ratio was 87%, which was close to previous years' data.

Refraining from publishing or broadcasting anything that contradicts the law came second in terms of the concept of self-censorship among journalists, at a ratio of 81.7% in 2015, and an increase of 1 point over the 2014 data, when the ratio was 80.7%.

The third rank was occupied by publishing or broadcasting anything believed to contradict customs and traditions, with a decrease of 5% in 2015, reaching 76.5%.

Refraining from publishing or broadcasting anything related to sexual issues came in the fourth place in terms of self-censorship, registering a decrease of more than 8 points compared to 2014 data when the rate was 84.7%, reaching 76% in 2015.

In the fifth place came those who believe that self-

censorship means that I set for myself a perspective of what can be broadcast and published regardless of professional limitations, with an increase of 6 points, at a ratio of 57.8% in the 2015 survey, as compared to 51% in 2014.

The ratio of those who believe that self-censorship is consistent with a commitment to the policies of the media establishment, even if it contradicts truth and objectivity, increased in the 2015 survey by less than one point, at the rate of 52.2% compared to 2014 when it reached 51.8%, occupying the 6th position.

Journalists have numerous justifications for imposing self-censorship, and have their own motives to commit to them, foremost of which is maintaining security and the homeland's interest, belonging to the nation, refraining from the promotion of strife and dissent, disruption of national unity, and moral restraint. These are the very justifications that recur as top priorities as far as justifications are concerned in opinion surveys that CDFJ holds annually.

The basic problem here emanates from the fact that journalists adopt loose and mostly confused concepts that require conceptual and legal realignment, and thus resort to using uncontrolled concepts. It is not possible to agree on one specific definition of such concepts.

The justification of preserving national security and interests came on top of the list of journalists' motives for imposing self-censorship, at a ratio of 98.7% in 2015. This is the highest ratio recorded since 2010, with an increase of one point only in the current year survey over the 2014 survey in which the ratio reached 97.5%.

Refraining from the promotion of strife and dissent and disruption of national unity justification came second at a ratio of 98%, which is the same ratio registered in the 2014 survey, meaning that journalists maintained that justification throughout two full years.

The justification of belonging to the nation came third in 2015 at the ratio of 97%, and a decrease of half a point only compared to the results of the 2014 survey in which the ratio was 97.5%, which indicates that the respondents' convictions to this justification are constant.

The moral restraint justification ratio decreased by about two points, occupying the fourth position in the 2015 survey, reaching 94.4% from 96.6% in the 2014 survey.

The religious restraint increased by two points in 2015, occupying the fifth position at the ratio of 89.7% compared to 87.8% in 2014, in terms of the justifications' priorities.

The ratio of those who impose self-censorship for the purpose of obtaining moral incentives decreased by about 4 points in the 2015 survey, reaching 80%, down from 84% in 2014, and decreased by 7 points for the conflict with values, customs and traditions justification in the 2015 survey, assuming seventh place at the ratio of 76.5% against 84% in 2014.

The motivation of knowledge of the journalist's institution's policy decreased by about 6 points in the 2015 survey, reaching 73% from 79.3% in the 2014 survey.

As for those who believe that the laws restricting media freedoms are the ones pushing journalists to impose self-censorship, the ratio reached 65.8%, with a 7 points increase over the 2014 survey in which the ratio was 58.2%

1.5 Media Taboos

The armed forces and the royal court continued to be the areas Jordanian media practitioners avoid criticizing. The same, though to a lesser extent, applies for security authorities and the judicial authority, according to the 2015 survey and all other

surveys completed by CDFJ. Since 2010, the armed forces continued to top the list of parties most avoided by journalists' criticism.

The ratio of those avoiding criticizing the armed forces increased about 1 point in the 2015 survey, reaching 94.8%, which is the second highest rate recorded since 2010, up from 93.2% in 2014.

The ratio of those avoiding criticizing the Royal Court maintained the limits of its indicators in the 2015 and 2014 surveys, at 90.8% in 2015, compared with 90.4% in 2014.

Avoiding criticism of the security systems came in third place on the list of parties journalists avoid criticising, at a ratio of 86% in 2015, achieving the highest ratio recorded over 6 years with an increase of 3 points over the 2014 data, when the ratio was 84%.

The ratio of those who avoid criticizing the tribal leaders decreased in 2015 by 9 points, at 77.7% compared to 86.7% in 2014.

Furthermore, 73.7% of the surveyed sample members avoid discussing religious issues, at a decrease of 2 points in 2015 from the 2014 ration of 75%. The ratio of those who avoid discussing issues related to sex also decreased by about 6 points in 2015, when the ratio was 73% compared to 78.3% in 2014.

The percentage of those who avoid criticizing the government decreased in the 2015 survey by about 5 points from the 2014 ratio, which was 45.4% and became 40.2% in 2015.

When we requested the respondent media practitioners to this year's survey to rank the most important three issues that they avoid to criticize according to priority, the answers completely intersected with the answers to the 2014 survey, with the Royal Court at the top of the list, followed by

the armed force and security apparatus, the judicial authority, and religious issues.

The ratio of those who avoid criticizing the royal court reached 26.7% ranked at the top, with an increase of about 5 points over the 2014 results when the ratio was 21.6%, followed by the armed forces in the second place at 21.6% and a decrease of about one point from the 2014 survey when the ratio was 22.4%. The security apparatus came in the third place at 16% and an increase of 3 points over what was recorded in 2014, when the ratio was 13%.

1.6 Social Communication Outlets

Accounts and subscriptions by Jordanians to social communication platforms doubled over the past few years, making Jordan in 2015 the third Arab country in the use of Facebook after Qatar and the United Arab Emirates at 60%.

The number of Jordanian subscriptions to Facebook reached towards the end of 2015 4.1 million subscriptions, giving Facebook the benefit of having the most popular aspect of Jordanians' use of social communication outlets.

A number of Jordanian citizens were prosecuted for the opinions and comments they posted on Facebook and Twitter during 2015. Hence, it was necessary to analyse social media outlets and the extent to which penalties like detention and imprisonment in the anti-terrorism and cybercrime laws affect them, in order to identify the opinions of the media sector regarding these effects on the media content published on social media.

The mathematical mean indicator reveals that 66% of journalists believe that people have confidence in social media. According to them, the proliferation of social communication outlets in Jordan reached 92.4% at a high rate, and 7.6% at a medium rate. The mathematical mean of the sample responses

reached 97.5%, which is a very high ratio that emphasizes the very wide proliferation of social communication outlets in Jordan.

The ratio of social communication outlets' contribution to reinforcing people's participation and expressing their opinions in Jordan was very high according to the mathematical mean indicator which amounted to 91.7%.

The mathematical mean indicator shows that 87.9% of the total surveyed sample members believe that social communication outlets contributed to providing new channels of knowledge for those who follow them, and for people in Jordan. Furthermore, 96.4% expressed their belief that social communication outlets played an important role in reinforcing social accountability tools to large, medium, and low levels.

The mathematical average showed that 81.2% of media practitioners believe that social communication outlets played a role in reinforcing social accountability tools, which is a large ratio that reveals the conviction level of journalists in the role that social media can play in pressuring, opinion-forming, and accountability.

In another direction, mathematical averages showed low ratios for the level of commitment of social communication outlets to accountability and human rights, refraining from violating them, refraining from spreading hate speech or instigating violence, refraining from spreading rumors, and respecting the opinions of others.

Data revealed the contradictions and the other sides of social communication platforms. On one hand, they have people's confidence, contributed to their participation, reinforced the roles of societal accountability, and provided knowledge channels. However, these platforms, on the other hand, face a crisis of accountability and respect for human rights.

The mathematical average for journalists who believe that social communication outlets are committed to publishing credible information reached 40%, which is a low ratio. The same average also recorded a low level of conviction that social communication media respected human rights, at a ratio of 39.8%.

The conviction among respondents that social communication outlets are not committed to refraining from spreading the hate speech was high. 32.3% stated that they do not commit at all, compared to 67.4% who believe that the outlets commit to large, medium, and low levels.

Most media practitioners believe that social media outlets incite violence, with a mathematical average of 41.3%. The rate of those who believe that social communication outlets are committed not to violate human rights is 34.4%.

According to the mathematical average for the extent to which social communication outlets are committed no to spread rumors and false and misleading information, only 36% believe that.

The outcomes of the mathematical average for those who believe that social communication outlets respect difference and other opinions reached 39%. This also is a low ratio, which emphasizes that these outlets, though widely spread and effective, do not respect the opinion of others to a large extent.

Mathematical average indicators reveal that social communication outlets enjoyed attention and follow-up compared to conventional media outlets, at a ratio of 80.6%. This is a very high ratio that reveals the popularity, proliferation, and extensiveness of their users at the expense of conventional media outlets.

In spite of these estimates of social media outlet use compared to conventional media, 73.3% of the sample completely disagreed that social communication outlets would form an alternative to other outlets, compared to 26.3% who believed they could.

The mathematical average indicator for the extent to which social communication outlets users rely on conventional media outlets revealed that 69.5% of the surveyed sample's responses believe that they do.

The mathematical average indicators did not differ very much between those who believe that social media users depend on conventional media outlets for information, and those who believe that these outlets have become an important source of information.

The mathematical average for those who believe that social communication outlets have become an important source of information for the media reached 69.2%, with a small difference from the previous data of 69.5%. However, the mathematical average revealed that 80% of respondents believe that media outlets need to promote themselves through social communications outlets.

73.3% of journalists denied that social communication outlets could be an alternative to conventional media, while 26.3% of the surveyed sample members believe that this is possible.

In view of the legal amendments on pursuing social communication outlets users according to Article 11 of the penal code, which permit the detention and imprisonment of those accused of slander and libel crimes, worrying questions about the effect of this on the social media freedom are increasing.

The mathematical average of the surveyed sample responses to the question of what will the permission to detain and imprison users of social communication outlets because of what they publish will entail, revealed as a whole large worries and high levels of negative effects resulting from this regarding the increase in self-censorship, attention to what is written and published that violates the law, the red lines, avoiding criticizing the state,

the security apparatus, the armed forces, and the government, and slander and libel for normal people.

The mathematical average indicator regarding increasing self-censorship reached 78.7%, which is a large ratio that makes the approaches and aspiration of the surveyed sample, half of which (56.2%) believe that detaining and imprisoning users of social communication outlets for what they publish, will increase self-censorship to a large extent, against 30.3% who believe that it will be medium, while 6% believe that increasing self-censorship will be at a small level. 7.2% believe that it will not lead to that at all.

Regarding the effect of detention and imprisonment of social communication outlets users because of what they publish, on increasing user attention from writing and publishing in violation of the law, the mathematical average reached 79.5%.

Regarding user attention not to bypass red lines as a result of the detention and imprisonment of social communication outlets users because of what they publish, the mathematical average reveals that 83.5% of the respondent sample members believe this will happen.

The mathematical average revealed that detaining and imprisoning social communication outlets users because of what they publish will increase criticism of the government by 76.2%.

81% is the mathematical average for those from the surveyed sample who believe that detaining and imprisoning users of social communication outlets because of what they publish will lead to avoiding criticism of the security apparatus.

The mathematical average reached its highest indicators for those who believe that detaining and imprisoning users of social communication outlets users because of what they publish will lead to avoiding the criticism of the armed forces, at a ratio of 84.5%.

More than half the surveyed sample members believe that detaining and imprisoning social media outlets members because of what they publish will lead to avoiding criticism of the armed forces to a large extent, at the ratio of 67%, compared to 22.7% who see this happening at a medium ratio, while 5.2% believe that this will happen to a medium extent. 4.4% believe that this will not happen at all.

According to the mathematical average indicator, 70.8% of the surveyed sample's responses believe that detaining and imprisoning social media outlets members because of what they publish will lead to avoiding criticism of the government. 72% of the surveyed sample members believe that they will avoid slander and libel of normal persons because users of social communication outlets are detained and imprisoned.

The effects of the detention and imprisonment of social media outlets because of what they publish will lead in total to the lack of a sufficient legal and legislative environment that permits social media outlets to perform their societal control role because of these legislations and the detention and imprisonment penalties they stipulate.

Among the main results from this, too, will be that the role of the social communications media will recede substantially as a source of information, which will affect the people's human right to knowledge, and derivation, retrieval, and exchange of information.

As a result, the detention and imprisonment of social communication outlets users will negatively affect the general climate of freedoms in Jordan.

1.7 Journalists' Job Security

92.7% of journalists announced their conviction that the provision of livelihood security for journalists is a basic requirement for media freedom.

Over the past years, journalists have suffered from consecutive crises and problems represented in closing a daily newspaper, and the stumbling of another after financial problems that prevented it from fulfilling its commitment to pay staff salaries.

This tough reality led journalists, at a mathematical average of 58.4%, to believe that the print media is over in Jordan and has no future.

51.3% of the surveyed sample members, according to the mathematical average indicator, support the government providing a direct financial subsidy to the print newspapers to help them conquer their financial and economic crisis. This ratio represents half the respondent sample, which indicates that the other half of the sample members do not support this.

Ironically, 63.3% of those who strongly supported the provision of financial support to the print media by the government went back to emphasize that this support will affect the independency of the print newspapers. This response carries clear and evident contradictions between the two positions.

The mathematical average revealed that 78.4% of journalists believe that the government's interference to subsidize newspapers financially will affect their freedom and independence.

64% believe to a large extent that the government's interference to subsidize newspapers will affect its freedom and independence. 18.7% believe that this will affect to a medium degree, against 4.4% who believe that there will be a limited effect. 12.4% believe that the government's subsidy to newspapers will not affect at all their freedom and independence.

45.2% of the total surveyed sample responses support universities closing down the journalism and media specialization because the market cannot absorb any more new graduates, according to the mathematical average indicator information.

Among the main challenges facing media practitioners regarding their job security is the low salaries and wages paid, at a ratio of 27% of the total responses of the surveyed sample, followed in the second place at 21.4% by the lack of job opportunities in the media field.

The problem of the lack of attention to training and preparing journalists to accompany developments occupies the third position, at a ratio of 13%, followed by the unavailability of adequate health insurance, at the rate of 12.8% in the fourth place. The lack of good education for children came fifth of the total challenges facing media practitioners regarding their job security.

The problem of the unavailability of adequate housing for media practitioners came in the sixth place at a rate of 10.8% of the total number of the surveyed sample, while the challenge of the unavailability of protection for journalists from legislations, detention, imprisonment, and dismissal, and «other» in the seventh place at the ratio of 10.8% each.

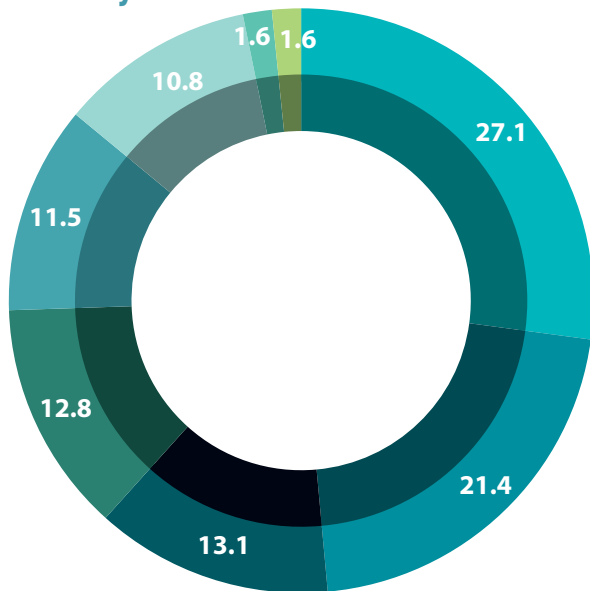
There were numerous suggestions supported by journalists to solve the problem of media practitioners who lost their jobs, foremost of which was a suggestion to compel official institutions (the government) to employ them, at a ratio of 26%, and for the Press Association to invest in a large media project to absorb the unemployed at a ratio of 22% in the second place.

15.6% of the surveyed sample supported the suggestion to assist in providing job opportunities for them in Arab countries, which came third among the suggestions to solve the problems of media

practitioner who lost their jobs, at the ratio of 10.9%.

In the fourth place was a suggestion to present a financial compensation, at a ratio of 10.9%, while in the fifth place was a proposal to disburse monthly financial assistance from the government to media practitioners who lost their jobs, at a ratio of 9%. The suggestion to issue a regulation affiliated with the Press Association that ensures paying unemployment benefits came in the sixth place at a ratio of 6.3%, followed in the seventh place by a suggestion to commit the Press Association to extend regular financial assistance to unemployed media practitioners, at a ratio of 6%.

The main challenges facing media practitioners regarding their job security



- The lack of job opportunities in the media field
- The unavailability of adequate health insurance
- The unavailability of adequate housing
- Others
- The low salaries and wages
- The lack of attention to training and preparing journalists to accompany developments
- The lack of good education for children
- The unavailability of protection for journalists from legislations, detention, imprisonment, and dismissal

1.8 Media Complaints Council

The debate between the government and the media sector regarding the establishment of the Media Complaints Council (MCC) continues to be at a standstill in spite of the fact that the parties have gone a long way in the discussions and dialogue, with the Lower House of Parliament entering this ring of dialogue through the workshop organized by the National Guidance Committee formed for this purpose. This committee formed a follow-up committee from representatives, media practitioners, and legal experts in order to overcome the disagreement points between the government and the media sector over the establishment of this agency, its operating mechanisms, guarantees for its legal and ethical independence, and compelling media institutions and practitioners to comply with its decisions and recommendations.

CDFJ had presented earlier a draft law on the MCC after a lengthy series of in-depth discussions and dialogues between the government, media practitioners, and legal experts, and after examining the experiences of many countries in this field and adopting the most successful experiences and best practices in similar councils' work.

Part of the differences between the media sector and the government regarding the establishment of the MCC is over the foundation of establishing it, and will it be based on a law or a regulation, or within a self-regulation the media practitioners will establish.

According to the results of the survey, 48.2% of the surveyed sample members support the establishment of the MCC based on a separate law. 42.7% believe it should be established by an internal regulation established by the media practitioners themselves, while 6.8% believe that it should be established according to a special regulation issued by the Council of Ministers.

The mathematical average indicators for the responses of those who believe that the establishment of the MCC will contribute to reducing slander and libel crimes reached the highest levels compared to the ratios of responding to other questions, reaching 84.4%.

The mathematical average indicator shows that 84% of the respondent sample believes that the establishment of the MCC will contribute to bringing justice to those who suffered from media violations.

The mathematical average indicator reveals that 81.5% of the respondent sample members believe that the establishment of the MCC will contribute to reducing violations against the profession's ethics.

Regarding the fact that the establishment of the MCC will contribute to the establishment of a quick and fair redress mechanism, the mathematical average indicator emphasizes that 81.4% of the respondent sample members believe that it will contribute to the to the establishment of a quick and fair redress mechanism.

More than half the respondent sample members believe, to a large extent, that the establishment of MCC will contribute to reducing violations against the profession's ethics, reduce slander and libel crimes, develop media professionalism, provide justice for those who suffer from media violations, and contribute to the establishment of a quick and fair redress mechanism.

This information provides, by itself, a good media environment that supports the establishment of the MCC, part of whose tasks would be the implementation of those expectations the sample responded to, at high, medium, or small levels.

Within the context of the public media and the trend towards the establishment of an independent

television station, 81.3% of journalists believe that the new station would not be independent from the government.

71% of media practitioners underplayed the opportunities for an independent media station to raise the ceiling of freedoms, while 23% expressed their expectations that it would raise the ceiling of freedoms, and 5.6% do not know what it could do.

74% of the surveyed sample members do not believe that the new satellite channel would be able to compete with Arab satellite channels, while 17.5% believe that it would. The ratio of those who do not know increased to 8%.

61% of the surveyed sample members expressed their lack of conviction that the new Jordanian satellite channel would develop television performance, compared to 30% who believe that it would. Those who do not know maintained their ratio of 8%.

59.4% of the respondent sample members deny that the new satellite channel would be able to acquire the people's confidence and attract their viewership. 28.7% believe that the new satellite channel will be capable of doing that, while the ration of those who do not know increased to 10%, against 2% who refused to respond.

Section 2:

2. The Reality of Complaints and Violations 2015

The Reality of Complaints and Violations against the Freedom of the Media in Jordan Report revealed that «arbitrary detention» came second on the list of violations, and was the main feature of the violations, with 10 journalists and media practitioners being detained arbitrarily in 2015 as a result of their media work.

It showed that «arbitrary detention» witnessed its highest levels over six years (2010 - 2015), with no cases of arbitrary detention recorded in 2011 and 2012, while the report documented 3 cases in 2010 and 2 cases in 2013.

The report also revealed that the law continues to be used as a tool for harassing journalists, and registered in this context 7 violations of the right to a fair trial. It also monitored many decisions and instructions to prohibit publication based on restricting laws.

The report, prepared by CDFJ's team of the Monitoring and Documenting Violations against Media Freedom in Jordan Program (AIN) stated that the job and livelihood security issue, in addition of fear from being subjected to detention and trial, were two issues that had a clear effect on media work.

It clarified that journalists' obsessions, and their fear of detention and/r loss of their jobs at their institutions pushed them to using self-censorship intensively, and to their reluctance to report the problems and violations they may be subjected to, which in turn led to a noticeable decrease in complaints and violations. In spite of the expansion of the «AIN» program activities within the framework of an integrated plan prepared by CDFJ two years ago, the program received the smallest number of complaints forms and reports during last year, at the rate of 14 complaint forms and reports, compared to 69 forms in 2014 and 99 forms in 2013.

The report gave special attention to reading and analyzing serious violations that are normally connected to the issue of impunity and the absence of means to equity and accessing justice. The report registered 15 serious violations to which 11 journalists were subjected because of their media work. The perpetrators of these acts were never investigated or brought to justice, which indicates

that impunity is rampant and that violators of media freedoms are not prosecuted in Jordan.

In parallel, the report did not register any case where the victims who were subjected to serious and/or criminal violations deserved reparations for the damage they suffered. The report never registered, since it was first published 15 years ago (2001) any fair and appropriate compensation granted to journalists who were victims.

The report registered 8 proven and confirmed forms of violations to which media practitioners were exposed in Jordan, most of which, the researchers in AIN believe, are related to the right of access to information and blocking, over a measurement period that extended for six years (2010-2015). Data of the AIN program during this period showed that the violations to which media outlets and journalists were most exposed, and which were noticeable repeated, were related to blocking websites, prevention from coverage, threats of inflicting harm, harassment withholding information, physical assault, restricting freedom, and verbal abuse.

The parties that those submitting complaints and reports among journalists claimed to have committed violations and assaults against journalists and media freedoms were numerous, in addition to what the AIN program was able to monitor, document, and verify. It was noticed that the three parties that committed the most violations were the security systems, the judiciary authorities, and government institutions. They are all official authorities. They were followed by violations practiced by the Lower House, particularly in preventing journalists from coverage and withholding information.

The report stressed, in its contents and methodology which CDFJ was keen to develop continuously, on the extent to which Jordan delivered on its legal international commitments stated in agreements

and conventions it ratified and published in the Official Gazette, which touch on the freedom of opinion, expression, and the media, and the rights of media practitioners in general.

The report found, through the cases it monitored, documented, and presented that Jordan stands in the grey area in dealing with its international commitments.

This is attributed to a number of points, including the government's failure to observe the principles of full harmonization and amendment of national legislations in response to its voluntary commitments to implement the recommendations of the Universal Periodic Review at the Human Rights Council at the United Nations.

The report presented a wide spectrum of transgressed human rights, according to cases presented AIN Program, and the program's own monitoring. It found that seven of the human rights stated in the Universal Human Rights Charter had been violated because of assaults against media practitioners and media freedom in 2015.

The report also registered violations that affect the right to personal safety, the right to freedom and personal safety, the right to a fair trial, the right to free opinion, expression, and media, the right to access information, the right to ownership, and the right to non-discriminating treatment.

The report arrived at a number of direct recommendations it directed to the GoJ, the Jordanian Lower House, in addition to civil society organizations and institutions operating in the field of protecting the freedom of expression and the media.

Section 2 included five interconnected chapters as follows:

- Chapter 1: Work Methodology and Report Preparation.

- Chapter 2: The General Scene of Press Freedom in 2015.

- Chapter 3: The legal Framework of the Press Freedom and Freedom of Expression in Jordan.

- Chapter 4: The Reality of Media Practitioners' Rights Violations and Media Freedoms 2015.

- Chapter 5: Recommendations.

2.1 Chapter 1: Work Methodology and Report Preparation

Preparing the Reality of Complaints and Violations Report was based on the monitoring and documentation carried out by CDFJ's AIN Program. It utilized the investigative and analytical method using scientific observation and monitoring and content analysis tools, due to this methodology adequacy and the nature, subject, and objectives of the report.

In addition to accessing the journalist victims to verify violations committed against them, AIN Program uses a number of monitoring and documentation tools, receiving written complaints and reports from victims and witnesses presented by journalists and media practitioners directly. It also investigates reports from legal organizations and institutions active in defending media freedom, in addition to a process of self-monitoring by monitoring what is published by local media outlets about violations against media freedoms and research through social communication outlets.

The report sought to answer a number of questions surrounding media work, measuring the level and effect of violations affecting media freedom in Jordan through reading international and local legal commitments, which Jordan is required to implement within the realm of freedom of opinion and the media.

The report further investigates the legal framework related to the freedom of the press and expression in Jordan. It investigated in depth the complaints, reports, and information from monitoring, as documented by CDFJ's AIN Program throughout 2015, which were received from media experts who submitted complaints of alleged violations against them, or journalists who reported violations against their colleagues or media institutions, in addition to the information included in monitoring cases which proved to have contained violations.

The report also investigated and pursued serious violations and cases of impunity, as well the absence of means of redress and accessing justice. It addressed constant and stable or unstable violations, and the violating parties of the freedom of the press and media practitioners.

The report also investigated the reality of violations affecting the humanitarian rights of media practitioners, and media freedoms in Jordan in 2015. It studied the results and contents of the questions asked. Based on its enquiries, it proposed a series of recommendations and remarks to the Jordanian government, Lower House of Parliament, civil society organizations, and institutions operating in the field of defending the freedom of expression and the media.

The rights and freedoms monitored and documented by the report included a wide spectrum of human rights to which journalists were subjected and the freedom of the media in 2015, namely, the right to personal safety and not to be subjected to cruel and insulting treatment and torture, the right to freedom and personal safety, the right to a fair trial, the right to freedom of opinion and information, the right to access information, and the right for ownership and a non-discriminatory treatment.

2.2 Chapter 2: The General Scene of Press Freedom in 2015.

The report gave a broad view of the extent to which Jordan fulfilled its international and local legal obligations in the fields of the freedom of opinion, expression, and the media, in addition to what media practitioners may be exposed to in terms of violations affecting their human rights as a result of their media work.

It put forward 14 direct notes that point to Jordan's non-compliance with binding contractual agreements, particularly those related to the freedom of opinion, expression, and the media, and that the exerted official efforts in this field remain very limited, after more than two and a half years have elapsed since the recommendations of the Human Rights Council as part of the Universal Periodic Review, and Jordan's acceptance of a group of recommendations related to the media.

The report concentrated in its conclusions on the required amendments to legislations and their compatibility with international standards. It arrived at the conclusion that the government, until the end of 2015, did not achieve anything tangible on this level. On the practicing level, it reached the conclusion that the violations and the policy of impunity are ongoing, and neither did the government nor the systems entrusted with implementing the law hold any of the perpetrators of these violations accountable, and neither did it review investigation rules by referring them to the civil judiciary instead of referring them to police courts.

It pointed out that the government did not perform a compatibility test between national legislations and article 19 of the International Covenant on Civil and Political Rights, including, for example, the Press and Publications Law, the Press Association Law, the Penal Code, the State Security Court, and the Anti-Terrorism Law.

It pointed out that the government did not fulfill all its commitments stated in the Communication Strategy during the time period assigned for it, especially as far as the establishment of the Complaints Council is concerned and moving towards the public media.

He report presented in its second chapter the most prominent global stations in the freedom of the press in Jordan in 2015, summarizing the third Periodic Review for Jordan before the United Nations Committee for the Anti-Torture Agreement, which took place in November 2015.

The government had submitted its third report before the Anti-Torture Committee in addition to a number of civil society institutions which presented parallel shadow reports. CDFJ participated in a shadow report that it discussed separately before the committee in Geneva on 20 and 23 November. It also participated in preparing a parallel shadow report as part of its participation as a member in the Jordan Civil Alliance against Torture (JO CAT). Its report included a number of reports and complaints submitted by journalists to CDFJ which included violations affecting the right not to be subjected to torture, and other forms of harsh, inhumane, or insulting treatment or punishment.

CDFJ submitted, in its report before the Anti-Torture Committee a number of recommendations, mainly the immediate introduction of legislative amendments that absolutely prohibit including torturers in any amnesty laws, and to state clearly without alteration that any amnesty should not include serious violations of human rights, such as torture, and that these crimes are not subject to dropping and that perpetrators of these crimes must be tried.

The Anti-Torture Committee published its comments on the government report, and it included a number of remarks related to reports of assault against

journalists, mentioned in the report by CDFJ, expressing its concern over police and public security members resorting to using force against journalists.

In its remarks, the Committee demanded that the government carry out urgent, fair, comprehensive, and effective investigations concerning all allegations of excessive force use, including torture and harsh treatment by staff members authorized to implement the law, and to guarantee that suspects of perpetrating similar acts be dismissed immediately and throughout the investigation, while committing to the principle of assuming innocence, and prosecuting all those suspected of being involved in committing acts of torture and harsh treatment against journalists.

The Committee recommended that all repercussions that have an effect on journalists' work be removed, including introducing the necessary amendments to the Anti-Terrorism Law and the Penal Code, and providing effective protection against arbitrary detention and arrest of journalists, in order to ensure the prosecution and punishment of the perpetrators of similar actions.

The second chapter of the report also included a presentation of the positions of international organizations towards the state of press freedom in Jordan, and monitoring the continued retreat of Jordan on the International Press Freedom Index, registering a retreat of two ranks in 2015 on the index issued by Reporters without Borders, occupying rank 143 among 180 countries, from rank 141.

The chapter also presented the position of Human Rights Watch regarding the proposed amendments to the Penal Code of the year 1960, whereby the international organization sent a letter to the Prime Minister Abdullah Ensour, published on 13/9/2015, in which it mentioned that «Jordan must reinforce

the proposed amendments to the Penal Code of 1960 to provide better protection to human rights.»

Chapter 2 of the report also presented the invitation extended by the International Press Institute (IPI) to Jordan to introduce legal reforms in the field of press freedom, through a letter addressed to the government on 19/11/2015.

The main recommendation of IPI in its letter to the government was redrafting article 11 of the Cyber Crime Law to emphasize the prohibition of imprisonment penalty in the Press and Publication Law, and to ensure that it include internet journalists, in addition to amending the Press and Publications Law to cancel the licensing requirement, as well as repealing laws that permit the prosecution of journalists before military courts.

2.3 Chapter 3: The legal Framework of the Press Freedom and Freedom of Expression in Jordan.

Chapter 3 of the Reality of Complaints and Violations attempted to examine the legal framework related to the press freedom and freedom of expression in Jordan. It ratified 14 international conventions and agreements, including ones that contain guarantees for journalists to practice their work freely, and guarantee their rights to expression.

It presented, in a concentrated manner, items related to the freedom of the press and the rights of media practitioners as stated in the International Human Rights Law and ratified by Jordan, in addition to presenting relevant local legislations.

It showed that Jordan has witnessed, over the past few years, legislative amendments, but they were not compatible with international human rights standards, pointing out that laws continue to reveal large existing faults, and that Jordanian legislations impose restrictions on the freedom of expression

and the media, starting with freedom-depriving penalties and extending to exorbitant financial fines.

It states that the Jordanian penal code includes a number of legal texts that restrict the freedom of the media and publications and open journalists for legal pursuit in case they criticized the king or another foreign country, or called for basic change in the political system and its structure.

It added that amnesty laws permit those who committed torture to evade trial, which forms a violation of the Anti-Torture agreement provisions, since there is no effective mechanism to ensure the accountability and punishment of torture perpetrators and bringing them to justice.

Chapter 3 presented briefly laws relevant to media which require amendment or review, identifying the more contentious issues in each law.

It considered that the Press and Publication Law is the one that is much more related to the media work, and has been amended many times since 1993, and that the dialogue still continues regarding it after subjecting websites to it and requiring their licensing.

It states that although more than 9 years have passed since the Right to Access Information Law was enacted, implementing it continues to be limited, and many ministries and institutions have not classified information or set a mechanism for implementing it, and that this law does not serve journalists because it does not fulfill their requirements to answer their questions urgently.

It points out that the Penal Code still contains freedom-depriving penalties in media cases, according to which journalists are tried.

It points out that although the Press and Publications Law is a special law that should be implemented in cases raised against media outlets, many cases

raised against journalists were referred to the state security court, and journalists were detained for long periods of time before a judicial order was issued.

It states that journalists are referred to detention and trial in accordance with the Anti-Terrorism Law since its ratification. Furthermore, the law permits the prosecution of journalists before the State Security Court, and that this law includes freedom-depriving penalties, and that journalists are pursued according to it, in addition to the fact that it dedicates the duality of implementing penalty provisions.

It adds that the Lower House ratified an amendment to the Cyber Crimes Law in June 2015 to deal with cases of cyber fraud and piracy. The law was criticized at the time for attacking websites, while the government presented assurances that this law deals with fraud and piracy cases and does not touch the media, and that the Press and Publications Law is the law applied on websites. Nevertheless, a decision was issued by the Law Interpretation Bureau on 19/10/2015 stipulating that «slander and libel crimes committed in contravention of article 11 of the Cyber Crimes and Social Communication Outlets Law are subject to the implementation of article 11 of the Cyber Crimes Law and article 114 of the Criminal Litigation Procedures Law, and not articles 42 and 45 of the Press and Publications Law.»

Based on this, article 11 allows public prosecutors and judges to detain and imprison media practitioners and users of social communication outlets.

2.4 Chapter 4: The Reality of Media Practitioners' Rights Violations and Media Freedoms 2015.

Chapter 4 of the report presented the a general outcome of what has been monitored and documented, and what the AIN program received in

terms of reports, and analyzed the type and form of violations against the media freedom in Jordan 2015 and their content, as well as an analysis of violated human rights to which journalists and media institutions were subjected, and their relations with Jordan's commitment to agreements it ratified and are concerned with the violations presented.

The report recorded 5 violations of the media practitioners' and media freedom's rights that took place in 23 cases, 19 of which were individual cases and 4 were group cases targeting all journalists, as part of the monitoring and documentation processes carried out by monitors and researchers in AIN Program.

Nineteen media practitioners from different media institutions, whether from the print or electronic media or satellite channels and press reporters, were subjected to those violations. It is noticeable that all journalists who were subjected to violations work in private and independent media institutions.

In addition to journalists and media practitioners who were subjected to violations during 2015, 15 media institutions were subjected to violations as well. It was also noticed that all media institutions that were subjected to violations are also from the private and independent media sector.

Number of Violations, Cases, Journalists, and Media Institutions Monitored and Documented 2015

Number of Violations	Number of Journalists who Were Subjected to Violations	Number of Media Institutions That Were Subjected to Violations		Number of Cases	
				Individual	Group
57	19	Independent	Public	19	4
		15	0	23	

Number of Violations, Cases, Journalists, and Media Institutions Monitored and Documented 2015



Number of Violations

57



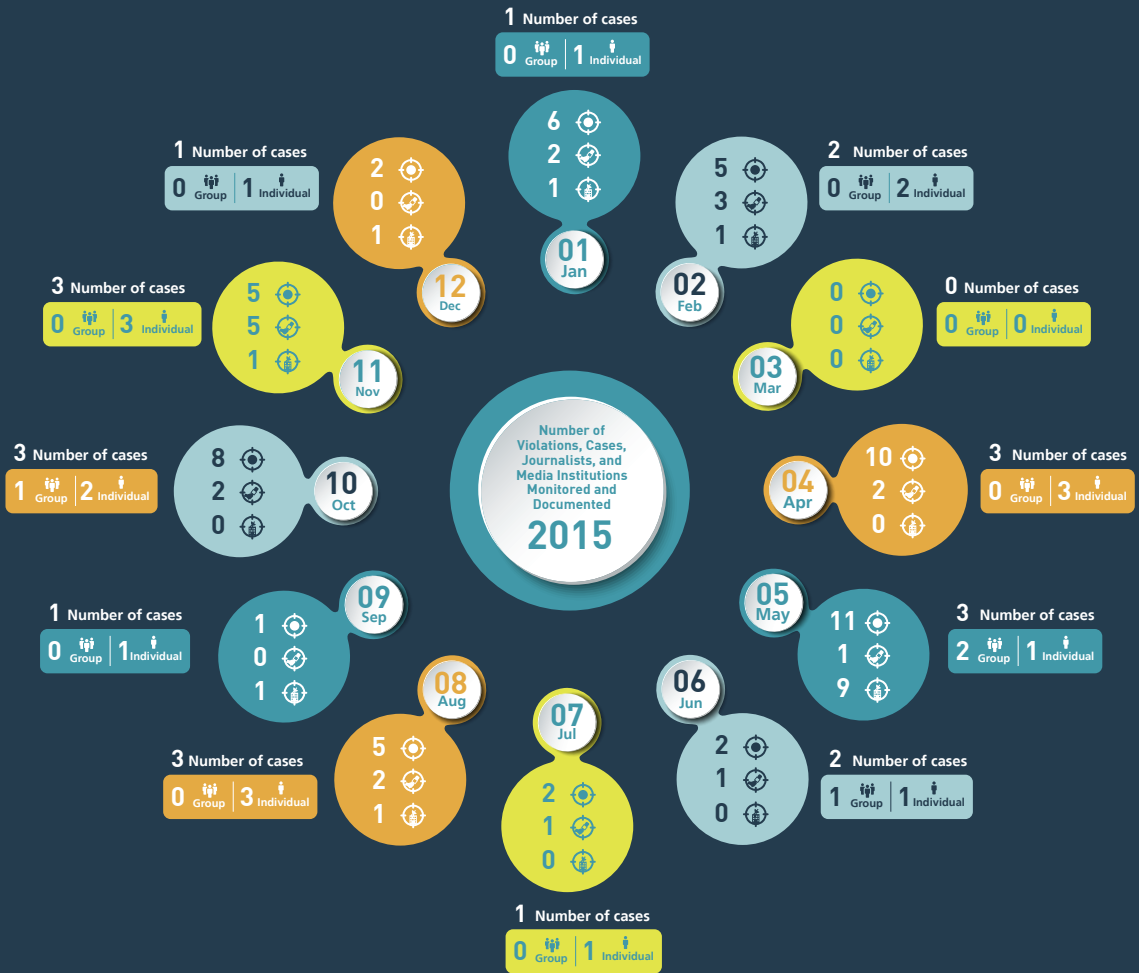
Number of Journalists who were subjected to violations

19



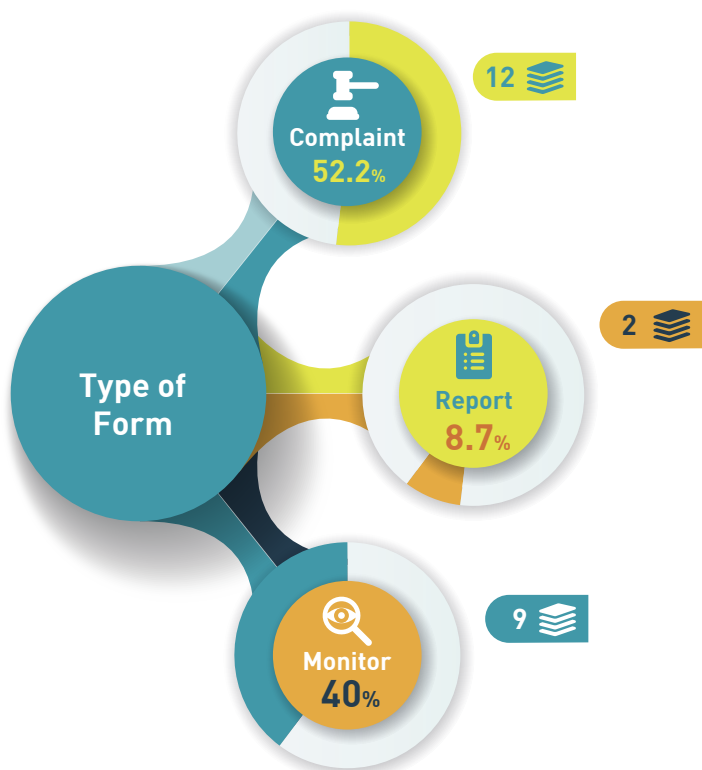
Number of Media Institutions that were subjected to violations

0 Public 15 Independent



CDFJ received 12 complaint forms during 2015, all of which included violations against the freedom of the media. CDFJ also received two reports. AIN Program team monitored 9 cases that included violations, some of which were circulars issued by the Media Authority prohibiting publication, considered as violations affecting the freedom of the media and affected all media institutions and journalists.

Number of Complaints and Reports Forms, and the Total Number of Violations Monitoring Operations 2015



The report pointed out that the average of complaints received by AIN Program was at its lowest for the past 10 years because journalists shied away from submitting complaints about violations they are subjected to. Furthermore, 2015 did not witness systematic and widespread assaults against journalists, one reason for which could be the absence of protest rallies and demonstrations.













It also showed that the arbitrary detention of media practitioners was the most prominent manifestation of violations against journalists, with 10 media practitioners subjected to detention in 2015 for press issues. The worst is referring some journalists to the State Security Court which does not have the fair trial standards. It is an exceptional form of judiciary and its judges are military and civilians, and it does not have all levels of litigation. It military judges follow the military judiciary.

The report recorded, through the received complaints, reports, and monitoring operations carried out by researchers and monitors at AIN Program, 17 types of violations, the most prominent of which was prohibition of radio and satellite broadcasting, detention, restriction of freedom, incitement of violence, prevention from coverage, blocking information, and unjust trial.

It pointed out that the type and nature of violations it presented came for the purpose of prevention from coverage, blocking information and prohibition from publishing it, and that detention is a form of prior penalty to which journalists are subjected as a result of publishing material that may be considered against the law or carry harsh criticism, or touch on red lines.

Journalists' detention in 2015 was noticed clearly. It is the title of the whole report: «Behind Bars», and one of the forms of deterrence that can be used by the authorities.

Number of violations 2015

Type of Violation	Recurrence	%
 prohibition of radio and satellite broadcasting	10	17.5
 detention	10	17.5
 unjust trial	7	12.3
 restriction of freedom	5	8.8
 prevention from coverage	4	7
 blocking information	3	5.3
 incitement of violence	3	5.3
 prohibition from publishing	3	5.3
 Humiliating Treatment	2	3.5
 Blocking electronic websites	2	3.5
 Physical Assault	2	3.5
 Assault the working tools	1	1.8
 Security interrogaion	1	1.8
 Harassment	1	1.8
 The threat of abuse	1	1.8
 Deleting the contents of camera	1	1.8
 Injuries	1	1.8
Total	57	%100

The report paid attention to reading and analyzing violations, whereby the AIN Program monitored and documented 15 serious violations to which 11 journalists were subjected as a result of their media work, out of 57 documented violations. The ratio of serious violations was 26.3% of the total number of violations.

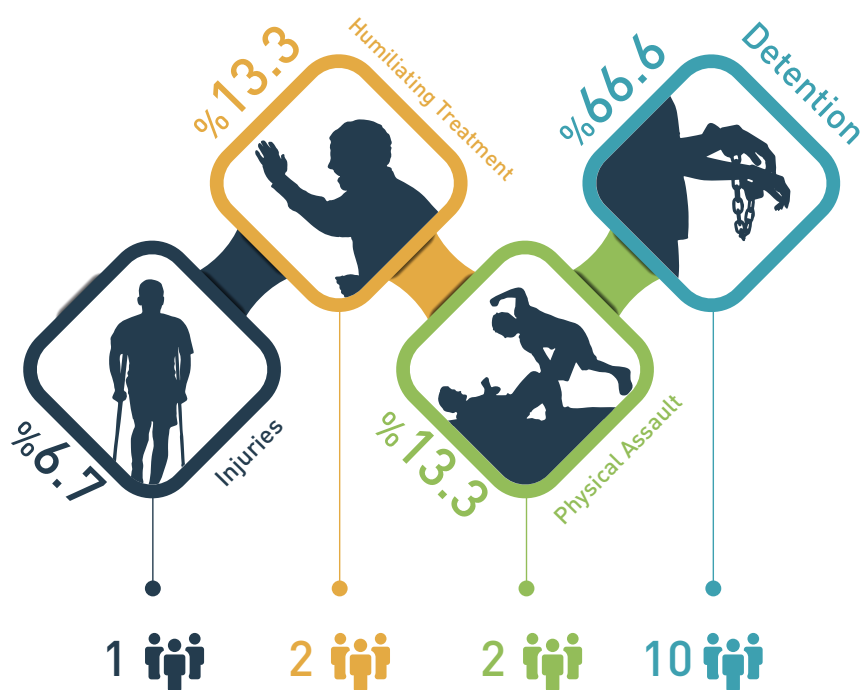
The judiciary, according to the report, bears part of the responsibility for the serious violations, as it resorts to detaining journalists, which is considered a prior penalty and an arbitrary detention, because it contradicts international human rights standards.

The report identified two cases where journalists were subjected to physical assault while practicing their media work by the security forces. One was subjected to humiliating treatment in all its aspects, and was injured as a result of the physical assault against him simultaneously. Another journalist, in a separate incident was subjected to humiliating treatment also by the security forces.

Serious Violations 2015

Type and Form of Violation 2015 %	2015	Percentage
Detention	10	66.6
Physical Assault	2	13.3
Humiliating Treatment	2	13.3
Injuries	1	6.7
Total Serious Violations	15	26.3%
Total Violations in 2015 and their Percentage	57	100%

Serious Violations 2015



The report pointed out that the problem with serious violations and reparations is that complaints and reports on these violations without implementing the means of redress available in accordance with the local law, and exhausting them in accordance with the generally accepted international law principles, and without them containing documented evidence of any final decision issued by a court of law or other authority that has jurisdiction in the country concerned, it is not possible to demand compensation or reparation.

Cases presented by the report emphasized that the policy of impunity for violations committed against media practitioners continues to be very common, with the authorities not taking any real or serious steps to stop this policy that has been followed for years, and to take the necessary measures to give justice to victims and hold the perpetrators accountable for violations that affect the rights of journalists.

CDFJ believes that the policy of impunity adopted by some parties in the security apparatus and other parties concerned in Jordan towards these serious violations to which media practitioners are subjected, contribute to the volume and number of this type of violations, placing media freedoms in Jordan in a difficult position.

Chapter 4 of the report also discussed the fixed stable and unstable violations to which media practitioners, media institutions, and media freedoms in Jordan are subjected.

The study results showed that since 2010 and until 2015, AIN Program monitored and documented 922 violations against journalists and media institutions in Jordan. Data from the Media Freedom Status in Jordan report over the past 6 years showed in detail that violations were numerous, and journalists in Jordan could be subjected to 38 different types of violations.

It was evident, due to the types of violations that recurred over the past 6 years, that as part of these 38 violations, 12 were repeated at different rates. Among these repeated violations are 8 that were repeated at high rates, registering the highest rates many times throughout the period mentioned. These are: Blocking websites, prevention from coverage, threats of abuse, harassment, blocking access to information, physical assault, restricting freedom, and verbal assault.

The report also discussed the parties that committed violations against the freedom of the media and assaulted journalists, or those suspected of committing these violations. There were 23 cases of assault that were documented by AIN Program in 2015.

The number of violating parties, based on evidence documented by the report, was six. They can be classified into two types: Official parties and/or parties assigned to enforce the law, and different civil and unofficial parties.

The parties alleged by those who submitted complaints and reports to AIN Program to have committed violations against them, and those monitored by the Program, were as follows:

- **Security Systems:** There were allegations that the security systems assigned to implement the

law committed 19 violations out of 57 violations documented by the report in 6 different cases, with a ratio of 33.3% of the total number of violations.

- **Judicial Authorities:** These are connected to cases of detention assumed normally by public prosecutors, in addition to referring journalists to the State Security Court, which is considered a violation of the fair trial standards. The number of violations monitored in this context was 17, which took place in 6 cases, at a ratio of 29.8% of the total number of documented violations.

- **Government Institutions and Departments:** The report monitored and documented 13 violations, thought to have been committed by government institutions and departments, particularly the Media Commission, in 5 cases, representing 22.8% of the total number of violations. Decisions by the Commission to prevent radio and satellite broadcasts for 10 satellite channels were monitored. Three media institutions were prevented from publishing information material.

- **Lower House of Parliament:** The report registered 4 violations that took place in 4 cases at a ratio of 7% of the total number of violations, with the violating party behind them being the lower House of Parliament. The House issued decisions to prevent journalists from coverage as a group 3 times.

The violating parties according to the number and percentage of cases and violations



Official institutions and foreign parties

Cases Violations



Governments and Security Forces

Journalists were also harassed in one case by the Parliament administration.

- **DA'ISH (ISIS):** The report stated that what is named DA'ISH committed 3 violations in one individual case. The satellite channel Ru'ya, its owner Michael Sayegh, and its manager Faris Sayegh were subjected to incitement and violence against them was encouraged through a videotape that the organization broadcast on one of its channels.

- **Anonymous:** The report said that Usama Hajjaj, the cartoonist was threatened with abuse in one individual case, and researchers in AIN Program could not identify the perpetrator or the party that threatened Hajjaj with abuse through messages received on his email address.

The report strove in chapter 4 to analyze the reality of violations which affect the rights of media practitioners and media freedoms in 2015. AIN Program was successful in verifying that a number of different violations that affect the rights of media practitioners and media freedoms took place.

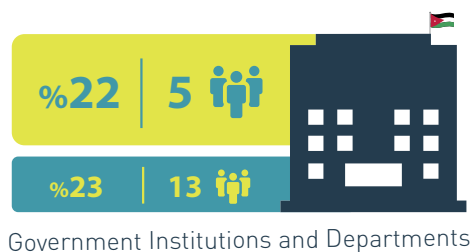
The researchers in the Program acquired information regarding them through complaints they received and cases they monitored without complaints.

It showed that violations verified by AIN Program in 2015 included a wide range of rights: The right not to be subjected to torture or harsh, inhumane, or humiliating punishment, the right to personal freedom and security, the freedom of expression and information, the right to access information, the right to personal safety, the right to ownership, in addition to the right to a fair trial.

The violating parties according to the number and percentage of cases and violations



Cases Violations



Data showed that violations affecting the right to the freedom of opinion, expression, and information came first at 18 violations at a ratio of 31.6% of the total number of documented violations.

Violations affecting the right to freedom and personal security came in the second place at 15 violations at a ratio of 26.3% of the total number of violations.

The violation of the right to access information came third with 7 violations at a ratio of 12.3% of the total number of violations. Also in third rank were violations affecting the right to a fair trial, with 7 violations at the ratio of 12.3%.

In the fourth place came violations affecting the right to personal safety and the right not to be subjected to torture or other forms of harsh, inhumane, or humiliating treatment or penalty, with 6 violations at the rate of 10.5%.

The right to non-discriminatory treatment came fifth with 3 violations at the ratio of 5.3%, followed in the sixth and last place by violations affecting ownership with one violation at the ratio of 1.8%.

Assaulted Human Rights, their Recurrence, and Percentages

Assaulted Right	Violations	Percentage
The right to freedom of expression and information	18	31.6
The right to freedom and personal security	15	26.3
The right to access information	7	12.3
Rights in the field of judicial affairs	7	12.3
The right not to be subjected to torture or other form of harsh, inhuman, or humiliating treatment, and the right to personal safety.	6	10.5
The right to non-discriminative treatment	3	5.3
The right to ownership	1	1.8
Total	57	100%

The report presented the cases documented by AIN Program, classified and distributed by the violated human rights and the parties that committed them. The report writers set the legal interpretations in accordance with the international laws and the national law that support the allegations mentioned in documented cases, presented in detail in the following report:

• Violations affecting the freedom of opinion and information, which were perpetrated by the state institutions and systems:

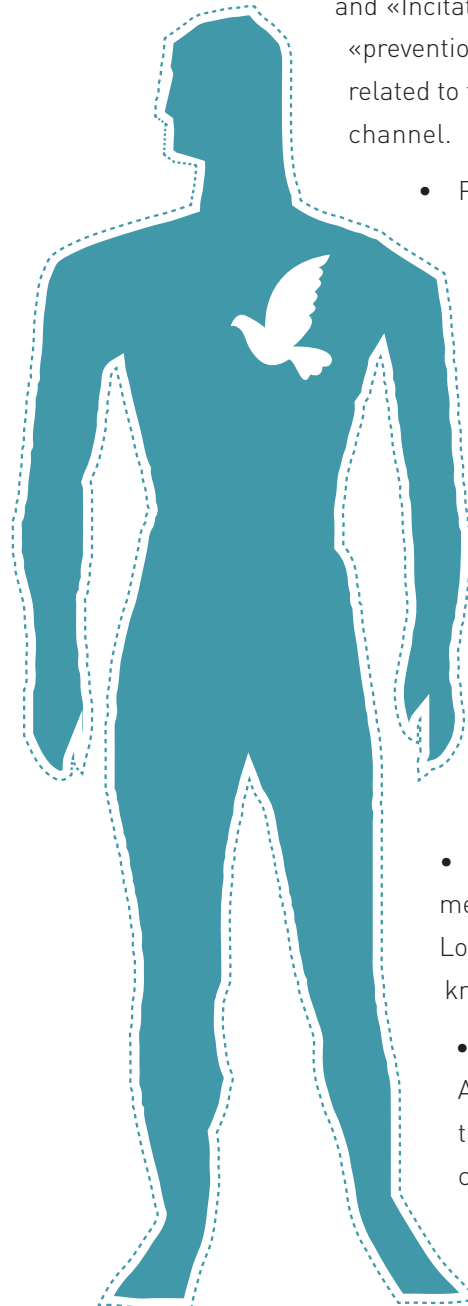
- Security interrogation with the webmaster of Al-Sabeel newspaper «Issa Shaqfeh» for his work in the newspaper.
- Blocking information from journalist Tareq Al-Da'jeh from the daily Al-Ghad.
- Demand to stop broadcast for 9 satellite channels (Hawa Jordan, Sawt Al-Urdun, Ain Al-Urdun, More Fann, Mazaj, Mazaya, Al-Kull, Al-Uta, and All TV).
- Circular to media outlets not to broadcast news and information about Jordanian agricultural and industrial products in a negative way.
- Closure of the On-Air studios of Al-Yarmouk satellite channel.



industrial products in a negative way.

- Closure of the On-Air studios of Al-Yarmouk satellite channel.

- Prohibiting the broadcast of «Imposed Stations» and «Incitation» on Ru'ya channel, and «prevention of publishing» anything related to the investigation against the channel.



- Pressure the Amman.Net website to delete a statistical report that included the number of outside visits by King Abdullah II.

• Violations affecting the freedom of opinion, expression, and information committed by the Lower House of Parliament, Official Institutions, and outside parties:

- Blocking information from media practitioners at the Lower House in the case known as «Forward sale.»

- Preventing journalist Fadi Al-Zaynati from entering the Parliament Building for coverage on the basis of an article.

- Blocking information from journalists when discussing the Elections Law at the Lower House.

- Prevent journalists who are not members in the

- Prohibiting the broadcast of «Imposed Stations» and «Incitation» on Ru'ya channel, and «prevention of publishing» anything related to the investigation against the channel.

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- Blocking information from journalists when discussing the Elections Law at the Lower House.

- Prevent journalists who are not members in the Press Association from entering the Parliament building.

- **Violations affecting the right to freedom and personal security:**

The report presented a documentation of cases that included violations affecting the right to media practitioners' personal freedom and depriving them of their freedom arbitrarily and illegally. Cases of detention documented by CDFJ represented the main features of violations against the freedom of information in Jordan in 2015, when the arbitrary detention and/or arrest or deprivation of freedom took place for 10 media practitioners based on the law of the State Security Court Law and the Cyber Crimes Law.

The report summarized the violations that included

the right to freedom and personal safety in cases presented as follows:

- Detention of journalists Hashem Al-Khalidi and Saif Obaidat and blocking the Saraya News site.

- Detention of writer Jamal Ayyoub against the background of an article.

- Restricting the freedom of the Al-Ghad newspaper journalist Hashal Al-Adayleh for a news item.

- Detention of Ghazi Al-Mrayat for press material according to the Anti-Terrorism Law.

- Detention of the chief editor of Al-Sabeel daily newspaper for an article.

- Detention of the publisher and chief editor of Akhbar Al-Balad news website, Usama Al-Ramini for two media items.

- Detention of the chairman of the board of the weekly Al-Hayat newspaper, Daigham Khraisat, the editor in chief Diya' Khraisat, and the director editor Ramez Abu Yusuf for press material.

- **Violations affecting the right to access information:**

Violations related to the right to access information presented by the report included prevention from coverage and blocking information as follows:

- Preventing the photographer of Hawa Al-Urdun agency Khalil Ya'coub Al-Hajajreh from covering a security campaign to remove kiosks from the commercial center of Aqaba city.

- Lack of response in providing any information to the representative of Al-Ghad daily newspaper Tareq Al-Da'jeh by the Secretary General of the Ministry of Industry and Trade as part of the journalist's investigation of a Polish wheat shipment that violated technical standards.

- Preventing journalists from entering Akef Al-Fayez Hall at the Lower House to cover a meeting in the

case known as Forward Sale in Wadi Mousa region.

- Preventing journalist Shadi Al-Zaynati from Rum Agency from entering the Lower House building to cover the session held that day.
- Prevent journalists from entering the special meeting to discuss the Election Law at the Lower House.
- Prevent journalists from covering and photographing a sit-in at the Kalouti mosque courtyard in Al-Rabiya in the capital Amman.

• **Violations affecting the right to a non-discriminatory treatment:**

These included violations to the right in non-discriminatory treatment I «incitement of violence,» which happened in one case the report presented briefly as follows:

- The owner of Ru'ya channel Michael Sayegh and its general manager Faris Sayegh were subjected to an incitement campaign after the Islamic State organization, so-called DA'ISH expiated him based on a video the organization published on its channel on YouTube. It was evident to the AIN Program that DA'ISH expiated the owners of Ru'ya channel, which represents a threat to their safety and security. Meanwhile, the public prosecution and the security systems did not move to implement the law, according to the information available, as a precautionary measure to identify the source and seriousness of these threats, which is considered as negligence in providing protection and security and pursuit of the perpetrators, for the owners and staff of the channel.

• **Violations affecting the right to personal safety:**

Violations affecting the right to personal safety presented by the report included physical assault, threat of abuse, sustaining injuries, and humiliating treatment, as follows:

- Assault and humiliating treatment of the press photographer Khalil Al-Hajajreh.
- Physical assault on Ru'ya channel photographer while covering a popular sit-in.
- Threats of abuse to cartoonist Usama Hajjaj.

• **Violations affecting the right in the field of the judiciary:**

Included affecting the rights in the field of judiciary affairs, which were briefly presented by the report in what was considered unfair trials to which 5 media practitioners were subjected in 2015, in addition to sentencing two media websites to blockage, as follows:

- Referring journalists Hashem Al-Khalidi and Saif Obaidat to the public prosecutor of the State Security Court.
- Detaining and imprisoning writer Jamal Ayyoub at the State Security Court for an article he wrote.
- Detention of Ghazi Al-Mrayat for press material according to the Anti-Terrorism Law.
- Trial of journalist Khalil Al-Hajajreh as an informer of violations against him[?]

• **Violations affecting the right to ownership**

The report mentioned briefly one case that included violations that affect the ___14 right to ownership, namely:

- Assault on the work tools of the Ru'ya channel reporter during coverage.



3. Activity of the Media Legal Aid Unit for journalists (MELAD) in 2015

MELAD attended 1145 trials and presented 272 defenses

MELAD litigated 147 cases in defense of media practitioners before the courts in 2015

The cases litigated by the Legal Assistance Unit (MELAD) saw an increase in 2015, registering 147 cases, compared with 125 cases in 2014.

The challenges before MELAD have increased since the enactment of the Electronic Crimes Law and the decision of the Law Interpretation Unit's decision, which considered Article 11 applicable to cases of libel and defamation occurring by means of websites and social media outlets. This has allowed for the detention of journalists working in electronic media and users of social media websites.

This amendment, which opened the door wide for arresting and imprisoning journalists, forced MELAD's lawyer to carry out extensive follow-up of the media practitioners who had been arrested pursuant to the provisions of the Electronic Crimes Law. It also pushed journalists to seek the help of MELAD's lawyers more often and to refuse to appear before the public prosecution without the presence of these lawyers.

MELAD, which was established by CDFJ in 2001, has attended 1145 court cases in defense of journalists,

which amounts to more than 30 sessions a week. They examined 210 witnesses and presented 272 defenses in favor of media practitioners, in addition to holding 42 meetings.

MELAD won 20 lawsuits in 2015. It was also able to terminate 11 lawsuits, which were referred back to the Court of First Instance.

It is noteworthy that the Press and Publications Courtroom saw the leadership of three different judges. This has affected the course of the cases and presented a new burden for the lawyers, given that such cases required specialized judges.

MELAD was active in organizing meetings to raise awareness about legislative problems and mechanisms of dealing with them in Amman and the governorates. It organized five meetings, which were attended by 208 journalists and media practitioners.

MELAD has prepared a guide for journalists, entitled «50 Questions and Answers.»

During MELAD's defense in 147 cases in favor of media practitioners in 2015, it became clear that the most common laws and legal texts, on which press and publication related crimes were based, are as follows:

Press and Publications Law

With regard to the Press and Publications Law, Articles 5, 7/C, 38/D, and 48 were the most commonly used by the public prosecution, as follows:

- **Article 5:** Publications shall investigate the truth and abide by accuracy, neutrality and objectivity in the presentation of press materials and shall refrain from publishing anything that conflicts with the principles of freedom, national responsibility, human rights, and the values of the Arab and Islamic nation.
- **Article 7:** The code and ethics of journalism are binding for journalists, and they shall include balance,

objectivity and integrity in the presentation of press materials.

- **Article 38:** Any of the following shall be prohibited from publishing: D. Anything that includes contempt, dispraise, slander or insult against the individuals or infringes on their freedoms.

- **Article 48:** A. While taking into consideration the provisions of Paragraph (A) of Article 49 of this law, if a periodical publication is published or distributed or if the work of any of the establishments that are stipulated in Paragraph (A) of Article 15 of this law is practiced without a license the director shall have the authority to close the workplace or establishment, ban the publication or the periodical publication and confiscate its copies, as deemed necessary.

Telecommunications Law:

Article 75/A was the most used:

- **Article 75:** A. Any person who originates or forwards, by any Telecommunications means, threatening or abusive messages, or messages contrary to public morals, or forwards false information with the intent to spread panic shall be punished by imprisonment for a period that is not less than one month and not exceeding one year or by a fine of not less than (JD300) and not more than (JD2000), or by both penalties.

Penal Code:

Articles 188, 189, 190, 118, and 150 were the most used:

- **Article 188:**

(3) Of Defamation, Insult and Abasement

1. Defamation is the imputation of a certain matter to a person – even if it was done with doubt – which might negatively affects his/her honor, dignity and exposes him / her to the hate and scorning of society regardless if such matter is punishable by law or not.

2. Insult: is assaulting the dignity and honor of another person or his/her reputation – even if it was done with doubt – without accusing him/her with a specific matter.

3. If the name of the victim was not mentioned when the crimes of defamation and insult were committed, or the accusation were ambiguous but there were evidence which leaves no doubt in linking the matter to the victim, the perpetrator of the defamation or insult shall be considered as if victim mentioned the name of the victim and that the defamation or insult were clear in nature.

- **Article 189:** In order for defamation and insult to be punishable it has to be committed according to one of the following:

1. In person (face to face) defamation and insult which is required to have taken place:

- a. In a gathering while facing the victim.
- b. In a place where other people can hear regardless of their number.

2. In absentia defamation and insult: it has to take place while meeting with a number of individuals either together or separately.

3. Written defamation and insult:

- a. Through the use of what is published and disseminated among people or distributed among a group, whether it writings, drawings, comic drawings or draft drawings (drawings before being colored and decorated).

- b. Through the mailing of open letters (not sealed) and postcards to the victim.

4. Defamation and insult through publications, which is required to take place as follows:

- a. Through the use of daily or periodic newspapers.
- b. Through the use of any type of publications or publication means.

• **Article 190:** Humiliation: it is every humiliation or cursing – besides defamation and insult – which is directed to the victim through the use of words or gestures or writings or drawings that are not made public, or through a phone call or a cable or harsh treatment.

• **Article 118:** Any person who commits the following acts shall be punished with temporary detention for no less than five years:

1. Any person who violates measures the State undertook to preserve its neutrality in war.
2. Any person who, through acts, writings, speeches not permitted by the State, subject the state to the danger of hostile acts, or disrupt its relations with a foreign state; or subjects Jordanians to acts of revenge against them and their properties.

• **Article 150:**

(5) Crimes Harming National Unity and the Coexistence between the Nation's Elements
Any writing or speech aims at or results in stirring sectarian or racial prejudices or the incitement of conflict between different sects or the nation's elements, such act shall be punished by imprisonment for no less than six months and no more than three years and a fine not to exceed five hundred dinars (JD500).

Electronic Crimes Law:

• **Article 11:** Any person who intentionally sends or resends or publishes data or information via the Internet or an information system or the website or any information system, encompassing slander, defamation, or contempt for any person, shall be punished by imprisonment for a period of not less than three months and by payment of a fine of not less than (100) one hundred Jordanian Dinars and not more than (2,000) two thousand Jordanian Dinars.

Contempt of Court Law:

• **Article 11:** Influencing the course of justice: Any person who publishes by any means stipulated in Paragraph 3 of Article 68 of the Penal Code matters that could influence judges assigned to decide on a legal case presented before any judicial party in Jordan, or judicial persons, or the prosecution, or other employees assigned to investigations pursuant to the provisions of the Criminal Courts Principles Law, or witnesses who might be summoned to give testimony in said case or in said investigation, or issues that could prevent a person from divulge information to relevant persons, or influence the public opinion in favor of or against a party in a lawsuit or investigation, shall be punishable by imprisonment for a period not to exceed six months and a fine not exceeding 50 Jordanian Dinars or by both penalties.

• **Article 12:** Publishing lawsuit proceedings and banned matters: Any person who publishes through any of the aforementioned means in legal or criminal lawsuits, which courts had decided to examine in a secret session, or in lawsuits related to crimes committed through newspapers, or lawsuits related to libel, defamation and divulging secrets, or lawsuits related to divorce, andn abandonment, shall be punishable by imprisonment not exceeding one year and a fine not less than 20 Jordanian Dinars and not exceeding 100 Jordanian Dinars or by both penalties.

Punishment is not effected on merely publishing the subject-matter of the complaint or the verdict. Nevertheless, in lawsuits where evidence may not be established on claimed matters, punishment is effected on announcing the complaint or publishing the verdict using the penalty stipulated in this article, unless said publication did not occur upon the complainant's request or permission.

Audio-Visual Media Law:

• **Article 20:** A license agreement is prepared between the Commission and the licensee after the Council of Ministers' approval to grant the broadcasting license, provided that it includes in particular the conditions, provisions and matters shown herein below, in addition to any other conditions stipulated herein this law and regulations issued thereof:

C. The licensee's commitment to the conditions of the license agreement and any instructions or decisions issued by the Commission.

L. The licensee's commitment to the following:

1. Respect for human dignity, personal privacy and other person's freedoms and rights, and plurality of expression.

2. Not to broadcast anything that harms public decorum or instigates hatred, terrorism or violence, or stirs dissention, religious bigotry, sectarianism and ethnicity, or brings harm to the economy and national currency, or undermines national and social security.

3. Not to broadcast false material that harms the Kingdom's relations with other countries.

4. Not to broadcast informational or publicity materials that promote misleading, blackmail and deceit of consumers.

Nearly 15 years after MELAD's establishment, the unit's work continues to face challenges and problems, whether related to the amending of legislation and the restrictions encompassed within them or to relations with media practitioners benefiting from its services and the legal assistance and consultations they receive. Despite all the efforts exerted to institutionalize MELAD's work and to calculate all cases, inform journalists of relevant developments, and notify them of court

session through direct calls or sms messaging, some journalists' commitment to the proceedings of their cases and to the need to provide lawyers with relevant defense evidence continues to be weak, which negatively affects and ultimately contributes to the loss of their cases.

There are definitely challenges and problems that have nothing to do with the journalists who have lawsuits filed against them. In light of experience and practice, these challenges could be summarized as follows:

1. The high number of cases examined by the judicial entity authorized to look into publication cases constitutes pressure on the work of the judge. This leads to reducing and narrowing the time frame allocated to each case, which in turn affects the time allocated for the defense.

2. The long waiting period at the public prosecution until the journalist appears before the prosecution for investigation, due to the high number of investigative cases, has become an element of pressure for the lawyer. The lawyer is forced to set aside hours in order to be able to stand by the journalist before the prosecution. This negatively affects the lawyer's work and the cases that are being examined before the courts at the same time. This is particularly true because the public prosecutor summons the journalist on the same day.

3. There are suspended cases against journalists due to the inability to inform prosecution witnesses to give testimony, and this prolongs the litigation process.

4. The most significant problems faced by MELAD were related to the repercussions of the Electronic Crimes Law, which increased the number of requests for consultations for MELAD, as well as increasing the volume of requests for legal assistance of the unit before the public prosecution.

This constituted an element of pressure on the unit's work and its lawyers. The threat of detention, which accompanied the issuance of the decision of the Bureau for the Interpretation of Laws, became constant for those working in websites, which are operating within the framework of their licenses pursuant to the Press and Publications Law and benefitting from the law's stipulation that detention for expressing opinion is not permissible. However, the electronic publication, which, according to the laws' interpretation decision, became subject to the provisions of Article 11 of the Electronic Crimes Law and Article 114 of the Criminal Trials Principles Law, started to realize the effects of that interpretation on its workers. Some of them have started to refuse to appear before the public prosecutor to avoid detention, while others think there is deficiency on the part of the lawyer in following up the case and security the journalist's release. All this has created a gap, which is creating in turn a state of distrust between the lawyer and the journalist.

3. Recommendations

In its final chapter, the report arrived at 13 major recommendations addressed to the Jordanian Government, the Jordanian Lower House of Parliament, civil society organizations, and institutions operating in the area of defending freedom of expression and freedom of the media, as follows:

3.1 To the Jordanian Government

3.1.1 Amending the Press and Publications Law to achieve the following:

- 3.1.1.1** Cancel the licensing condition to establish news websites.
- 3.1.1.2** Consider crimes committed by print publications civil cases and not criminal.
- 3.1.1.3** Commit to the principle of the personal nature of the penalty when charging journalists

and ending the responsibility assumed of the chief editor.

3.1.1.4 Cancel the authority of the Media Commissions' chairperson in blocking websites.

3.1.1.5 Add legal text to ensure that the journalist is not referred to court or tried except in accordance with the Press and Publications Law.

3.1.2 Amending the Right to Access information Law to contribute to protecting the right of society and media practitioners to have knowledge, by taking into consideration the following:

3.1.2.1 Set penalties against those in public institutions who do not commit to providing information.

3.1.2.2 Cancel exceptions in the law that conflict with Article 19 of the International Covenant on Civil and Political Rights.

3.1.2.3 Assign a binding nature to the decisions of the Information Council.

3.1.2.4 The right to access information must not be linked to the concept of «legitimate interest.»

3.1.2.5 Assign the right to access information superiority over restrictive articles in the Law on State Documents and Secrets.

3.1.3 Reconsider the Audio-Visual Media Law to allow for the following:

3.1.3.1 Amend Article 18 whereby the Council of Ministers would justify the reasons for refusing a license within 30 days and for the decision to be contestable.

3.1.3.2 Cancel any previous or subsequent censorship or restriction on broadcasting.

3.1.3.3 Identify method of entering into public service.

3.1.3.4 Reduce fees of television and social and/

or local radio broadcasting and rebroadcasting so that stations may start to use the public service principle in effect in most countries of the world.

3.1.4 Amend the Press Association Law to correspond to the principles of the International Law on Human Rights, particularly the articles stated in the International Covenant on Civil and Political Rights, which oppose the compulsory membership in the Association as a condition to practice journalism.

3.1.5 Amend the Penal Code to correspond to international agreements and treaties, including:

3.1.5.1 The lack of authority to examine press and publications cases and/or audio-visual media cases.

3.1.5.2 Cancel the article that allows for referring journalists to the State Security Court.

3.1.5.3 Stop classifying and considering crimes of freedom of expression and the media as crimes against the state's internal and external security.

3.1.6 Commit to publishing information about the status of the government's performance of its commitments in line with recommendations it accepted before the comprehensive review of human rights and the anti-torture agreement, as well as other agreements related to freedom of expression and the freedom of the media.

3.2 To the Jordanian Lower House of Parliament:

3.2.1 Amend the Lower House's bylaws that allow for closed sessions and preventing journalists from covering them on the basis that the principle of holding closed session shall not violate the right to access information provided by a public entity.

3.2.2 End the accreditation system that restricts the journalists who wish to cover the works of the Lower House and settle for journalists' prior

notification sent to the Lower House's secretariat expressing their interest in covering the Lower House's activities. This is in order to nullify the necessity of a restrictive accreditation system, as well as taking into consideration that the International Law on Human Rights objects to such systems.

3.2.3 End any discrimination in the treatment of journalists and media practitioners and not pre-conditioning their membership in a union or association to facilitate their work at the Lower House.

3.3 To civil society organizations, and institutions operating in the area of defending freedom of expression and freedom of the media:

3.3.1 Find work mechanism for relevant organization to strengthen monitoring of the government's implementation of its international committed as related to the protection of human rights and freedom of expression.

3.3.2 Monitor and document violations of all rights guaranteed by international Law on Human Rights and give attention to cases that harm freedom of expression and the freedom of the media in their reports.

3.3.3 Encourage the government to amend laws and regulations that affect the public's right to access information, including information needed by civil society organizations to reiterate their independent monitoring activities.

3.3.4 Commit to a methodology that is based on disclosure and transparency and facilitating the work of journalists and media practitioners and their access to information provided by said institutions without delay or blockage.



مركز حماية وحرية الصحفيين

Center for Defending Freedom of Journalists

The Center for Defending Freedom of Journalists [CDFJ] was established in 1998 as a civil society organization working to defend media freedom in Jordan. CDFJ was established after a series of major setbacks to press freedom on a local level, starting with the issuing of the temporary press and publications law of 1997, which increased restrictions on the media and caused many newspapers to shut down.

CDFJ works to protect freedom and democracy in Jordan and the Arab world, while promoting respect for human rights, justice, equality, development, non-violence and open dialogue.

CDFJ always maintains its independence and does not take sides in the political process. However, when it comes to defending the freedom of journalists and the media, CDFJ stands against all policies and legislations that may impose restrictions on a free and thriving press.

CDFJ is active on a regional level in developing media freedom and strengthening the skills and professionalism of journalists in all Arab countries through customized programs and activities. Additionally, CDFJ works with media and civil society organizations to protect democracy and promote respect for human rights principles.

CDFJ's Vision:

Developing and strengthening democracy and the reform process in the Arab World in a manner that supports freedom of expression and the media and that ensures commitment to international standards in press freedom.

CDFJ's Mission:

The Center for Defending Freedom of Journalists is a non-governmental and non-profit organization. CDFJ defends media freedom and provides protection to Arab journalists by addressing violations to their rights, providing professional development and ensuring free access to information. Finally, CDFJ advocates for reform of legislation that restricts press freedom and works to foster a political, social and cultural environment that supports a free and independent media.

CDFJ's Primary Goals:

- Supporting free and independent media and journalists
- Providing protection and security to journalists and addressing violations to their rights
- Strengthening the professionalism of the media and promoting the role of the media in defending democracy, liberty and reform.
- Developing a legislative, political, social and cultural environment supportive of the media.



برنامج رصد وتوثيق
الانتهاكات الواقعة على الإعلام

AIN

The Unit for Monitoring and Documenting of
violations against the media

Vision:

To end violations committed against journalists and media institutions to strengthen the freedom and independence of the media

Mission:

To monitor and document the problems, transgressions, and violations committed against journalists and media institutions during the exercise of their profession, and to peruse their perpetrators.

Objectives:

- To build a qualified team of lawyers, journalists, and researchers to monitor and document the violations against journalists and media institutions according to internationally agreed upon principles and standards.
- To encourage journalists to disclose the problems, transgressions, and violations they encounter during the exercise of their work and to use relevant reporting mechanism.
- To develop and institutionalize the mechanisms for monitoring the problems and violations that journalists encounter
- To raise the journalists' awareness of their rights and their knowledge of the international standards for media freedom, as well as the definition of the violations they encounter.

- To urge the government to adopt the necessary measures to end the violations against the media and to hold their perpetrators accountable.
- To urge the Parliament to formulate legislation and laws that guarantee media freedom in order to end the violations against the media and hold their perpetrators accountable.
- To provide support and legal assistance to media practitioners who encounter problems and violations, inclusive of helping them receive fair compensation for violations they encountered and suffered from.
- To use UN mechanisms to limit violations committed against journalists.



The Media Legal Aid Unit (MELAD) was founded in 2001 to provide free litigation and legal consultation services to Jordanian journalists.

While the Jordanian constitution guarantees freedom of speech and expression, vague clauses in the Press and Publications law (1998) and broad interpretations of an antiterrorism law often lead to journalists facing legal repercussions for their work.

The Center for Defending Freedom of Journalists (CDFJ) established MELAD as a response to an increased number of media related legal cases brought against journalists. Given that Jordanian journalists can be detained for crimes ranging from defamation to denigrating religion or the state, the legal protection provided by MELAD is a necessity. In the absence of such protections journalists are likely to self-censor to avoid adverse legal consequences.

To date MELAD has represented 300 journalists in media related cases. In 2014, 66.7% of journalists facing trial in Jordan were represented by MELAD.

All of MELAD's legal services are 100% pro bono.

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.

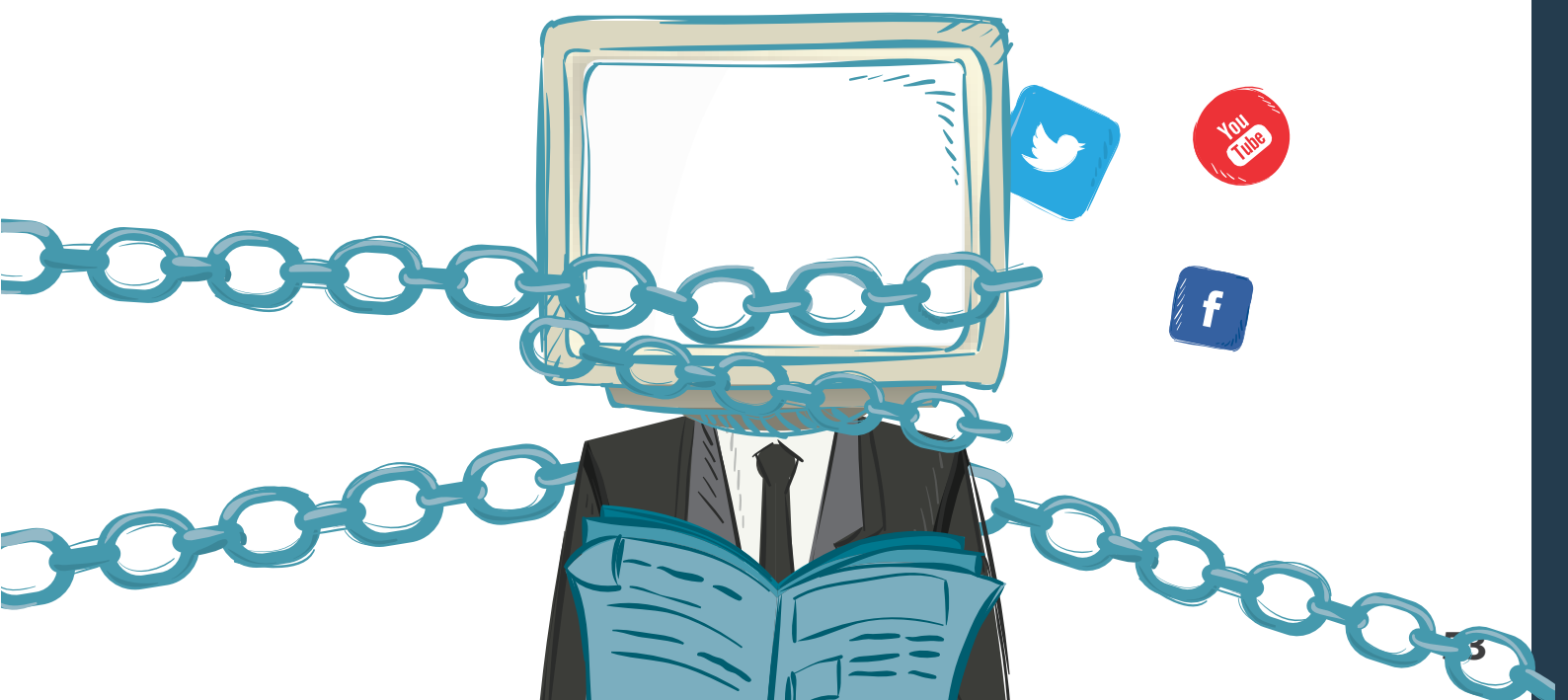
3. Re-distributing and restructuring the work of media legal aid unit MELAD along three lines:

- 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

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.





مركز حماية وحرية الصحفيين

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