

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association;
the Working Group on Arbitrary Detention; and the Special Rapporteur on the promotion and
protection of the right to freedom of opinion and expression**

REFERENCE:
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Working Group on Arbitrary Detention; and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 41/12, 42/22 and 43/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the sealing of the offices of Jordan Teachers' Syndicate for up to two years, the subsequent appointment by the Government of an interim board to run its activities, the arrest of all 13 members of the syndicate's board, as well as the arrest of and the excessive use of force against peaceful protesters.

The Jordan Teachers' Syndicate is an independent, elected labour union representing teachers across Jordan. It has over 100,000 members. It was established in 2011, and is governed by the 2011 Jordan Teachers Syndicate Law.

According to the information received:

In September 2019, the Jordan Teachers Syndicate (hereinafter "the Syndicate") led a 4-week nationwide teachers strike demanding a 50% increase in salary as per the promise made by the Government in 2013. The Syndicate eventually agreed to a Government proposal for a 35%-74% raise, depending on a teacher's rank. Due to low salaries, it has been reported that most teachers in schools have a second or third job in the informal sector to make ends meet.

In April 2020, tensions resurfaced after the Government froze all public sector pay increases until the end of 2020 due to the increased pressure on the budget and economic crisis exacerbated by COVID-19.

On 25 July 2020, the Attorney General issued an order to close the Syndicate and its branches and offices for a period of two years, and suspended the Syndicate's Council and Central Commission members for allegedly engaging in criminal activities. He also summoned members of the Syndicate's Council for questioning in relation to criminal and corruption charges. It has been reported that Government officials have sought to discredit some of the syndicate's members by alleging that they were members of the Muslim Brotherhood.

The Attorney General has stated that the decision was based on the Public Prosecution's consideration of three pending criminal cases that the Syndicate's Council is facing, including financial violations brought before the Integrity and Anti-Corruption Commission, "inflammatory measures" from the Syndicate's Council and circulated on social media, and about the posting of videos on social media by the Syndicate's Deputy Head.

On 25 July 2020, police raided and sealed the headquarters of Jordan Teachers' Syndicate in Amman and 11 of its offices across the country. On the same day, police arrested all 13 syndicate board members. Eleven members were arrested by security forces that surrounded their cars while driving on the highway. Two members were arrested during raids in their homes. It has been reported that some of the raids were undertaken by plain-clothes police officers who refused to present a judicial order authorizing the raids. The arrested were temporarily held incommunicado. It has subsequently been disclosed that they are held in prisons across Jordan including one in Salt prison, two in Qafqafa prison, two in Bab al-Hawa prison, two in Karak prison, one in Tafila prison and the rest in Al-Swaqa prison. A number of them were put in solitary confinement, with at least one still remaining in solitary confinement. Some have been allowed to receive visits from their families and relatives, while others have been prevented from visits and from being provided with their prescribed medication needed for underlying health conditions. It has been reported that a bail hearing scheduled for 6 August 2020 was postponed.

Since their arrest on 25 July, all 13 members have been on hunger strike. Three of them are in need of urgent medical care.

Weeks prior to his arrest, the Deputy Head of the Syndicate had reportedly received calls and text messages from the General Intelligence Directorate, threatening him with detention if he did not stop his activities.

In addition to the arrest and detention of 13 members of the Syndicate's board, dozens of other members of the Syndicate have reportedly also been subsequently arrested. It has been reported that an Interior Ministry circular leaked on social media warned public employees not to participate in protests.

In connection with these events, the Attorney General issued a gag order on investigations into the case, barring any postings, publications or comments in all media outlets and social media platforms, with the exception of the authorized official entity.

It has been reported that the Attorney General subsequently asked the Education Minister to proceed with legal action to form an interim panel to carry out the Syndicate's administrative and financial duties. On 26 July 2020, the Education Minister announced that the ministry would name a temporary committee to lead the Syndicate. This committee was formed on 27 July. It has been reported that

under the 2011 law, the board of the Syndicate can only be dissolved by a vote of two-thirds of its members or by judicial order, and that neither the Attorney General nor another public prosecutor is empowered to make judicial orders under Jordanian law.

On 29 July, an estimated thousand protesters, including teachers, gathered outside the Prime Minister's Office to protest against the arrests. Anti-riot police clashed with the protesters who were shouting "peaceful, peaceful", and calling for the Prime Minister's resignation. It has been reported that the police beat some of the protesters with clubs. One journalist on the scene was reportedly also beaten on the head with a club. Around 500 teachers who participated in the sit-in were arrested and were taken to the Al-Shimsani Security Centre. They were released on the same day. Lawyers were reportedly denied entry to the Security Centre to represent the teachers.

On 3 August, the Jordanian National Human Rights Institution issued a statement calling on the authorities to "provide access to medical care to those detained in connection with the above events, to release those arbitrarily detained and to respect the terms of the deal reached with the Syndicate".

On 5 August, security forces used tear gas to disperse demonstrators that demanded the release of the Syndicate's Council. Seven security forces were reportedly injured in the protests in Karak by some of the demonstrators who threw stones.

Without prejudging the accuracy of the above-mentioned allegations, we express serious concern at the recent measures taken against Jordan Teachers' Syndicate, the arrest of its members as well as the use of force against protesters and arrests of some of them. We are concerned that the broader approach of the authorities on this case, and more generally with respect to civic space, may be particularly restrictive, in particular in the face of an economic crisis exacerbated by COVID-19. We are equally concerned at allegations of arbitrary deprivation of liberty, the initial denial of medical care and access to life-saving medicine and treatment, and restrictions to access lawyers. We are seriously concerned that the criminal proceedings initiated against the syndicate members may well be linked with the exercise of their functions. We are concerned that the criminal accusations could have the effect of silencing the Syndicate's demands and discrediting its members before the public opinion. We highlight that the Government's removal of the organisation and board and the appointment of an interim panel to run the Syndicate's Council represents a severe type of restriction on the right to freedom of association and constitutes an unlawful interference with the work of a labour union, as we previously noted (JOR 1/2012). We furthermore raise concern at the gag order restricting reporting on the subject matter, which represents an unlawful interference with the right to freedom of expression, including the public's right to access information and with the independence of the media. These allegations would appear to be, if confirmed, in contravention of Jordan's obligations under international law, including the prohibition against arbitrary arrest, and the rights to freedom of expression, of association and of

peaceful assembly, guaranteed by articles 9, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Jordan on 28 May 1975. Furthermore, the suspension and the Government appointment of an interim panel to run the Teachers' Syndicate for a period of two years would constitute an unlawful interference with the independence of the labour union, inconsistent with article 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Jordan on 28 May 1975, as well as with ILO Convention no. 98.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide comprehensive information on the factual and legal basis for the sealing of offices of the Jordan Teachers' Syndicate and the arrest of its board members.
3. Please provide information on the legality of the issuance of the order of the closing of the Syndicate for two years and the establishment of a Government-appointment panel to run its activities ad interim, in view of the 2011 Jordan Teachers' Syndicate Law, as well as with international standards including article 8 of the International Covenant on Economic, Social and Cultural Rights, as well as with article 2 of the International Labor Organization Convention 98.
4. Please explain what measures have been adopted to ensure that the guarantees of due process under articles 9, 14 and 15 of the ICCPR are respected and upheld during the course of the different legal procedures against the Jordan Teachers' Syndicate and its members.
5. Please provide information about measures taken to protect the physical and psychological integrity of those detained, and measures taken to ensure their access to medical care and access to necessary medication.
6. Please provide information about the allegations on the use of force against peaceful protesters on 29 July, as well as the legal basis for the arrest of at least 15 teachers participating in peaceful sit-ins.
7. Please provide information about the legal basis for the gag order restricting the reporting on the events, including by individuals, in view of

the right to freedom of expression, guaranteed under article 19 of the ICCPR.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any persons responsible for the alleged violations.

We would like to inform your Excellency's Government that after having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such letters in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Annex
Reference to international human rights law

Arbitrary detention and fair proceedings

In connection with above alleged facts and concerns, we would like to refer to article 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Jordan on 28 May 1975, which guarantees the right not to be arbitrarily deprived of liberty and to fair proceedings before an independent and impartial tribunal. We wish to highlight that, according to the criteria applied by the Working Group on Arbitrary Detention, deprivation of liberty resulting from the exercise of the rights or freedoms guaranteed by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the ICCPR is arbitrary.

Article 9 establishes in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law, and that anyone who is arrested shall be informed, at the time of arrest, of the reasons behind such arrest and be brought promptly before a judge to determine the lawfulness of the detention.

We recall that article 9(3) of the ICCPR requires that detention in custody of persons awaiting trial shall be the exception rather than the rule. It should not be the general practice to subject defendants to pre-trial detention. Detention pending trial must be based on an individualized determination that it is reasonable and necessary taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime. Pre-trial detention should not be mandatory for all defendants charged with a particular crime, without regard to individual circumstances (Human Rights Committee, General Comment No. 35, para. 38).

Article 9 (4) specifies that anyone who is arrested shall be brought promptly before a judge for the purpose of legal review and challenge of the detention. We would like to refer your Excellency's Government to the Basic Principles and Guidelines on remedies and procedures on the right of anyone deprived of their liberty to bring proceedings before a court (A/HRC/30/37). These principles and guidelines, elaborated by the Working Group on Arbitrary Detention at the request of Member States of the Human Rights Council, provide universal guidance applicable to persons deprived of their liberty.

Article 14 stipulates that, in the determination of any criminal charge, everyone shall be entitled to adequate time to communicate with counsel of choice. Article 14 also guarantees the right to be tried without undue delay. The right to have access to a lawyer without delay and in full confidentiality is also enshrined in principle 9 and guideline 8 of the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37), and the Basic Principles on the Role of Lawyers (Principles 7 and 8).

The rights to freedom of opinion and expression, of peaceful assembly and of association

Article 19 of the ICCPR guarantees the right to freedom of expression, which includes “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.

We would like to remind your Excellency’s Government that any limitation to the right to freedom of expression must meet the criteria established by international human rights standards, such as article 19 (3) of the ICCPR. Under these standards, limitations must be determined by law and must conform to the strict test of necessity and proportionality, must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.

We wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including on discussion of government policies and political debate; reporting on human rights, engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We recall that the ICCPR guarantees the rights to freedom of peaceful assembly and of association in its articles 21 and 22. These rights can be subject to certain restrictions in strict conditions of necessity and proportionality.

In this regard, we would like to refer to Human Rights Council Resolution 24/5 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others”.

We would also like to refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Interference with the independence and work of a labor union

The suspension and effective Government takeover of the Teachers’ Syndicate violates article 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Jordan on 28 May 1975, which requires State Parties to the right of

everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others. The article also guarantees the right to strike, provided that it is exercised in conformity with the laws of the particular country.

We moreover refer to ILO Convention no. 98, which in article 2 states that Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.