

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

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(Please use this reference in your reply)

4 December 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, pursuant to Human Rights Council resolutions 52/9, 50/17 and 51/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the repeated arrest of political activist **Mr. Kamil al-Zoubi** in connection to his peaceful activism and criticism of policies of Jordanian authorities, as well as the arrest, detention and prosecution of the journalist **Mr. Ahmad Hasan al-Zoubi** by Jordanian authorities, reportedly for criticizing the Government's increase in the price of oil in his social media posts.

Mr. Ahmad Hasan al-Zoubi is a prominent journalist, playwright and satirist who has written for a range of Jordanian and regional media outlets. He is also the founder of "Sawaleif", a Jordanian news website, and long-time columnist for the State-owned daily newspaper "Al Rai".

Mr. Kamil al-Zoubi is a Jordanian political activist. Since late 2010, he has participated in peaceful protests calling for political reforms and accountability for corruption.

According to the information received:

Mr. Ahmad Hasan al-Zoubi

In December 2022, a series of protests took place in Jordan over rising gas prices. The protesting workers, which included goods and passenger transport drivers, demanded a reduction in fuel prices and the cancellation of special taxes on fuel derivatives.

On 19 December 2022, in the context of these protests and social anger about the rising cost of living, Mr. Ahmad Hasan al-Zoubi posted a text on Facebook stating: "how much blood of our sons do you need until you quench your thirst?" Reportedly, Mr. al-Zoubi also said, "the blood has gone out your Excellency the minister, we are the firewood in your fireplace," in relation to a reported previous statement by the minister of Energy and Mineral Resources that allegedly said, "even if the blood goes out, the petrol price will not go down".

The post described led to Mr. al-Zoubi's judicial prosecution under article 150 of the Penal Code, which criminalizes "any writing, speech or work which is intended to or has the effect of inciting sectarian or racial strife or encourages conflict between communities and various elements of the nation", and under articles 15 and 17, of the Cybercrime Law in place at the time, which criminalized "inciting strife" and "inciting discord among community members" respectively.

On 22 June 2023, Mr. al-Zoubi was convicted of these charges by the court of First Instance and sentenced to two months in prison and a fine. The trial took place in a speedy manner and allegedly failed to comply with the international standards of fair trial and due process, concluding shortly after he was remanded in custody.

On 27 July 2023, the Court of Appeal, reportedly increased the sentence of Mr. Ahmad Hasan al-Zoubi to one year in prison and a fine of JOD 200 (around 282 US dollars). Reportedly, the appeal hearing was conducted in absence of Mr. al-Zoubi's lawyers.

On 12 August 2023, an amended Cybercrime Law was approved, which reportedly represses individuals' right to freely express their opinions online. The law introduced harsher prison terms of a minimum of three months and fines of up to JOD 32,000 (around 45,115 US Dollars).

On 2 July 2024, Mr. Ahmad Hasan al-Zoubi was arrested by State security forces enacting the conviction sentence against him delivered in August 2023. Mr. al-Zoubi was arrested on the main road from Al Ramtha to Irbid city, when he was in his vehicle with his wife and 5-year-old child. Neither Mr. al-Zoubi nor his legal representatives were informed about the reason for his arrest. Furthermore, his relatives were not informed of the police station he was taken to. Only some weeks later did the family learn that he was detained in Marka prison, in Amman.

Reportedly, on the following day, Mr. al-Zoubi was brought before a judge at the Palace of Justice in a van with over 15 other prisoners. The judge ordered his continued imprisonment to enact the sentence handed on 27 July 2023.

The conditions of his detention in Marka prison, where he shared the cell with around thirty other inmates, reportedly affected his health severely. Mr. Al-Zoubi was reportedly not allowed to access the medicine he needs, as he suffers from several ailments including diabetes and high blood pressure and underwent gallbladder surgery before his imprisonment. Allegedly, Mr. Al-Zoubi was also deprived of visits from people except for his immediate relatives, and reportedly was the only prisoner there being denied the visits of friends, colleagues and other people.

Around 27 September 2024, Mr. al-Zoubi was reportedly transferred to Um-alolo prison, where his conditions of detention are unknown.

In late September, Mr. al-Zoubi's employer, the State-owned newspaper "Al Rai", reportedly warned him through an official notification that he could lose his job if he does not return back within three days.

To this date, Mr. al-Zoubi remains in Um-alolo prison. Reportedly, the appeals filed by the journalist's lawyers to commute his sentence to community service have been rejected on three occasions.

Mr. Kamil al-Zoubi

Between 2014 and 2020, Mr. Kamil al-Zoubi has been repeatedly arrested by State security agents, in most cases belonging to the General Intelligence Directorate (GID), including on 22 December 2014, 3 September 2018, 11 May 2019 and 23 December 2020. Such arrests were followed in some cases by short-term detention and often led to criminal prosecutions on several charges including 'defaming an official body', 'insulting the King', 'undermining the regime', and 'inciting sedition'. Such prosecutions in some instances resulted in the charges being dropped while in others entailed sentences to prison and the imposition of travel bans. Such measures and prosecution were in all instances in connection to Mr. al-Zoubi's publication of social media posts in which he criticised the royal family, the Government or other authorities of the country or his participation in protests demanding accountability for State corruption and calling for political reform.

On 15 March 2021, Mr. al-Zoubi was arrested alongside 15 other people in Al Ramtha after he participated in a peaceful protest outside the al-Salt hospital in response to the death of several people due to a lack of oxygen at a hospital ward treating Covid-19 patients. Mr. al-Zoubi and the other demonstrators were charged with violating the National Defence Law No.13 and 'stirring up sedition', and subsequently detained for 17 days before being released on bail. They are still awaiting trial.

In October 2021, the Jordanian Prime Minister filed a defamation suit against Mr. al-Zoubi in response to a Tweet he published accusing the Prime Minister's wife of allegedly receiving money from her husband. Mr. al-Zoubi was arrested and charged with 'slandering an official body', 'broadcasting fake news' and 'undermining the prestige of the state'. After 25 days in detention, the charges against Mr. al-Zoubi were dropped and he was released.

In late September 2022, charges were brought against Mr. al-Zoubi and his lawyer in reprisal for advocating for the release of political detainees and sharing information about their situation disclosed by the activists' lawyers. The charges are reportedly related to a post made by Mr. al-Zoubi on his Facebook account, in which he shared his lawyer's statement about his last visit to the political detainees, who allegedly had been subjected to torture while in detention. A hearing was scheduled before the Public Prosecutor of Amman on 27 September 2022 but was adjourned to the 9 October 2022 due to the Prosecution's witness failing to appear. The charges included 'vilifying an official body and the Parliament Council', 'broadcasting fake news' and 'harming the reputation of the state'.

On 30 October 2022, Mr. al-Zoubi was arrested in Al Ramtha city and detained at the security detention centre in Al Ramtha until the next morning. He was then transferred to Amman to be presented before the judge. He was only permitted to contact his family on 1 November 2022. On 3 November 2022, he was presented before the Magistrate's Court in Amman, which ruled for his continued detention. On 29 November 2022, a hearing took place during which Mr. al-Zoubi's lawyer requested his release. The judge ordered his release that day on bail of 5000 Jordanian Dinars (approximately 7053 USD).

On the evening of 13 November 2023, Mr. al-Zoubi was arrested by GID and PSD officers in Al Ramtha city after he participated in a march in support of the people of Gaza. Upon his arrest, Mr. al-Zoubi was allegedly beaten, dragged and pinned to the ground by police. He was then taken to the Criminal Investigation Department of the Cybercrimes unit of the PSD in Abdali, Amman, where his phone was confiscated and he was interrogated about a post he published on his X (formerly Twitter) account. The post featured a short video of trucks transporting American equipment to Israel from bases within Jordan, with an accompanying text calling for accountability for the responsibility of the Jordanian government. After his interrogation, Mr. al-Zoubi was transferred to the Hussein Security Center police station and presented before the Public Prosecutor of Amman. He was detained in Marka Prison for one week pending investigation. His case was then transferred to the Amman Magistrate Court.

Mr. Kamil al-Zoubi's hearing was due to take place on 20 November 2023 but was postponed several times. On 14 December 2023, he was charged for defamation under article 15(a) of the Cybercrime Law in relation to social media posts, which carries at least three months of imprisonment and a fine of between 20,000 and 40,000 Jordanian dinars (approximately 28,000 and 56,000 USD). He was released on bail on that same 14 December 2023, after spending one month in pre-trial detention.

After his release, Mr. al-Zoubi was informed that he was sentenced to 3 months of imprisonment. The appeal filed by Mr. al-Zoubi's lawyer is still pending as of the date of sending this communication.

On 7 April 2024, Mr. al-Zoubi received a phone call from the Al Ramtha Brigade summoning him for questioning. There, for about 2 hours, he was reportedly heavily pressured to stop posting Gaza-related posts on social media, and not to participate to the protests in the Rabia suburb of Amman, where the embassy of Israel is located. Mr. al-Zoubi was reportedly told that if he disobeyed, he would be arrested again.

On 23 May 2024, Mr al-Zoubi's sentence to three months of imprisonment under article 15(a) of the Cybercrime Law was upheld.

On 3 June 2024, Mr al-Zoubi was violently arrested by members of the GID and the Preventive Security branch of the PSD and detained in Marka prison to serve the remaining of his three months prison sentence. On that day, he was

transferred to Ma'an prison, about 250 km away from Amman. On 13 July 2024, he was transferred back to Amman, and was released on the same day.

On 4 June 2024, while he was in prison serving his three-month prison sentence for the case detailed above, the Public Prosecutor opened an additional case against Mr. Kamil al-Zoubi. The new case was opened on the basis of six social media posts he had published over recent years, which criticised the corruption in Jordan, shed light on cases of activists detained for their criticism of Jordanian authorities, expressed his support for Gaza, criticised Jordan's support of Israel and the arrests of pro-Palestine activists, and criticised the Cybercrime Law.

Mr. al-Zoubi was charged again under article 15(a) of the Cybercrime law for "intentionally sending, re-sending or publishing false news".

During his detention, several hearings of this judicial procedure against Mr. al-Zoubi took place, including on 9 June from Marka Prison, and on 25 June, 1 July, and 8 July from Ma'an Prison.

Following his release from prison on 13 July 2024, the subsequent hearings on the second case opened against him took place before the Amman Criminal Court on 4 September and 11 September. On 11 September, he was sentenced to a fine of 5,000 dinars.

On 18 September, his lawyer filed an appeal to the Amman Criminal Court of First instance, claiming that the Public Prosecution had not provided any evidence that the social media posts were false or contained incorrect information, and that the content of these posts fell within the scope of al-Zoubi's right to freedom of expression pursuant to international human rights law. This appeal is pending a decision from the court.

On 31 October 2024, in the case opened against him in September 2022 on the basis of a Facebook post in which he echoed a detainee's allegations of torture and advocated for his release, Mr. Al-Zoubi was convicted of defaming an official body, pursuant to article 191 of the Penal Code and article 15 of the Cybercrime Law, by the Bani Kinana Magistrate Court and sentenced to 6 months of imprisonment.

Without wishing to prejudge the accuracy of the above-mentioned allegations, we are concerned about the arrest, detention, judicial prosecution and sentences to prison of Mr. Ahmad Hasan al-Zoubi and Mr. Kamil al-Zoubi, which appear to be related to the exercise of their rights to freedom of peaceful assembly and expression in social media, including statements and videos where they expressed their concern about the daily challenges faced by their fellow citizens and were critical with the authorities' management of citizens' protests or policy decisions. Such statements are covered under their right to freedom of expression recognized under international law and repression against them merely for these acts of expression contradicts international law and standards. Their repeated arrest, detention, prosecution and sentences to prison for expressing critical opinions peacefully and participating in assemblies send a worrying message about the state of freedom of expression in Jordan, appear to indicate a pattern of legal harassment against some critical activists, and are prone to have a

chilling effect for other journalists, human rights defenders and independent voices in the country.

We are also concerned that Mr. Ahmad Hasan al-Zoubi's sentence arises from a judicial proceeding where the fair trial and due process standards appear to have been violated. Furthermore, we are deeply concerned about the conditions of detention of Mr. Ahmad Hasan al-Zoubi, which appear to have been incompatible with international standards during his stay in Marka prison and are currently unknown. We are worried about his deteriorating health as a result of these conditions.

We stress the responsibility of States to ensure that journalists can safely exercise their profession in the country, including expressing critical opinions regarding the authorities, and to guarantee that they are protected from violence, threats and harassment.

Regarding Mr. Kamil al-Zoubi's case, we are concerned that, since 2010, he has reportedly been arrested and detained in prison 10 times, in addition to approximately 20 instances of detention pending investigation and his subsequent release. We are concerned that Mr. Kamil al-Zoubi's successive arrests appear to be in response to his work as a political activist, exercising his right to freedom of expression and freedom of peaceful assembly and association.

We note with concern that Mr. Kamil al-Zoubi has been repeatedly charged and prosecuted on the basis of overly vague and broad provisions contained in the Penal Code, the Cybercrime law, and the Defence Law, which we fear fail to adhere to his right to freedom of opinion and expression.

Furthermore, we are concerned that the Cybercrime Law, contains overly vague and broad provisions that have been used to crackdown on members of civil society in Jordan. The charges against Mr. Kamil al-Zoubi were made under a newly introduced provision of this law, article 15, which appears to place increased restrictions on freedom of expression online. We urge your Excellency's Government to revise the Cybercrime Law to bring it in line with international standards, including by decriminalizing defamation.

We would also like to draw your attention to the report of the Special Rapporteur on freedom of opinion and expression ([A/79/319](#)) in which she condemns the undue, discriminatory and disproportionate restriction of freedom of expression of persons protesting against Israel's deadly assault on Gaza. In line with the recommendations in her report, we call on your Excellency's government to uphold the rights to freedom of expression and peaceful assembly in relation to the Palestinian situation.

In addition, the Special Rapporteur on the rights to freedom of peaceful assembly and of association highlighted that "negative and hostile narratives increasingly used to vilify and criminalize civil society and activists deepen the stigmatization of those exercising their rights to peaceful assembly and association. Stigmatization, whether intentional or not, especially when propagated by authorities, effectively denies these fundamental rights. It misrepresents legitimate exercises of freedom as illegal and those involved as criminals or threats to national security, public

order or morals. This fuels harmful stereotypes, fosters hostility, justifies punitive measures and triggers undue restrictions on these rights” (A/79/263, para. 11).

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 explain the grounds on which multiple instances of arrest, detention, and charges were made against Mr. Ahmad Hasan al-Zoubi and Mr. Kamil al-Zoubi and indicate how these measures are compatible with Jordan’s human rights obligations. Please further indicate whether and how have the judicial proceedings against them complied with international standards, including on fair trial and due process
3. Please provide information about the conditions of detention of Mr. Ahmad Hasan al-Zoubi and Mr. Kamil al-Zoubi and indicate whether and how they comply with international standards. Please also provide information on the health status of Mr. al-Zoubi, as well as whether access to healthcare and medicines were provided to him.
4. Please indicate the measures taken to review the convictions and pending charges against Mr. Kamil al Zoubi and Mr. Ahmad Hassan al Zoubi with a view to dismissing the charges in light of the international human rights obligations of your Excellency’s government.
5. Please explain how Jordan’s legal framework for freedom of expression, including defamation laws and the newly adopted cybercrime law, comply with international standards for freedom of expression. Please indicate the measures taken by your Excellency’s Government to review and revise the legal framework to bring it in line with international standards.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#). 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 person(s) responsible for the alleged violations.

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

Irene Khan

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

Gina Romero

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

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above. In particular, the facts alleged, if proved correct, appear to be in contravention with articles 9, 14 and 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Jordan on 28 May 1975.

Article 9 of the ICCPR provides 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. As per the jurisprudence of the Working Group on Arbitrary Detention and general comment no. 35, any detention due to the peaceful exercise of rights, including the rights to freedom of expression and freedom of association, is arbitrary. This article 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.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

In our view such attacks also include the use of the legal and judicial system to instigate and prolong frivolous charges against those who discuss human rights, both online and offline. By virtue of their position as public figures, and the relevance of their conduct, work and actions to the public interest, it is well established under international human rights law that public figures in the political domain are

legitimately subject to public scrutiny and criticism of their conduct, including by journalists and political activists. Furthermore, as noted by the Human Rights Committee in its general comment 34 on the interpretation of article 19 of the International Covenant on Civil and Political Rights, “the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.”

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. (paragraph 34, [CCPR/C/GC/34](#)).

Regarding defamation, the Human Rights Committee has underscored that “defamation laws must be crafted with care to ensure that they comply with paragraph 3, and that they do not serve, in practice, to stifle freedom of expression” (para. 47). This includes avoiding excessive punitive measures as well as including valid defences, including the public interest in the subject matter and the defence of truth. The Committee has also called on States to consider decriminalizing defamation, while stressing that the application of the criminal law should only be countenanced in the most serious of cases and that imprisonment is never an appropriate penalty.

We would like to recall that articles 21 and 22 of the ICCPR guarantee the rights to freedom of peaceful assembly and of association, and the Human Rights Council has emphasized that states have the obligation to respect and fully protect these rights online as well as offline.¹ The General Assembly has also called upon all states to “ensure that the same rights that individuals have offline, including the rights to freedom of expression, of peaceful assembly and of association, are also fully protected online, in accordance with human rights law”.² The Special Rapporteur on the rights to freedom of peaceful assembly and association has repeatedly recognized that digital technology is integral to the exercise of the rights of peaceful assembly and association.³ Technology serves both as a means to facilitate the exercise of the rights of assembly and association offline, and as virtual spaces where the rights themselves can be actively exercised.⁴ States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human

¹ See Human Rights Council resolution 38/7.

² See General Assembly resolution 73/173.

³ See A/HRC/20/27, A/HRC/38/34, and A/HRC/41/41

⁴ A/HRC/29/25/Add.1, para. 53 and A/HRC/41/41 para 10 – 11.

rights standards. This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2 (1) of the International Covenant on Civil and Political Rights).

As per article 12 of the International Covenant on Economic Social and Cultural Rights, ratified by Jordan on 28 May 1975, States parties recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and take steps to achieve the full realization of this right, including those necessary for the creation of conditions which would assure to all medical service and medical attention in the event of sickness. In particular, States are under the obligation to respect the right to health by refraining from denying or limiting equal access for all persons, including prisoners (*CESCR, general comment No. 14 (2000), E/C.12/2000/4, para. 34*).

Furthermore, we would like to refer to the so-called “Mandela Rules”, adopted unanimously by the UN General Assembly (A/RES/70/175), which recognize the responsibility of States to provide health care for prisoners, free of charge without discrimination (rule 24), paying special attention to those with special healthcare needs or with health issues that hamper their rehabilitation (rule 25) and indicate that prisoners requiring specialized treatment shall be transferred to specialized institutions or to civil hospitals (rule 27).