

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur in the field of cultural rights and the Special Rapporteur on freedom of religion or belief**

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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur in the field of cultural rights and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 24/7, 25/2, 25/18, 28/9 and 22/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the criminalization of expression through the arrest and detention of Mr. **Nahed Hattar**, writer and journalist, for publications made on social media.

According to the information received:

On 12 August 2016, Mr. Hattar shared a cartoon on his Facebook account. The cartoon was titled "God of Daesh", showing a fighter from Daesh in bed next to two women in heaven and asking God to bring him a glass of wine. The cartoon created controversy on social media, with some Jordanian social media users stating that the cartoon was "offensive to Muslims", accusing Mr. Hattar of being "anti-Islam", and calling on the government to question and arrest him.

Mr. Hattar has explained on Facebook that his intention was not to offend believers, but that he was trying to expose how "terrorist Daesh militants and the Muslim Brotherhood envisioned God and heaven". He has also said that "as a non-believer" he respected "the believers who did not understand the satire behind the cartoon".

Later on 12 August 2016, in a public statement, the Prime Minister, Mr. Hani-al-Mulki, ordered the arrest of Mr. Hattar and an investigation into the case. On the same day, Jordanian authorities issued an arrest warrant against Mr. Hattar.

On 13 August 2016, Mr. Hattar turned himself in at the police station in Amman. He was interrogated by the Public Prosecutor of Amman before being sent to the Marka Prison pending a probe into his alleged crime of causing "sectarian strife

and racism”. Mr Hattar was also charged with “the crime of insulting religion” under article 278 of the Jordanian Penal Code.

On 14 August 2016, the Public Prosecutor extended the detention of Mr. Hattar to 15 days. The detention has since been extended pending investigation.

We express serious concern at the arrest and detention of Mr. Hattar which represent a criminalization of his legitimate exercise of the right to freedom of expression, as enshrined in article 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Jordan on 28 May 1975. We express concern that the provisions upon which the charges are based do not meet the standards of international human rights law. We express further concern at the broader impact this may have on self-censorship on political, religious and public interest issues, deterring the free exchange of ideas on such matters, impacting the work of human rights defenders, as well as infringing upon the freedom indispensable for creative activity, as enshrined in article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Consequently, such forms of criminalization may limit the free flow of information and ideas as well as free artistic expression in society as a whole.

In light of the above-mentioned concerns, we would like to recall the definition of the right to freedom of opinion and expression as set forth in article 19 of the ICCPR, which applies to expression online as well as offline. This right includes the “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 this choice”. The right to freedom of expression cannot be restricted unless the high threshold of article 19(3) of the ICCPR is met. That is, be provided by law, serve a legitimate government interest, and meet the strict tests of necessity and proportionality. Limitations under article 19(3), may never, as the Human Rights Committee has stated, be invoked as a justification for the muzzling of human rights. We would like 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 political debate, expression of opinion and dissent, and religion or belief.

In relation to the charge of “insult to religion”, we would like to stress that, as stated by the Human Rights Committee, laws limiting the right to freedom of expression must themselves be compatible with the ICCPR (CCPR/C/GC/34). International human rights law protects individuals from intolerance and violence based on their religion or belief, but it does not protect the religion or belief itself. The legal basis for the charges in this case amounts to the criminalization of blasphemy, which is incompatible with the ICCPR.

In relation to the charge of “causing sectarian strife and racism”, we would like to reiterate that this ground for limitation of expression lacks sufficient clarity and precision

to avoid undue interference and overly broad discretion from the authorities to restrict the exercise of the right to freedom of expression. In this regard, we refer to the Human Rights Committee, which in General Comment no. 34 underlines that extreme care must be taken by States to ensure that national security provisions are crafted and applied in a manner that conform to the strict requirements of necessity and proportionality of article 19(3) (CCPR/C/GC/34).

Furthermore, we would like to refer to 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1 and 2.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Hattar in compliance with international instruments.

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 any comment you may have on the above-mentioned allegations.
2. Please provide detailed information about the legal basis of Mr. Hattar's arrest, detention and charges issued, as well as how the legal proceedings comply with international human rights norms and standards.
3. Please provide information about measures taken to bring the above-mentioned provisions into compliance with international human rights law.

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 responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

José Guevara

Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention

David Kaye

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

Michel Forst

Special Rapporteur on the situation of human rights defenders

Karima Bennoune

Special Rapporteur in the field of cultural rights

Heiner Bielefeldt

Special Rapporteur on freedom of religion or belief