



## **Shutting Out the Critics**

### **Restrictive Laws Used to Repress Civil Society in Jordan**

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## Executive Summary

Jordan has long sought to present itself as a country of political reform. The king and his diplomatic representatives make polished presentations when visiting Western capitals about how they are moving forward with legislative and policy changes to bring about increased freedoms and the rule of law. At his keynote speech for the World Economic Forum held at the Dead Sea in May 2007, King Abdullah emphasized the priority he places on developing and promoting civil society in the country. The stark realities in Jordan contrast with this rosy picture presented to the world.

In the past few years, rather than broadening the space for civil society participation in the country's public affairs, the Jordanian government has made it increasingly difficult for non-governmental organizations (NGOs) to operate—or even exist—with a modicum of independence. In 2007, the cabinet proposed a new Law on Charitable Societies and Social Institutions, a draft of which imposes restrictions on associations stricter than those of the current 30-year-old law. This proposed legislation, which ignored a counter-draft from civil society organizations, is a significant setback to the rights of Jordanians to associate freely: the draft law grants the government new powers and mechanisms to deny NGOs licenses to operate, inspect, approve funding, install government-imposed management, and dissolve NGOs for a wide variety of reasons. In effect, the government is to be the sole arbiter of which NGOs it allows to exist and what it allows them to do, depriving NGOs of any meaningful independence. It has exercised its power in an arbitrary manner, restricting NGOs that take on political or controversial social issues. The government has also clamped down on the freedom of civil society to peacefully assemble and to associate.

Jordan likes to pride itself on a vibrant civil society, but in reality, NGOs who actually dare to be critical of the government struggle to ward off continual pressure and interference from the authorities. As a result, many do not criticize the government, and those that do face closure and, at worse, prosecution and possible prison time for their employees. Few NGOs were willing to go on the record regarding government

interference and harassment. One executive of a well-established Jordanian NGO told Human Rights Watch: “NGOs are afraid to talk to Human Rights Watch because there have been negative repercussions on them in the past.”

At the same time, the Ministry of Interior has clamped down on the right of Jordanians to freely assemble, whether in a demonstration or in public meetings in smaller groups. Following a change in the Law on Public Gatherings in 2001, affirmed by parliament in 2004, a governor must now approve demonstrations or public meetings in advance instead of being only notified. In most cases of requests for approval that Human Rights Watch has learned about, governors have denied permission, without giving a reason. At times, the requests are for demonstrations protesting Jordan’s foreign policy or the government’s social and economic measures, or expressing solidarity with fellow Muslims over an issue of common concern. Those few demonstrations allowed by governors have almost invariably been peaceful. Nevertheless, governors give exceedingly few permits to any group perceived, however broadly, as an opposition group.

As the largest opposition political party, the Islamic Action Front (IAF) has been at the center of the government’s restrictions on the basic rights of assembly and association of individuals or groups affiliated with or sympathetic to it.

Since 2006, Jordan’s political climate has taken on a decidedly sharper edge, with the government challenging the opposition’s loyalty to the Hashemite kingdom, and the Islamist, nationalist and leftist opposition parties and groupings accusing the government of backtracking on promised reforms.

As evidence for its charge that the government has backtracked on reform, the opposition cites a newly enacted Law on Political Parties, which is likely to shut down many of the smaller parties due to the high numbers of five hundred required founding members, now also required to hail from five different governorates. It also cites the government’s failure to enact a new electoral law with fairer distribution of parliamentary seats. Under the current system, electoral districts with a only several thousand eligible voters in rural districts return one member of parliament, while populated urban districts with tens of thousands of eligible voters also return only

one member. Urban constituencies tend to be more sympathetic toward the opposition, and rural districts tend to favor the current regime.

Relations between the government and the Islamic Action Front (IAF), the main Islamist opposition party, reached a low point when the IAF pulled out of municipal elections underway on July 31 alleging massive fraud—later documented by independent human rights centers. The government did not allow independent monitoring of the municipal elections, and, despite their irregularities, refused to allow NGOs to monitor polling stations during the national parliamentary elections held on November 20, 2007. Jordanian NGOs had created a coalition, supported by the US National Democratic Institute, to monitor those elections, but the government insisted that the governmental National Center for Human Rights act as the sole umbrella organization allowed to monitor the elections and that it not be allowed inside polling stations.

This report documents legal restrictions on the rights to freedom of assembly and association and violations of these rights by the Jordanian government. It highlights the extent to which the government's new and proposed laws on non-profit companies (differently incorporated NGOs) and NGOs further undermine these rights and examines recent instances where the government has used its laws to severely curtail the freedom of Jordanians to organize independent organizations or to protest publicly. The events discussed in this report largely occurred in the period from 2005 until the present. This report is based on Human Rights Watch interviews conducted in Jordan in June, August and October 2007, as well as media accounts. Several foreign and domestic NGO representatives working in human rights and social services complained of government interference but preferred not to have their names or specific circumstances mentioned publicly. For the Islamic Center Society, Human Rights Watch spoke to both the government and the Muslim Brotherhood representative. For the General Union of Voluntary Societies (GUVS), we spoke with the GUVS representative and consulted official correspondence.

This report concludes that Jordanian laws and practice fall significantly short of its obligations under international human rights law guaranteeing the freedom of assembly and association. The Jordanian government has abused the current laws

on assembly and association to sharply curtail the rights of those perceived to be its political opponents or critics.

Two large NGOs, the General Union of Voluntary Societies, an umbrella group, and the Islamic Center Society are responsible for delivering services and carrying out charitable activity to a large number of Jordanians. The government appears to have cracked down on these two organizations on the excuse of individual financial impropriety because they posed a political challenge when they spoke against government policies. The other target of government policy appear to be human rights NGOs, in particular those receiving foreign funding. The government has roundly dismissed findings of international human rights groups such as Human Rights Watch and Amnesty International, and in 2006 and 2007 domestic groups increasingly became the target of government censure, too, including the National Center for Human Rights, whose independent and impartial public reporting on the 2006 counterterrorism law and its report on fraud in the 2007 municipal elections drew government ire.

While the Jordanian government prides itself on its election in 2006 to the United Nations Human Rights Council and to be one of the council's vice presidents, it has failed to live up to its pledge as a council member to "uphold the highest standards in the promotion and protection of human rights," as the UN General Assembly resolution creating the Human Rights Council defined the responsibilities of Council members.

The actions the Jordanian government should take to make real its purported commitment to reform are straightforward. It should amend its legislation restricting the right to freedom of assembly and of association; it should require only notice, not advance permission, for public gatherings and should impose only those restrictions strictly necessary to protect those gathered and the rights of others; it should automatically register NGOs or non-profit companies who give notice of their formation without government vetting, and should have no role in monitoring or interfering in their work, including by deciding the appropriateness of NGO funding sources on a case-by-case basis, or by removing an NGO's management board. Dissolving an NGO should require a judicial order and include the right to appeal.

Jordan's major donors, the United States and the European Union, who together provided Jordan with around US\$600 million in total assistance in 2006, nearly ten percent of Jordan's projected 2007 budget of \$6.4 billion, have played a significant role in bolstering the Jordanian economy and enabling the government to operate. The US has also worked closely with the Jordanian government to develop its security and counterterrorism capacity. Both the US and the EU have claimed that an important part of their objectives in the Middle East, and in Jordan in particular, is to encourage the development of civil society, including by pressing for changes in the association law, and strengthening the rule of law. Sadly, they appear to have achieved little in practice to prevent Jordan from slipping backward on the rights to assembly and association. Neither the US nor the EU has spoken publicly about Jordanian shortcomings or raised the prospect of withholding specific funding to promote respect for human rights.

To give credibility to their stated commitments to the promotion of reform and civil society in Jordan, both the US and the EU need to be clear in their public positions against the government's regressive laws and abusive practices. At a minimum, they should make specified funding, such as direct funding to the government's coffers, conditional on changes to existing legislation restricting freedom of assembly and association.

## Right to Assembly

### The Law on Public Gatherings

On August 22, 2001 the appointed government of Prime Minister Ali Abu al-Raghib issued temporary Law No. 45 on Public Gatherings, which severely restricts the right to peaceful assembly. It introduced the law several days after the High Court of Justice ruled that the governor of Amman had acted unlawfully when he prohibited a public demonstration organized by the Islamic Action Front (IAF) because such demonstrations did not require approval by the authorities.<sup>1</sup>

The government introduced the law as a temporary law—which the constitution permits only in times of necessity—because it did not need parliamentary approval to come into force.<sup>2</sup> King Abdullah had dissolved the parliament two months prior, in June 2001, and postponed scheduled elections for the next two years. When a new parliament came to power in 2003, however, it ratified the temporary law of 2001 as Law No. 7 of 2004, with only minor changes.<sup>3</sup>

The new law replaced the older and relatively permissive Law No. 60 of 1953 on Public Gatherings, which largely provided for the constitutional right of “Jordanians ... to hold meetings within the limits of the law.”<sup>4</sup> The new law reversed the positive right to hold gatherings and prohibited any gathering that did not fulfill the law’s stipulations.<sup>5</sup>

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<sup>1</sup> Yahya Shukkeir, *The Most Important Observations on the Temporary Law on Public Gatherings* (ابرز الملاحظات على قانون الاجتماعات العامة المؤقت), al-Sabeel Weekly Newspaper, August 14, 2003, <https://www.assabeel.info/inside/article.asp?newsid=3949&section=0> (accessed September 24, 2007).

<sup>2</sup> Constitution of the Hashemite Kingdom of Jordan, Art. 94, 1952. The cabinet may issue temporary laws “covering matters which require necessary measures which admit of no delay.”

<sup>3</sup> The 2004 law affirms the right to hold public meetings, whereas the 2001 temporary law prohibits any meeting unless it complies with the law; the 2004 law gives the executive until 48 hours before meeting to allow/disallow the request, whereas the 2001 law required a response within 24 hours of the presentation of the request; the 2004 law reduces maximum prison term for violating the law from six to three months, and the minimum fine from 500 to 200 Dinars.

<sup>4</sup> Constitution, Art.16 (i).

<sup>5</sup> Temporary Law No. 45 of 2001, art.3a. The 2004 law reverses this general prohibition and affirms the right to hold public meetings.

Unlike the 1953 law, which required only notification of the authorities, under the new law, organizers of a public meeting or demonstration now had to obtain advance, written approval from the authorities.<sup>6</sup> Where previously notification was required only 48 hours in advance, now organizers had to submit a request for approval 72 hours before the gathering.

Where previously all those in Jordan had the right to hold public meetings, now only Jordanians—but not necessarily foreign residents or visitors—had the right to hold meetings.

Where the old law defined a public gathering as “any meeting which persons called for to discuss political matters,” the new law gave a much broader definition of a public gathering as “a gathering which is held to discuss a matter of public interest.”<sup>7</sup> The new law also included “demonstrations” as well as any other “public gatherings” in its definition which can be interpreted to include any type of meeting. The law does not define the number of persons necessary to make a meeting a public gathering, nor does it specify whether a public gathering must necessarily be open to the public or can be by invitation only, and whether it covers meetings in private locations, including hired venues.

Under the new law, officials have unchecked authority to deny approval to requests for public gatherings, even if all conditions are properly fulfilled, such as submitting 72 hours in advance a request that specifies the time, place, and purpose of the event and providing the addresses and signatures of the organizers. The authorities do not have to provide any reason for their refusal. A simple “no” will do.<sup>8</sup> Should the authorities agree to allow the gathering, they can still issue conditions to which the organizers must keep under penalty of the law.<sup>9</sup>

In February 2006, Amman’s governor granted the IAF permission to hold a demonstration protesting the publication in European newspapers of cartoons

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<sup>6</sup> See Law No.60 of 1953, art. 3, and Law No.7 of 2004, art.3.

<sup>7</sup> See Law No.60 of 1953, art. 2, and Law No.7 of 2004, art.2.

<sup>8</sup> Law No.7 of 2004, art. 5a.

<sup>9</sup> Law No.7 of 2004, art. 5b and 5c.



deemed offensive to the Prophet Muhammad, but the governor “prohibited the raising of any flag in the march other than Jordanian flags,” citing his authority under the Law on Public Gatherings.<sup>10</sup> The authorities alone decide if a gathering has gone beyond the bounds of the purpose specified in the organizers’ request. Such a determination allows them to disband the gathering.<sup>11</sup>

In June 2006, the government published in the Official Gazette the International Covenant on Civil and Political Rights (ICCPR), giving it the force of law.<sup>12</sup> Article 21 of the ICCPR provides that “No restrictions may be placed on the exercise of this right [to peaceful assembly] other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.”<sup>13</sup>

International law requires that the restrictions specified in Article 21 be interpreted narrowly. For example, terms such as “national security” and “public safety” refer to situations involving an immediate and violent threat to the nation. The government may impose restrictions only if they are prescribed by existing legislation and meet the standard of being “necessary in a democratic society.” This implies that the limitation must respond to a pressing public need and be oriented along the basic democratic values of pluralism and tolerance.

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<sup>10</sup> “Governor of the Capital Agrees to a Demonstration by the Islamic Action Front (محافظة العاصمة يوافق على مسيرة لحزب جبهة (العمل الإسلامي),” *al-Sabee*/weekly newspaper, February 8, 2006, <http://www.assabeel.info/inside/article.asp?newsid=12107&section=0> (accessed November 28, 2007).

<sup>11</sup> Law No.7 of 2004, art. 7.

<sup>12</sup> Under Jordanian law, laws become effective only after publication in the Official Gazette.

<sup>13</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, Art. 21. Jordan ratified the ICCPR in 1976.

The right to freedom of assembly is recognized in other international instruments. The Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, states in article 5 that all people have the right to assemble peacefully, to form, join or participate in NGOs, and to communicate with NGOs. Article 6 states that all individuals have the right to know, seek, or obtain information about all human rights and fundamental freedoms, as well as the right to freely publish, discuss or otherwise impart such information, knowledge, and views. *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, G.A.res53/144, annex, 53 U.N. GAOR Supp., U.N.Doc. A/RES/53/144 (1999).

The UN Human Rights Committee, the international body of experts that monitors state compliance with the ICCPR, has repeatedly highlighted the importance of proportionality for “necessary” restrictions.<sup>14</sup> In applying a limitation, a government should use no more restrictive means than is absolutely required. The Human Rights Committee has ruled in favor of the right to association where the government had charged those assembled with conducting an illegal demonstration.<sup>15</sup>

## Public Meetings

The Jordanian government selectively applies the Law on Public Gatherings to prevent its critics from publicly assembling. In contrast, meetings sponsored by the government do not encounter difficulties obtaining permission. In addition, when high-level foreign visitors come to Jordan, the government allows meetings and demonstrations critical of its policies, if only to demonstrate its “openness.”<sup>16</sup>

On October 26, 2007 the governor of Amman denied the NGO, The New Jordan (*al-Urdun al-Jadid*), permission to hold a workshop the following day in the Jerusalem International Hotel on the role of civil society in monitoring Jordan’s parliamentary elections, scheduled for November 20, 2007.<sup>17</sup> The governor reversed his decision on the same day, but due to the confusion the workshop had to be cancelled, Hani al-Hourani, the director of The New Jordan, told Human Rights Watch.<sup>18</sup> Hourani added that this was the fourth time in two months that the governor had denied permission

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<sup>14</sup> The U.N. Human Rights Committee, see for example Vladimir Petrovich Laptsevich v. Belarus. Communication 780/1997 of the Human Rights Committee.

<sup>15</sup> The 1987 case against Finland involved an unannounced, peaceful gathering of around 20 persons protesting a foreign head of state’s visit with a banner and their presence outside the Finnish presidential palace. The Human Rights Committee held that such a gathering was not a demonstration and thus not subject to the restrictions of notification under Finnish law. By taking down the banner and interrogating the organizer, the government had violated the right to peaceful assembly. *Office of the United Nations High Commissioner for Human Rights*, “International Covenant on Civil and Political Rights, Selected Decisions of the Human Rights Committee under The Optional Protocol,” vol.5, (United Nations: New York and Geneva 2005), pp.55-61 (Communication No.412/1990 Auli Kivenmaa vs. Finland).

<sup>16</sup> For example, on November 29, 2006, a sizeable demonstration against US President George W. Bush’s visit to Jordan took place in Amman. Nur al-‘Amd, “‘Pro-Government’ Parties Protest Against Bush Visit (أحزاب “الموالاة” تعتصم احتجاجا على زيارة (بوش)”, radio *Amman Net* Website, November 29, 2006, <http://ammannet.net/look/print.tpl?IdLanguage=18&IdPublication=3&NrArticle=10825&NrIssue=5&NrSection=1> accessed September 25, 2007).

<sup>17</sup> Muhammad al-Tarawneh, “Governor of the Capital Prohibits Workshop on Elections [محافظة العاصمة يمنع ورشة عمل حول [الانتخابات]”, *al-Ghad* newspaper, October 27, 2007.

<sup>18</sup> Human Rights Watch telephone interview with Hani al-Hourani, director of The New Jordan, Amman, October 30, 2007.

for such a workshop. On October 21, Prime Minister Marouf al-Bakhit had announced in a television interview that Jordan would allow independent election monitors.<sup>19</sup>

When Jordan hosted the third Forum for the Future in late November 2006, the Foreign Ministry (with European Union support) financed a group of local NGOs to organize a parallel conference on Middle Eastern non-governmental affairs. At the same time, another group of Jordanian NGOs, considering the parallel NGO conference too close to the government, applied for permission to hold their own conference. In a letter dated November 20, 2006, Amman's governor, Dr. Sa'd al-Wadi al-Manasir, denied the request, which the Arab Organization for Human Rights (Jordan) had submitted six days earlier. He did not specify the reasons for denying permission to hold this meeting in one of Amman's hotels. On November 26, 2006, the Arab Organization for Human Rights asked the governor to reconsider, pointing out that the parallel NGO conference had already received permission to hold its meeting in the same hotel a few days earlier, with all expenses paid by the state. The governor reversed his earlier denial and gave the independent NGOs his approval on the same day.

Human Rights Watch's Middle East and North Africa Division planned to hold its annual regional retreat in Amman from June 26-28, 2007. After having agreed with a local hotel on the facilities for organizing the non-public meeting for Human Rights Watch employees and selected outside experts, the hotel manager informed us that we would need the Amman governor's permission. On June 19, Human Rights Watch submitted its request to the governor. On June 20, Husam al-Shurafa' from the governorate called to ask for the names of all attendees, although the law does not require that. Human Rights Watch made three trips to the governorate, but had not obtained permission by the morning of June 24, 48 hours before the scheduled start of the retreat. Article 5a of Law No.7 of 2004 on Public Gatherings obliges the authorities to give permission or to reject the requested gathering "at least 48 hours before the scheduled time of holding the meeting."<sup>20</sup> The deputy governor, Dr. Khalid al-`Armuti, gave permission later on June 24, after a personal meeting with Human Rights Watch in which we informed him of scheduled meetings with the prime

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<sup>19</sup> Mohammad Ben Hussein, "NGOs gearing up for parliamentary elections," *Jordan Times*, October 21, 2007.

<sup>20</sup> Law No.7 of 2004 on Public Gatherings, art.5a.

minister, the chief of intelligence, and the director of the king's office on June 25. Throughout the three-day retreat, hotel employees noted down the names of HRW employees and visitors and prepared a large envelope of files about the meeting for the General Intelligence Department.

On several occasions, the government has denied permission for obviously peaceful gatherings. On July 5, 2007 the deputy governor of Amman, Dr. Khalid al-`Armuti, denied approval for a conference, scheduled to begin on July 7, that the `Afaf charity was planning to hold under the title "The Family is a Bastion for Values and Identity." Government officials were scheduled to attend and present papers.<sup>21</sup> The president of `Afaf, `Abd al-Latif `Arabiyat, is a three-time president of Jordan's lower house of parliament on whom the late King Hussein bestowed the rank of minister. The denial of permission likely related to his former role as head of the Shura Council of the opposition Islamic Action Front.

In June 2007, the Silwad Society, a local NGO, invited the minister of social development to a meeting with 100 NGOs to discuss recent events at the General Union of Voluntary Societies (GUVS), an NGO umbrella group, whose administration the government had suspended (see below). Though the government had given permission for the meeting, an official in the Ministry of Social Development telephoned Silwad's director the night before the meeting to deny permission on the Minister's authority.<sup>22</sup> At a scheduled meeting of members of GUVS from Amman governorate in late April or early May 2007 at Mu'tamat ibn `Abbad Society, for which they obtained permission from the governor, police entered the building shortly after it had begun and disbanded it. An official in the Ministry of Social Development overstepping its legal authority had previously informed GUVS-Amman that they "have no permission to hold a meeting" at Silwan Society, after which they decided to transfer the meeting to Mu'tamat ibn `Abbad Society.<sup>23</sup>

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<sup>21</sup> Amin Fadilat, "Ministry of Interior Prohibits Conference to Strengthen the Role of the Family in Strengthening Morals and Values!! (وزارة الداخلية تمنع مؤتمرا لتعزيز دور الأسرة في تعزيز الأخلاق والقيم)" *al-Sabee/Weekly Newspaper*, July 9, 2007.

<sup>22</sup> Human Rights Watch interview with Dr. Abdullah al-Khatib, currently suspended president of the General Union of Voluntary Societies, Amman, June 28, 2007.

<sup>23</sup> Human Rights Watch interview with Dr. Abdullah al-Khatib, currently suspended president of the General Union of Voluntary Societies, Amman, June 28, 2007.

On May 28, 2007 the authorities denied permission to hold a June 8 public celebration of the life of the former supreme guide of Jordan's Muslim Brotherhood, Muhammad Abd al-Rahman Khalifa, who died in November 2006. His son, Majid Khalifa, a former parliamentarian and minister,<sup>24</sup> and Khalid Husain, (*Amin al-Sirr al-'Amm*) Secretary of the Muslim Brotherhood, had submitted the petition on May 6.<sup>25</sup>

## Demonstrations

Jordanian authorities misuse the Law on Public Gatherings to deny the right to assembly in peaceful, public demonstrations. While occasional demonstrations are permitted, government critics are often unable to express their opinions in peaceful, public assembly.

In September 2007, the IAF requested permission to hold a demonstration in front of the office of the Prime Minister building to protest the continued detention without trial by the General Intelligence Department of seven of their members. Amman's governor denied permission, forcing the party members to protest in private space just in front of their party headquarters on September 8.<sup>26</sup>

In June 2007, the governor of Balqa' denied the IAF permission to hold a demonstration marking the 40<sup>th</sup> anniversary of Israel's occupation of the West Bank and Gaza. The IAF has open sympathies for Hamas, the party of Palestinian Prime Minister Isma'il Haniya until his formal ouster on June 14. At the same time, the Balqa' governor granted permission to a group closer to Fatah, the party of

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<sup>24</sup> Human Rights Watch interview with Badi' Rafayi'a, head of the Committee Against Normalization [with Israel], Amman, June 16, 2007. See also: Hilmi al-Asmar, Is the Islamic Movement Headed for Civil Disobedience (هل تتجه الحركة الاسلامية إلى (العصيان المدني؟), July 11, 2007, <http://helmialasmar.maktoobblog.com/?post=404140> (accessed September 24, 2007).

<sup>25</sup> Muslim Brotherhood, *News of the Group: The Governor of the Capital Rejects the Petition to Hold a Celebration of the Death of Muhammad Abdullah Khalifa* (أخبار الجمعية: محافظ العاصمة يرفض طلب إقامة وفاء للمرحوم محمد عبدالله خليفة), no date, <http://www.ikhwan-jor.com/modules.php?name=News&file=article&sid=507> (accessed September 25, 2007).

<sup>26</sup> Majid Tawba, "'Islamic Action' Carries Out Protest in front of Their [Party] Location in Solidarity with Its Detainees Tomorrow" (العمل الإسلامي "ينفذ اعتصاما أمام مقره غدا تضامنا مع موقوفيه), *al-Ghad* newspaper, September 7, 2007, [www.alghad.jo/?news=198806](http://www.alghad.jo/?news=198806) (accessed September 25, 2007), and "During a Protest in front of the Location of the Party ... the Participants Denounce the Kidnapping of 'Atum and the Continued Arrest of Seven of the Cadre of the Party Background of the Municipal Elections (خلال اعتصام أمام مقر الحزب... المشاركون تنددون بخطط العتوم واستمرار اعتقال سبعة من كوادر الحزب) (على خلفية الانتخابات البلدية", *Islamic Action Front*, September 8, 2007.

Palestinian Authority president Mahmud Abbas, which is supported by the Jordanian government.<sup>27</sup>

On June 23, the newly formed student coalition *Dhabahtuna* (You Have Butchered Us) decided to protest in front of the Prime Ministry against a hike in student fees and a new disciplinary regulation of the University of Jordan, which provides for the expulsion of any student participating in acts of violence, rioting or fights inside or outside the university.<sup>28</sup> Security forces arriving on the scene dispersed the peaceful gathering of a few dozen students after a few minutes. The governor had denied Dhabahtuna permission to hold the demonstration a few weeks earlier.<sup>29</sup>

In a move seemingly stifling all promises of democratic reform in Jordan, Amman's governor in May 2007 denied permission to a planned demonstration by 28 opposition parties against the proposed new Law on Political Parties, which would drastically change membership requirements that smaller parties feared would spell their demise.<sup>30</sup>

The governor of Amman denied the IAF permission to hold a rally on September 21, 2006 to protest remarks Pope Benedict XVI had recently made about Islamic history.<sup>31</sup> In September 2004, Amman's governor denied permission to hold a women's protest, organized by the IAF, in solidarity with women's right to wear the Islamic headscarf in France. At the same time, others were reportedly demonstrating

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<sup>27</sup> Human Rights Watch interview with Badi' Rafayi'a, head of the Committee Against Normalization [with Israel], Amman, June 16, 2007.

<sup>28</sup> Nadine al-Nimri, "Dhabahtuna' Protests in front of the Prime Ministry a Quarter of an Hour and is Disbanded in Response to the Security Forces (استجابة للقوى الامنية) و تنتفض امام الرئاسة ربع ساعة و تنتفض استجابة للقوى الامنية)", *al-Ghad* Newspaper, June 24, 2007 <http://alghad.dot.jo/print> (accessed September 25, 2007).

<sup>29</sup> Human Rights Watch interview with a student, name withheld on request, Amman, June 18 and June 24, 2007.

<sup>30</sup> "Latest News: Governorate of the Capital Prohibits Protest by Parties Against the Parties' Law (محافظة العاصمة) اخر الاخبار: محافظة العاصمة (محافظة العاصمة) (يرفض <كتب كذلك> اعتصام الأحزاب احتجاجا على قانونها)", *Muslim Brotherhood*, May 2, 2007, [www.ikhwan-jor.com/modules.php?name=News&file=article&sid=346](http://www.ikhwan-jor.com/modules.php?name=News&file=article&sid=346) (accessed September 25, 2007).

<sup>31</sup> "Governor of the Capital Denies Permission to Hold Demonstration Against Pope's Remarks Insulting Islam (محافظة العاصمة) (يرفض السماح بإقامة مسيرة احتجاجا على تصريحات البابا المسيئة للإسلام)", *al-Sabeel* Newspaper, September 20, 2006, <http://www.assabeel.info/inside/article.asp?newsid=13923&section=0> (accessed September 25, 2007).

freely in front of the French embassy in Amman in solidarity with French journalists kidnapped in Iraq.<sup>32</sup>

It is not only the Islamists who bear the consequences of having their right to peaceful protest denied. The IAF is by far the largest and most effective opposition party, but attempts by smaller parties to hold rallies have equally met with official refusal. In July 2006, Amman's governor denied the Unity Party (*Hizb al-Wihda*) permission to hold an artistic memorial on the 37<sup>th</sup> anniversary of the death of the literary figure Ghassan Kanafani.<sup>33</sup> In March 2006, the governor declared illegal a gathering that the opposition parties had planned in front of parliament to protest raises in state-controlled prices because the parties had submitted their request 48 hours, not 72 hours in advance, as required under the law. Rather than considering whether the shorter time span still allowed for the necessary traffic, security or other measures to be taken, al-Manasir told radio station Amman Net that "the protest will be a waste of time, because the parties have met the prime minister and explained to him their point of view about the rise of prices of petroleum products."<sup>34</sup> The opposition parties had already submitted a timely petition to the governor for a similar protest ten days earlier, but were denied permission. In 2005, Amman's governor reversed his earlier written permission to allow a demonstration on the occasion of the anniversary of the Battle of Karama between Israel and the Jordanian army and Palestinians in 1968, which the nine political parties of the National Movement were organizing for March 27, 2005.<sup>35</sup>

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<sup>32</sup> "The Governor of the Capital Denies Permission for a Women's Protest in Solidarity with Veiled Women in France ( محافظ العاصمة يرفض ترخيص اعتصام نسائي للتضامن مع محجبات فرنسا )", *al-Sabeel* Newspaper, September 7, 2004, <http://www.assabeel.info/inside/article.asp?version=557&newsid=7950&section=78> (accessed September 25, 2007).

<sup>33</sup> "Governor of the Capital Refuses Unity Party Permission for an Artistic Celebration ( محافظ العاصمة يرفض ترخيص حفل فني )", *al-Ghad* Newspaper, July 13, 2006, <http://www.alghad.jo/index.php?news=107587> (accessed September 25, 2007).

<sup>34</sup> Muhammad al-'Irsan, "The Governor of the Capital: 'Protest of the Parties a Waste of Time' ... and the Opposition Denounces [His Remarks] (محافظة العاصمة "اعتصام الأحزاب مضيعة للوقت" .. والمعارضة تستهجن)", *Radio Amman Net*, March 30, 2006, <http://ammannet.net/look/article.tpl?IdPublication=3&NrIssue=5&NrSection=1&NrArticle=7318&IdLanguage=18> (accessed September 25, 2007).

<sup>35</sup> "Governor of the Capital Prohibits Festival by the National Movement to Celebrate "al-Karama" ( محافظ العاصمة يرفض )", *al-Ghad* Newspaper, March 26, 2005, <http://www.alghad.jo/index.php?news=14508> (accessed September 25, 2007).

## Right to Association

### The Association Law

Under Article 16(ii) of Jordan's constitution, Jordanians have "the right to establish societies and political parties provided that their objectives are lawful, their methods peaceful, and that they have by-laws that are not contrary to the provisions of the Constitution."<sup>36</sup> International law guarantees the right to freely associate with others. Any restrictions on this right must be "necessary in a democratic society in the interests of national security or public safety, public order the protection of public health or morals or the protection of the rights and freedoms of others."<sup>37</sup>

Jordanian law imposes myriad restrictive conditions on non-governmental organizations that are in violation of its international obligations. The only discernable purpose of these restrictions is to guarantee governmental control over the activities of these organizations. These restrictions have been part of Jordanian law for over forty years, but the government has tightened restrictions over the past seven years which have witnessed heightened political tension following increased hostilities between Israel and armed groups in the Occupied Palestinian Territories since 2000 and the US-led war against Iraq in 2003 and the ensuing insurgency and widespread generalized violence there. The US has significantly increased its assistance to Jordan over that period, using some funding to support Jordanian NGOs critical of the government's human rights practices to uphold freedom of expression and an independent judiciary, among other areas. A survey of NGO laws in ten Arab states described Jordan's law as "very restrictive" and "one of the oldest and most arbitrary."<sup>38</sup> Since 2004, the government has proposed several draft laws to replace the current Law No. 33 of 1966 on Social Societies and Institutions, each one more repressive than the next. The cabinet on October 9, 2007 proposed a new NGO law

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<sup>36</sup> Constitution, art.16(ii).

<sup>37</sup> ICCPR, art. 22(2).

<sup>38</sup> Kareem Elbayar, "NGO Laws in Selected Arab States," *International Journal of Not-for-Profit Law*, vol.7, no.4, September 2005, p.14.



that would further stifle the independence from government of such organizations and effectively makes them an appendage to the government.<sup>39</sup>

The following analysis draws on a comparison of the 1966 law and the 2007 draft law, with occasional reference to a 2006 draft law produced by Jordanian NGOs, but which the government has so far given little consideration.<sup>40</sup>

### *Registration, Temporary Administration, Dissolution*

Current Jordanian law criminalizes any association that is not licensed with the Ministry of Social Development.<sup>41</sup> Informal association may lead to criminal prosecution. In October 2007, the State Security Court convicted Ahmad Oweidi al-`Abbadi for belonging to an unlawful group, because he had not obtained registration for his Jordanian National Movement, a group of apparently few like-minded persons who discussed political, economic and human rights issues among themselves and published their opinion in articles on a publicly accessible website.<sup>42</sup> The Jordanian penal code, specifically articles 159 to 163, make membership in an unlicensed group a criminal offense, punishable by up to two years in prison.<sup>43</sup>

The proposed NGO Law of 2007 excludes details regulating the process of licensing an NGO, relegating the matter instead to a ministerial order to-be-written. The Ministry of Social Development could thus at any moment change the licensing process without cabinet or parliamentary approval. Under the current law, registration with the ministry can take up to three months. At first, the aspiring

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<sup>39</sup> As of October 30, 2007, the government had not posted its proposed law on the designated website for draft laws [www.lob.jo/List\\_LawsLegislations\\_Public.aspx](http://www.lob.jo/List_LawsLegislations_Public.aspx). Our discussion is based on a May 2007 draft of the law in question.

<sup>40</sup> Human Rights Watch interview with Asem Rababa'a, Amman, June 17, 2007.

<sup>41</sup> Law 33 (1966) on Public Gatherings, art. 5a. The government's Draft Law on Voluntary Societies and Civil Society (2007) does not explicitly prohibit associations other than those regulated by law. It requires 25 persons to establish an association. Civil society's Draft Law on Civil Society Organizations (2006) also does not mention unregistered, informal associations, but lists different types of associations with as few as three members.

<sup>42</sup> Article 159 of Jordan's Penal Code defines an unlawful group as "Any group of persons which the law requires to inform the government of its bylaws and that either failed to do that or continued to hold its meetings after being dissolved according to the law mentioned," Penal Code, art. 159, and punishes membership or assistance to such a group with up to two years in prison (Penal Code, art. 160).

<sup>43</sup> Law 16 (1960), Penal Code, arts 36, 150, 151, and 159-163.

association has to submit to the ministerial district manager a substantial file containing information about the founders (minimum of seven persons), the objectives of the association, and its bylaws, including conditions for membership, holding meetings of the general assembly of members, the election of a management board, and the dissolution of the association.

The review process involves the Ministry's district manager, the director for NGO affairs in the Ministry of Social Development, and the governor, who reports to the Ministry of Interior, the minister of social development must make a decision within three months of the application being submitted.<sup>44</sup> If the government does not reply in time, the association, while not considered licensed, can start its operations. However, the Ministry can hold up procedures by requesting any kind of further information.<sup>45</sup> Furthermore, the minister can issue or deny a license "as he deems appropriate" without having to give cause.<sup>46</sup> The law does not explicitly provide for appeals, judicial or administrative, against the minister's decision, but in at least one case, the minister's refusal to license an NGO has been unsuccessfully challenged in court (see below).

In a departure from the current law, the draft law bans the establishment by associations of any branches, thus preventing potentially powerful NGOs with a national network from emerging.<sup>47</sup> The proposed law foresees different types of NGOs. It explicitly discriminates, without any apparent reason, against the admission of groups such as the Women's Society, whose members are exclusively women.<sup>48</sup> The draft provides for both administrative appeals to the minister and judicial appeals to court.<sup>49</sup>

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<sup>44</sup> Law 33 (1966) on Social Societies and Institutions, arts 6 and 7.

<sup>45</sup> Law 33 (1966) on Social Societies and Institutions, art.12.

<sup>46</sup> Law 33 (1966) on Social Societies and Institutions, art. 7.

<sup>47</sup> Proposed 2007 Law, art.3.

<sup>48</sup> Proposed 2007 Law, art. 2.

<sup>49</sup> Proposed 2007 Law, art.26. Article 4 gives NGOs "nominal/titular" personality (اعتباري). It is unclear whether NGOs retain legal personality under the proposed law.

By contrast, the NGO Draft Law of 2006 proposed by Jordanian NGOs replaces licensing with mere notification of a new NGO Registry, whose board would include government officials among NGO, private sector and other representatives. The Registry's secretary-general may request further information within ten days, but with or without a reply, the association is to be considered legally registered within 30 days of submitting its notification. The secretary-general must justify any rejected registration, and the association can appeal the decision to the Supreme Court of Justice.<sup>50</sup>

In a May 1998 decision, the Supreme Court of Justice upheld a ministerial decision to deny an NGO a license because other human rights NGOs pursuing the same goals already existed, citing the minister's right to take any decision he deems appropriate.<sup>51</sup> Most recently, in 2004, the government denied Fawzi al-Samhuri, a human rights activist, a license to establish the Organization for Human Rights.<sup>52</sup>

The stringent conditions of the law have acted as a deterrent on those wishing to set up NGOs. Recent NGOs have opted to incorporate as non-profit companies under the more lenient Companies Law (see below).

In addition to the minister's current unchecked power to license NGOs, the Ministry of Social Development under the proposed law retains its broad leeway to remove temporarily an NGO's management board and to shut down an NGO.<sup>53</sup> Few NGOs

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<sup>50</sup> 2006 NGO Draft Law, art. 8.

<sup>51</sup> Asma Khadr, "Legal Frameworks and Internal Regulations Related to the Work of Local Societies in Jordan," *NGO Center for Excellence*, Research and Studies Series, No.1, June 2002, p.6 [www.ngoce.org/content/law.doc](http://www.ngoce.org/content/law.doc) (accessed September 25, 2007).

<sup>52</sup> Freedom in the World, Jordan 2005, Freedom House, <http://www.freedomhouse.org/template.cfm?page=22&year=2005&country=6763> (accessed September 28, 2007).

<sup>53</sup> 1966 NGO Law, arts 16 and 18, Proposed 2007 NGO Law, arts 20, 21, and 22; 2006 NGO Draft Law, art. 30. Under current as well as the proposed 2007 law, the minister can appoint a temporary management board if the current management is unable to meet for lack of a quorum, if the ministry suspects violations of the NGO law, or the NGO's bylaws, such as failure to convene a general assembly of members and hold elections, or failure to allow new members to join. The minister can appoint temporary management provided the NGO has not rectified the suspected violation within one month of receiving of the ministry's written warning (Proposed 2007 NGO law, art.21.a). The temporary management has 60 days to operate the NGO and hold elections for a new management board (Proposed 2007 NGO law, art.21.b. 1966 NGO law, art. 18). The proposed NGO Law of 2007, however, would allow the minister to extend the temporary management's tenure by another 60 days, or to appoint a new temporary management board. There are no apparent limits on the appointment of new temporary boards (Proposed 2007 NGO Law, art. 21). The proposed 2007 law also broadens the basis for ministerial intervention by including the submission of incorrect information to a government body and the refusal to permit a Ministry official access to the NGO's

were willing to go on the record regarding government interference and harassment. One executive of a well-established Jordanian NGO told Human Rights Watch: “NGOs are afraid to talk to Human Rights Watch because there have been negative repercussions on them in the past.”<sup>54</sup>

Currently, there are two NGOs on whom the government has imposed a temporary management board, the Islamic Center Society and the General Union of Voluntary Societies. Their cases are discussed later in this report.

The minister’s powers to dissolve an NGO are broader than those to impose a temporary management board. Under the current law, reasons for dissolution additionally include refusal to allow Ministry officials to attend its meetings or access to the premises for inspection at any time.<sup>55</sup> The proposed law of 2007 adds the conclusion of agreements with local or foreign societies without informing the Ministry and obtaining its approval the list of infractions making an NGO liable to dissolution.<sup>56</sup> By contrast, the NGO Draft Law of 2006 does not foresee imposition of a temporary management in any circumstances, and involuntary closure of an NGO only for failing to conduct any activities or for a “fundamental violation” of its bylaws, which have not been corrected within three months of receiving a written warning.<sup>57</sup>

In 2002, the Ministry closed the Jordanian Society for Citizen’s Rights, also headed by Fawzi Samhuri, for failing to comply with financial reporting requirements and refusing access to Ministry officials. Samhuri denied the latter charges, and submitted outstanding financial reports about six weeks after the Ministry’s notification of impending closure.<sup>58</sup> JSCR was the first civil society institution in Jordan to be closed since 1989. JSCR had, among other activities, reported on the

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premises to search any files or other items in the list of violations leading to closure (Proposed 2007 NGO Law, art. 20.4 and 20.5).

<sup>54</sup> Human Rights Watch interview with NGO executive, Amman, October 25, 2007.

<sup>55</sup> 1966 NGO Law, art. 16, which also includes submission of incorrect information, misappropriation of funds, and failure to pursue its objectives as reasons for closure.

<sup>56</sup> Proposed 2007 NGO Law, art. 20 and 22.

<sup>57</sup> 2006 NGO Draft Law, art. 30.

<sup>58</sup> “Jordan: Right to Freedom of Expression and Association Denied,” Amnesty International press release, November 11, 2002, <http://web.amnesty.org/library/Index/ENGMD160202002?open&of=ENG-JOR> (accessed September 28, 2007).

electoral districting law which heavily favors rural areas with constituencies traditionally loyal to the government over urban areas where sympathies for opposition candidates run higher.

The International Center for Not-for-Profit Law recommends that “The registration or supervisory organ or court should be allowed to involuntarily terminate a CSO’s (civil society organization) existence only for the most flagrant of violations, and then only after a requested correction of a legal or ethical violation has not occurred. To ensure that fundamental rights are not violated, all involuntary terminations should be subject to judicial supervision.”<sup>59</sup>

### *Supervision*

The Ministry of Social Development has the right to intervene directly in NGOs’ management and activities and to monitor their internal affairs. NGOs have to inform the Ministry in advance of their general assembly meetings, which officials can attend, and whose voting results they must approve. Decisions resulting from a meeting of the NGO’s general membership on matters of its bylaws or management board are null and void without a Ministry official in attendance.<sup>60</sup> The minister must approve any changes to an NGO’s bylaws and has unlimited authority to refuse such changes.<sup>61</sup> NGOs wishing to merge or form a coalition must obtain the minister’s written approval.<sup>62</sup> The current 1966 law categorically prohibits local NGOs joining foreign NGOs.<sup>63</sup> The Minister or anyone he or she so deputizes has the right to attend (the NGO’s) meetings, enter its premises or check its records or files.<sup>64</sup> NGOs must submit an annual report, audited financial statement, and “any other information” requested to the Ministry.<sup>65</sup>

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<sup>59</sup> “Checklist for CSO Laws,” *International Center for Not-for-Profit Law*, 2006

<sup>60</sup> 1966 NGO Law, art. 17. Proposed 2007 NGO Law, art. 8.

<sup>61</sup> 1966 NGO Law, art. 15.2. Proposed 2007 NGO Law, art. 7.

<sup>62</sup> 1966 NGO Law, arts 5 and 9. Proposed 2007 NGO Law, art. 9.

<sup>63</sup> 1966 NGO Law, art. 9.

<sup>64</sup> 1966 NGO Law, art. 14 states that the Ministry may “visit the premises of any [NGO] and to examine its records and files to confirm that its funds are being disbursed for their specified purposes and to ensure that it is generally carrying out its work in accordance with the stipulations of this law and in line with its stated objectives.” Proposed 2007 NGO Law, art. 20.

<sup>65</sup> The current NGO law extends these obligations separately on any branch offices. 1966 NGO Law, art. 19. Proposed 2007 NGO Law, art. 7. 1966 NGO Law, art. 15.

Compared to the current 1966 NGO Law, the proposed 2007 NGO Law goes further in restricting the activities of NGOs. It bans NGOs from engaging in “political, religious, or sectarian” activities.<sup>66</sup> It strips them of the possibility of opening branches, increases the time period of advance notification to the Ministry of its meetings, gives the Ministry the power to extend temporary governmental management of an NGO, and includes budgets in the list of items requiring ministerial approval.<sup>67</sup>

The proposed 2007 NGO Law also increases the powers of ministerial interference. It provides that “The Minister may assign any of the concerned employees of the Ministry to supervise permanently the activities of any society or union in the administrative and financial fields as a supervisor or as a director.”<sup>68</sup> For one specific type of NGO, the non-profit charitable domestic institution, whose aim is restricted to providing social services to citizens, a Ministry representative would automatically be a member of the board of trustees.<sup>69</sup>

The NGO Draft Law of 2006, on the other hand, gives the secretary-general of the NGO Registry the right to monitor NGOs and request to see financial records and projects of NGOs. He or she would be able to apply to the courts to deregister an NGO, which a court could do if it found the NGO had violated the NGO law or its bylaws and had not rectified its situation within 60 days of a written warning from the Registry’s secretary-general.<sup>70</sup>

### *Funding*

Although many NGOs rely to some degree on government funding, their ability to raise their own funds is both a necessary element of their independence and a reflection of the preferences of society whose wishes these civil society organizations represent. The existing law makes no provisions on the sources of funding, but the new proposed 2007 NGO Law requires the founders of voluntary

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<sup>66</sup> Proposed 2007 NGO Law, art. 25.

<sup>67</sup> Dr. Abdullah Elkhatab, “The Draft NGO Law, Submitted by the Ministry of Social Development. Highlights of Major Concerns,” May 2007.

<sup>68</sup> Proposed 2007 NGO Law, art. 25.

<sup>69</sup> Proposed 2007 NGO Law, art. 10.

<sup>70</sup> 2006 NGO Draft Law, art. 7.

civil organizations, one type of NGO, to invest \$150,000 of their personal funds.<sup>71</sup> This measure of imposing high financial hurdles from the personal wealth of potential NGO founders would further narrow opportunities to create NGOs. It also establishes a tax-exempt “special fund” to support NGOs. This fund, but not NGOs, is able to receive donations, in addition to proceeds from the lottery, a charity tax, and foreign aid. Through this fund, the government can both exert control over foreign donors on how their funds are spent, advocating for higher contributions to government bodies as opposed to NGOs for example, and over Jordanian NGOs receiving those funds, many of which depend on foreign funding.

The NGO Draft Law of 2006, on the other hand, would allow NGOs to fundraise and receive domestic and foreign funding. The only restriction on sources of funding it foresees is that funding be without specific conditions. The only accepted conditions are those that oblige the NGO to spend the funds solely on the realization of the goals stipulated in its bylaws.<sup>72</sup>

### *Foreign NGOs and foreign aid*

The current law allows the minister to license foreign NGOs and impose any additional conditions or restrictions on them.<sup>73</sup> Under the proposed 2007 NGO Law, the minister retains unchecked authority over decisions to allow foreign NGOs to open offices in Jordan. Unlike the current law, which makes no restrictions on the types of foreign organizations, the proposed law allows only foreign NGOs that provide activities “directed toward satisfying the developmental needs of the Jordanian society according to the perspectives of the ministry within its strategic plans and programmes.”<sup>74</sup> As an additional condition, only development NGOs whose annual budget for programs in Jordan exceeds \$375,000 may be granted permission to operate.<sup>75</sup> In June 2007, one foreign NGO representative told Human

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<sup>71</sup> 2006 NGO Draft Law, art.10.

<sup>72</sup> 2006 NGO Draft Law, arts 13 and 28.

<sup>73</sup> 1966 NGO Law, art. 19.

<sup>74</sup> Proposed 2007 NGO Law, art.13.

<sup>75</sup> Proposed 2007 NGO Law, art.13. A newspaper article highlighting the proposed law spoke of \$525,000 (350,000 Jordanian Dinar) as the minimum program outlay for foreign NGOs. Mahmud al-Tarawneh, “The Government Passes the Proposal of a Law that Subjects the Funding of Charities to Monitoring by the Accounting Council [ الحكومة تقر مشروع قانون تخضع أموال [الجمعيات لرعاية ديوان المحاسبة]” *al-Ghad Newspaper*, October 27, 2007.

Rights Watch that officials in the Ministry of Social Development had already imposed this condition on the organization's operations in Jordan, despite the draft status of the law at the time.<sup>76</sup>

The proposed 2007 NGO law also permits local organizations to receive foreign funding only with prior written approval by the minister.<sup>77</sup> A number of NGOs working in the field of general human rights, journalism, women's rights and children's rights rely on foreign funding for their programs, and the new law will thus make their continued operations contingent on the approval of the ministry. In addition, the only NGOs providing some assistance to Iraqi refugees in Jordan are currently foreign NGOs, and might have to withdraw if they cannot meet the new requirements. A Jordanian intelligence official and a USAID representative in Jordan speculated that such curbs on foreign funding are intended to cut off terrorist funding.<sup>78</sup> The available evidence suggests, however, that the real targets of curbs on foreign funding are human rights NGOs which have been the most publicly critical of government policy.

The International Center for Not-for-Profit Law recommends that NGOs "should generally be allowed to receive [funding] from aid agencies ... or an institutional or individual donor located in another country, as long as all generally applicable foreign exchange and customs laws are satisfied."<sup>79</sup> The discretion Jordanian law gives the government to approve funding effectively restricts NGO activities to government-endorsed programs.

## **The Law of Non-profit Companies**

Because of the stringent conditions contained in the NGO law, the trend in Jordan has been for aspiring NGOs to register as a non-profit company in accordance with Article 7(d) of the Companies Law of 1997 and to bypass entirely the NGO law. Registration of such companies with the Ministry of Trade and Industry is

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<sup>76</sup> Human Rights Watch interview with a representative of a foreign NGO, Amman, June 2007.

<sup>77</sup> Proposed 2007 NGO Law, art.16.

<sup>78</sup> Human Rights Watch conversation with Jordanian intelligence official, Amman, June 25, 2007, and interview with USAID official, Amman, October 25, 2007.

<sup>79</sup> "Checklist for CSO Laws," *International Center for Not-for-Profit Law*, 2006



straightforward, and the Ministry's controller may only reject an application if "there is evidence in the [General] Partnership agreement or in the [articles of association] of a violation of this Law, public order or the provisions of all legislations in force."<sup>80</sup> Article 59 on Limited Liability Companies provides for nearly identical wording. Companies may litigate against a decision denying registration in court. In effect, several NGOs, such as Mizan (Lawyers Group for Human Rights), the Amman Center for Human Rights Studies, the Center for Defending Freedom of Journalists, and the Adaleh Center for Human Rights Studies, have registered as non-profit companies and not as NGOs in order to avoid the restrictions of the NGO law.

However, the government in recent years began working on a special regulation for non-profit companies under the 1997 Companies Law to impose stricter measures of control over them. In February 2006 the controller-general of companies announced in the semi-official *al-Ra'i* newspaper that the regulation was necessary because "these [non-profit] companies ha[ve] become a Trojan horse for spotlighting criticism and for insulting national and official institutions ... on the pretext of promoting human rights [through] written reports sent to [foreign] donors pretending to show ... that they are a watchful eye on what is going on with the issue of freedoms [and] rights."<sup>81</sup> He went on to say that the government needed to monitor these companies' "workshops and conferences inside and outside the kingdom and publication or sending of any report or research related to national security or the peaceful coexistence of Jordanian society."<sup>82</sup>

The government did not pass the new regulation until April 24, 2007, and those affected by it did not know it had come into effect until its publication in *al-Ra'i* on June 13, 2007.<sup>83</sup> They said they had not been consulted. The government had begun

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<sup>80</sup> Companies Law of 1997, art.11.b.

<sup>81</sup> "The Legal Reality for Non-profit Companies – Penned by Dr. Mahmud 'Ababina," *al-Ra'i* newspaper, February 12, 2006 [http://www.alrai.com/pages.php?news\\_id=80412](http://www.alrai.com/pages.php?news_id=80412) (accessed October 1, 2007).

<sup>82</sup> "The Legal Reality for Non-profit Companies – Penned by Dr. Mahmud 'Ababina," *al-Ra'i* newspaper, February 12, 2006 ([http://www.alrai.com/pages.php?news\\_id=80412](http://www.alrai.com/pages.php?news_id=80412) accessed October 1, 2007). Hilmi al-Asmar a columnist for al-Dustur newspaper wrote a critical reply which was not published: [http://hemiialasmar.maktoobblog.com/23749/%E3%E4%DA\\_%E3%E4\\_%C7%E1%E4%D4%D1](http://hemiialasmar.maktoobblog.com/23749/%E3%E4%DA_%E3%E4_%C7%E1%E4%D4%D1) (accessed October 1, 2007).

<sup>83</sup> Rim al-Rawashda, "The Regulation for Non-profit Companies Ties Foreign Funding to Government Approval," *al-Ra'i* Newspaper, June 13, 2007 [http://www.alrai.com/pages.php?news\\_id=160494](http://www.alrai.com/pages.php?news_id=160494) (accessed October 1, 2007).

consultation with NGOs on this regulation in 2006, but abruptly stopped in 2007.<sup>84</sup> The regulation restricts the freedoms from government control that non-profit companies had hitherto enjoyed compared to their counterpart NGOs registered under the NGO law.

The new regulation restricts the scope of operation of non-profit companies to the fields of social, humanitarian, health, environmental, educational, cultural, sports or similar services.<sup>85</sup> It prohibits receiving “any assistance or donation or gift or funding from a non-Jordanian party without having obtained the approval of the cabinet,” and any “donation within the kingdom ... without having obtained the approval of the minister ... according to a written request comprising detailed evidence about the parties [involved], the justifications, and the source of these funds.”<sup>86</sup>

Article 11 of the new regulation allows the non-profit company to hold workshops and conferences and publish any research as long as it is “connected with its objectives according to the laws in force,” but it also gives the minister of trade and industry the “right to monitor the output of these workshops and conferences.”<sup>87</sup>

The final act of subjugating NGOs’ independence from government came in the regulation’s new provisions on closing a non-profit company. The minister can warn a company if it violates “the [companies] law [or] this regulation, or if it violates its articles of association or founding contract;” or if the company “carried out acts or efforts that are not within its objectives,” or if “a violation of public order or public morals resulted from any effort [the company] carried out.”<sup>88</sup> If the company does not

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<sup>84</sup> Human Rights Watch interviews with two presidents of non-profit companies in Jordan, Amman, June 13, 2007. Dr. Mahmud ‘Ababina, in an article responding to criticism about his earlier article in *al-Ra’i*, wrote that he had consulted with four civil society leaders about the regulation. Mahmud ‘Ababina, “Response of the Controller-general of Companies to Wardam (رد مراقب الشركات على وردم),” *Ammon News* (online), February 18, 2007 <http://ammonnews.net/arabicDemo/article.php?articleID=1400> (accessed October 1, 2007).

<sup>85</sup> Regulation No. 60 of 2007 for Non-profit Companies, issued in accordance with Paragraph d) of Article 7 of the Law No. 22 of 1997 of Companies, art. 5.

<sup>86</sup> Regulation No. 60 of 2007 for Non-profit Companies, issued in accordance with Paragraph d) of Article 7 of the Law No. 22 of 1997 of Companies, art. 9.

<sup>87</sup> Regulation No. 60 of 2007 for Non-profit Companies, issued in accordance with Paragraph d) of Article 7 of the Law No. 22 of 1997 of Companies, art. 11.

<sup>88</sup> Regulation No. 60 of 2007 for Non-profit Companies, issued in accordance with Paragraph d) of Article 7 of the Law No. 22 of 1997 of Companies, art. 15.

rectify the transgression within one month, the minister can put it into liquidation.<sup>89</sup> Under the Companies Law, the controller-general may reject a company's registration "if there is evidence in the Partnership agreement or in the [articles of association] of a violation of ... public order," but a public order violation is not among the reasons listed under Article 31 for dissolving a company.<sup>90</sup> One NGO trying to register as a non-profit company in the summer of 2007 was forced to limit its objectives stated in its bylaws under pressure from the Ministry of Interior in order to be incorporated.<sup>91</sup>

## **Non-Profit organizations**

In July and August 2006, in what appears to be politically motivated interference in NGOs that are government critics or political rivals, the government removed the management boards of the General Union of Voluntary Societies and the Islamic Center Society.

### *General Union of Voluntary Societies*

In August 2006, the Ministry of Social Development formed a committee to investigate alleged financial wrongdoing at the General Union of Voluntary Societies (GUVS), an umbrella NGO regulated under the current NGO law.<sup>92</sup> This was the first time in GUVS' 49-year existence that it had come under investigation. Abdullah El-Khatib, the president of GUVS, told Human Rights Watch that he had dealt on a daily basis with government representatives within GUVS who never mentioned any wrongdoing.<sup>93</sup> He viewed the government's actions as a response to GUVS' criticism of the government over its restrictions on NGOs, including by publishing and circulating a critique of the proposed NGO law to foreign NGOs in Jordan.

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<sup>89</sup> Regulation No. 60 of 2007 for Non-profit Companies, issued in accordance with Paragraph d) of Article 7 of the Law No. 22 of 1997 of Companies, art. 15.

<sup>90</sup> Law No. 22 of 1997 on Companies, arts 11 and 31.

<sup>91</sup> Human Rights Watch interview with NGO representative of the non-profit company, names withheld on request, Amman, October 25, 2007.

<sup>92</sup> GUVS comprises 1200 local Jordanian organizations. It has 12 committees, that elect a central committee, composed of 19 members in an executive council, one from each governorate plus six representatives from Amman.

<sup>93</sup> Human Rights Watch interview with Dr. Abdullah El-Khatib, suspended President of GUVS, Amman, June 28, 2007. El-Khatib claims that the investigation was in retaliation for an article he published one week earlier regarding the intended reform of the NGO law.

El-Khatib told Human Rights Watch that on August 18, 2006, the same day that GUVS received a letter announcing an investigation by the Ministry of Social Development, police and Ministry of Social Development officials arrived in eight armored cars at GUVS headquarters, prevented staff from entering the offices, and proceeded to confiscate the organization's documents. Based on the report of the Ministry's investigation committee, the Ministry decided on September 9, 2006 to refer the file to the office of the Prime Minister, which on September 12 referred GUVS for prosecution. On the same day, the prosecutor ordered the GUVS management, including El-Khatib, to be suspended from work according to Article 9.1.b of Law No. 11 of 1993 on Economic Crimes and charged some GUVS executives with fraud of monies entrusted to them under Article 175 of the penal code.

The report's main finding was that the organization allegedly had made illegal donations. The Union of Amman Governorate Associations, a GUVS subsidiary union, had given \$15,000 (JD10,000) to the Palestine General Union of Voluntary Services as a solidarity grant and \$15,000 (JD10,000) to the government of Lebanon in July 2006 for displaced persons.<sup>94</sup> The report further noted that a gun was found in El-Khatib's office, which he told Human Rights Watch was a licensed firearm kept by guards in a safe three stories below his office to protect the organization's cash.<sup>95</sup> Other suspected violations included the purchase by the Union of Amman Governorate Associations of \$750,000 (JD500,000) in shares in Arab Bank, an investment for which El-Khatib said he had sought and received express approval from the government, and GUVS fundraising through a raffle without government permission to do so. Lastly, the government claims that the Union of Amman Governorate Associations spent \$13,500 in legal fees for El-Khatib in a case against Ministry of Social Development, which they argue was an inappropriate personal benefit; El-Khatib maintains that he acted with the approval of the Union's legal adviser. El-Khatib had to apply to the Supreme Court of Justice to obtain a copy of the report.<sup>96</sup>

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<sup>94</sup> The government has not yet responded to a Human Rights Watch enquiry to the Prime Minister's Spokesperson, H.E. Nasser Judeh, on November 21, 2007, regarding the precise nature of the alleged criminal acts.

<sup>95</sup> Human Rights Watch interview with Dr. Abdullah El-Khatib, suspended president of GUVS, Amman, June 28, 2007.

<sup>96</sup> Human Rights Watch interview with Dr. Abdullah El-Khatib, suspended president of GUVS, Amman, June 28, 2007.

The government seems to have targeted El-Khatib personally in its investigation. Shortly after the arrival of the investigative committee, armed law enforcement officials raided his farm to investigate whether he had used GUVS as a front to obtain work permits for Egyptian farm hands, but found everything in order. However, on August 26, 2006, while departing Jordan to attend a conference, El-Khatib learned that the government had banned him from traveling abroad. The Ministry of Interior has not provided a reason for this travel ban, and the Supreme Court of Justice three times rejected his suit seeking relief. In June 2007 the government had still banned El-Khatib from traveling abroad, and he was unable to attend a conference in Brussels that month.

The Ministry of Social Development then made use of its powers under the NGO law to impose a temporary management board on GUVS after receiving the investigation committee's report. The members of the new management board were the same as the members of the investigation committee, also appointed by the Ministry, and comprised officials from the Ministry and from the governmental Audit Office. Contrary to the current NGO law, however, the temporary management board has been in place beyond the 60 days of its legal tenure.

El-Khatib and three other members of the previous management board first challenged their suspension by the prosecutor after 60 days had lapsed, but the Supreme Court of Justice rejected the petition in October 2006 for lack of jurisdiction, arguing that the Ministry's decision to form an investigation committee did not constitute an administrative decision that they could appeal. The prosecutor, not the Ministry, had ordered the suspension, the court said. In March 2007, however, a panel of senior judges formed under the provisions of Article 9.1.b of the Economic Crimes Law investigating GUVS' violation of law, annulled El-Khatib's suspension, claiming such a suspension could not be indefinite. The prosecutor in April simply issued a new decision to suspend GUVS management, and the judicial panel did not annul that decision. By June 2007, the prosecutor had not yet acted to investigate the charges or deposited any witnesses.

In contrast to the swift suspension, the prosecutor took no action at all on a citizen's action that El-Khatib and his colleagues filed in January 2007 against the members of

the investigating committee, claiming they falsified their findings under articles 209, 210, 260 and 263 of the penal code.

On June 28, 2007, the prosecutor also moved to suspend the management of the Amman Governorate District Union of GUVS, and the Ministry of Social Development imposed a temporary management board on the district union.<sup>97</sup> The temporary management board's first decision was to announce an order indefinitely postponing the annual elections for the Amman District Union, due on July 7, 2007.<sup>98</sup> El-Khatib, who is also a member of the Amman District Union's management, claims the temporary management board took the decision for fear that members would return him as president of the Amman Union and that the aim of the government is to replace the leadership of GUVS elected from fellow NGOs with one more pliant to the Ministry's desires. In October, the prosecutor detained GUVS members to interrogate them about the charges against them.<sup>99</sup>

### *Islamic Center Society*

A similar scenario played out in the government's intervention into the Islamic Center Society, one of Jordan's largest NGOs. The Center, founded in 1963, is the charitable arm of the Muslim Brotherhood, a legal organization in Jordan whose political arm, the Islamic Action Front, is the largest opposition party in parliament. Muslim Brotherhood members have held ministerial positions in a number of Jordanian governments.

The Center works in the health, education, and social fields. It runs 14 health care centers and two large hospitals in Amman and Aqaba, 50 schools at all levels catering to 16,000 students, and 56 centers for 12,000 orphans, compared to the Ministry of Social Development's responsibility for 3,000 orphans.<sup>100</sup> Article 3 of its

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<sup>97</sup> In a meeting with Human Rights Watch on June 25, 2007, Prime Minister Marouf al-Bakhit said he had consulted with his "best lawyers" before referring the GUVS file to the prosecutor. He did not elaborate on the specific violations attributed to GUVS employees. Human Rights Watch meeting with Prime Minister Marouf al-Bakhit, Amman, June 25, 2007.

<sup>98</sup> Muhammad Jamal al-Salih, President of the Temporary Management Board, "Letter No. [removed by Human Rights Watch]," July 2007.

<sup>99</sup> Email from a GUVS member sent to Human Rights Watch on November 4, 2007.

<sup>100</sup> Human Rights Watch interview with Salman al-Badur, president of the temporary management board, Amman, August 28, 2007, and telephone interview with Abd al-Majid Dhunaibat, former president of the management board, Amman, September 10, 2007.

bylaws states that “The Society does not in any way seek or engage in the spheres of politics, religion, or sectarianism, and it offers its services to all citizens equally.”<sup>101</sup>

Abd al-Majid al-Dhunaibat, the former president of the Center, told Human Rights Watch that the Center used to send its program and financial reports to the Ministry of Social Development every three or four months, and the Ministry as well as the Accounting Office used to regularly inspect the Center’s files. Prior to 2006, there had never been a complaint; to the contrary, al-Dhunaibat said the Ministry had given the Center many letters of commendation.<sup>102</sup>

In July 2006, the Ministry decided to investigate the Center. This decision came at a period of strain between the Muslim Brotherhood, which has open sympathies for the Palestinian Hamas movement, and the Jordanian government. After Hamas won the January 2006 elections for the Palestinian Legislative Council (parliament), the US urged Jordan, Egypt and Saudi Arabia to follow its boycott of the Hamas government. Hamas’ foreign minister, Mahmud Zahar, was due to visit Amman in April, but the Jordanian government cancelled the visit after uncovering what it said were weapons Hamas had stored in Jordan in preparation for attacks there. Jordan’s handling of the affair has shed some doubt on the matter: Jordan announced the arrests and weapons finds before they had occurred. The government aired on national television the confessions of three of the nine Jordanians arrested and held in this alleged plot; it later released or pardoned all but two later.<sup>103</sup> One former detainee spoke of coercion during his interrogation at the intelligence detention facility.<sup>104</sup> Finally, after intelligence officers briefly detained Fahd al-Rimawi, editor of the weekly *al-Majd* newspaper, he wrote a retraction of a story in which he claimed the king himself had spoken to him about the fact that the weapons cache had been found long ago.<sup>105</sup>

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<sup>101</sup> “Bylaw,” *Charitable Islamic Center Society Amman*, April 1, 1963, art. 3.

<sup>102</sup> Human Rights Watch telephone interview with Abd al-Majid Dhunaibat, former president of the management board, Amman, September 10, 2007.

<sup>103</sup> Human Rights Watch interview with one of those arrested, name withheld on request, Amman, June 18, 2007.

<sup>104</sup> Human Rights Watch telephone interview with one of those arrested, name withheld on request, Amman, May 18, 2007.

<sup>105</sup> Fahd Rimawi, “Mish’al Denies Categorical and Sharply Smuggling Weapons into Jordan (مشعل ينفي بشكل قطعي وحاسم (تهريب اسلحة لاردن),” *al-Majd* newspaper, May 8, 2006, and Fahd Rimawi, “Letter to the President and Members of Higher

Following an investigation lasting less than two weeks and comprising officials from the Ministry of Social Development, the Ministry of Health, and the Accounting Office, the Ministry referred the case to the prime minister, who referred it to the prosecutor. The prosecutor, acting under article 9.b(1) of the Law on Economic Crimes, suspended nine members of the Center's management board and charged some board members with crimes under the same law. The Ministry then installed a new temporary management board under its authority. The new management retained one member of the Muslim Brotherhood, whereas all previous board managers had been Muslim Brothers.<sup>106</sup>

In the year since the investigation, the prosecution has deposed 23 persons as witnesses or suspects, but has not referred any of them to trial.<sup>107</sup> The temporary president Salman Badur was unable to cite to Human Rights Watch any concrete allegations of violations of either the Center's bylaws or the Economic Crimes law, but referred vaguely to an investigation in the Islamic Hospital in Amman and another investigation in Salt, a small city, while acknowledging that these investigations began after he assumed the temporary leadership.<sup>108</sup>

Badur, acknowledging that he was not a legal expert, said that while the prosecutor had filed charges for economic crimes and suspended the management under the Economic Crimes law, the Ministry had installed the temporary management he headed because the Center had violated Article 3 of its bylaws.<sup>109</sup>

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Media Council," May 9, 2007, and Human Rights Watch conversation with government spokesperson Nasser Judeh, Amman, June 25, 2006.

<sup>106</sup> Human Rights Watch interview with Salman al-Badur, president of the temporary management board, Amman, August 28, 2007, and telephone interview with Abd al-Majid Dhunaibat, former president of the management board, Amman, September 10, 2007.

<sup>107</sup> Human Rights Watch interview with Salman al-Badur, president of the temporary management board, Amman, August 28, 2007, and telephone interview with Abd al-Majid Dhunaibat, former president of the management board, Amman, September 10, 2007. Human Rights Watch interview with Badi' Rafayi'a, head of the Committee Against Normalization [with Israel], Amman, June 16, 2007. At the time, he referred to 21 witnesses or suspects.

<sup>108</sup> Human Rights Watch interview with Salman al-Badur, president of the temporary management board, Amman, August 28, 2007. Badur also said that buses belonging to the Center's schools had been used in the 2003 elections to carry campaign placards for members of the Islamic Action Front.

<sup>109</sup> Human Rights Watch interview with Salman al-Badur, president of the temporary management board, Amman, August 28, 2007.



There appears to be no time limit on the suspension order issued by the prosecutor, although the panel of three eminent judges ruled in the GUVS case that it could not be open-ended (see above). An appointment of temporary management under the current NGO law, however, carries a clear maximum of two months, which cannot be renewed.<sup>110</sup> After two months at the latest, the NGO's general assembly is to vote in a new management.

During the year-long tenure of the temporary board at the time of Human Rights Watch's inquiries, the board has led a concerted effort to increase the membership of the Center's general assembly. Badur said a diversification of membership away from overwhelming male, Muslim Brotherhood members was necessary to fulfill the Center's objectives of providing services on a non-discriminatory basis. He did not explain how the provision of services to all on a non-discriminatory basis related to diversity of membership within the organization. He mentioned that in the past, the Center had rejected the applications for membership by Fayiz Rabi' and Marwan Fa'uri, although membership is open. Badur said that between July 2006 and April 2007, 220 new members had joined the general assembly as new members, and between April and August 2007 another 147 new members, of whom 20 are women, had joined.<sup>111</sup>

For its part, the Muslim Brotherhood alleges that it has never rejected applications for membership in the Center and that the current, massive increase in membership and failure to hold new elections within two months came at the direction of the government and in a plan to weaken the influence of the Muslim Brothers. "New members obtain the right to vote after one year of membership, so the government is waiting until they have a majority [in the general assembly] before allowing new elections," Dhunaibat told Human Rights Watch.<sup>112</sup> Dhunaibat, who said 525 new members had joined, compared to Badur's figure of 367, in addition to the 350 original members, also said he had evidence that at least 90 of the new members were from a competing Islamic political party, the Islamic Middle Way Party (*Hizb al-*

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<sup>110</sup> As described above, the 2007 Law allows for extensions and the appointment of new temporary boards.

<sup>111</sup> Human Rights Watch interview with Salman al-Badur, president of the temporary management board, Amman, August 28, 2007.

<sup>112</sup> Human Rights Watch telephone interview with Abd al-Majid Dhunaibat, former president of the management board, Amman, September 10, 2007.

*Wasat al-Islam*); he said these new members had received direct communications from either the temporary management board or government sources to apply to the Center for membership.<sup>113</sup>

In fact, Badur could not give Human Rights Watch an explanation for why his management team did not respond to a motion by 90 members of the general assembly, tabled in mid-June 2007, to hold new elections to form a management board. He confirmed that he did not respond to the motion, that it had been appealed to the Ministry of Social Development, which also did not respond, and that the general assembly members were currently appealing this failure to adhere to the NGO law and the Center's bylaws to the Supreme Court of Justice, which had held initial hearings.<sup>114</sup>

Badur pointed out that under his stewardship, charitable disbursements had risen by 20 percent, from \$15 million to \$18 million in the current year.<sup>115</sup> Dhunaibat did not dispute those figures, but pointed out that the financial strength of the Center relies on its association with the Muslim Brotherhood to attract donations, and that government interference and removing the Islamic image from the center would reduce trust of its Muslim donors and hurt the Center financially in the long run.<sup>116</sup>

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<sup>113</sup> Human Rights Watch telephone interview with Abd al-Majid Dhunaibat, former president of the management board, Amman, September 10, 2007.

<sup>114</sup> Human Rights Watch interview with Salman al-Badur, president of the temporary management board, Amman, August 28, 2007, and telephone interview with Abd al-Majid Dhunaibat, former president of the management board, Amman, September 10, 2007.

<sup>115</sup> Human Rights Watch interview with Salman al-Badur, president of the temporary management board, Amman, August 28, 2007.

<sup>116</sup> Human Rights Watch telephone interview with Abd al-Majid Dhunaibat, former president of the management board, Amman, September 10, 2007.

## The Roles of the US and the EU

Jordan's major donors, the US and the EU, together provided Jordan with around US\$600 million in 2006, nearly ten percent of Jordan's projected 2007 budget of \$6.4 billion. They have played a significant role in bolstering the Jordanian economy and enabling the government to operate.<sup>117</sup> The US has also worked closely with the Jordanian government to develop its security and counterterrorism capacity. Both the US and the EU have claimed that an important part of their objectives in the Middle East, and in Jordan in particular, is to encourage the development of civil society, including by pressing for changes in the association law, and strengthening the rule of law. Sadly, they appear to have achieved little in practice to prevent Jordan from slipping backward on the rights to assembly and association.

The conditions, benchmarks or other criteria the US and EU use to determine Jordan's eligibility for funding are not public, but there seem to be no financial penalties for Jordan associated with restricting the rights to assembly and association. Furthermore, the US and the EU have made no public criticism of the Jordanian government's repeated attacks on civil society freedoms.

US funding to Jordan included, in 2007, \$167.5 million as direct budgetary support in the form of a cash transfer to pay the country's external non-military debt. In turn, Jordan provides an equivalent amount of money for development programs, jointly agreed upon with the US Agency for International Development (USAID). USAID uses "condition precedents" to set criteria, all of which Jordan must meet before any funding becomes available. Although the cash transfer is designed to improve economic and policy reform, restricting rights of assembly and association have clearly not been part of the condition precedents. The US is well aware of Jordan's poor record on civil rights and political freedoms: when Jordan became eligible to receive US funding through the Millennium Challenge Corporation (MCC), a US

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<sup>117</sup> The US in 2006 proposed gave Jordan \$507.5 million, House of Representatives, H.R. 3057 [109th]: Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006," November 14, 2005, and United States Agency for International Development, "About Us – Budget," <http://jordan.usaid.gov/budget.cfm> (accessed November 5, 2007). The EU gave Jordan €73 million in 2006, Email to Human Rights Watch from EU representative, Amman, November 5, 2006; and Law No. 1 (2007) on the Public Budgets for the Fiscal Year 2007, art. 2.

funding vehicle that helps countries with a proven track record address their deficiencies, the MCC specifically targeted civil rights and political freedoms for funding due to Jordan's poor ratings in the MCC worldwide comparison of eligible countries.<sup>118</sup>

The EU, too, is aware of the poor state of the rights of association and assembly in Jordan. Its assistance program seeks to improve the environment in which civil society operates and promotes changes to the law of associations. However, the EU holds a human rights dialogue with the Jordanian government behind closed doors and seems to have been unable to stop Jordan from regressing on freedom of association, let alone implementing an associations law in compliance with human rights. Rather than condition specified future funding on such improvement, EU Foreign Relations Commissioner Benita Ferrero-Waldner on a visit to Jordan in February 2007 announced continued EU funding of €265 over the next four years and an ever-closer political partnership.

Ironically, the highest priority of EU engagement over the coming years lists “[s]upport to political developments, including role of civil society.”<sup>119</sup> In its National Indicative Programme (NIP) for Jordan for 2007-2010, a planning tool for aid disbursement, the EU writes that it plans to use the new funding to help set up NGO “networks and umbrella groups.” However, the new NGO law of 2007, which imposes stringent conditions on merging NGOs or forming unions, nips this plan in the bud.<sup>120</sup> Indeed, the NIP openly recognizes that “NGOs are allowed to work only in their stated specialized field and after presenting a detailed description of their planned activities and budget to the authorities [and that] NGOs are not permitted to engage in political activities.”<sup>121</sup> It is therefore difficult to imagine how the expected

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<sup>118</sup> See [http://www.mcc.gov/selection/scorecards/2007/lmic/score\\_fy07\\_lmic\\_jordan.pdf](http://www.mcc.gov/selection/scorecards/2007/lmic/score_fy07_lmic_jordan.pdf) (accessed November 5, 2007).

<sup>119</sup> “EU-Jordan: Commissioner Ferrero Waldner presents €265 million assistance package during her visit,” European Commission Press Release, March 1, 2007, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/267&format=HTML&aged=0&language=EN&guiLanguage=en> (accessed October 19, 2007).

<sup>120</sup> European Commission, *European Neighbourhood and Partnership Instrument, Jordan, Strategy Paper 2007 – 2013 & National Indicative Programme*, p. 25, 2007 – 2010, [http://ec.europa.eu/world/enp/pdf/country/enpi\\_csp\\_nip\\_jordan\\_en.pdf](http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_jordan_en.pdf) (accessed October 19, 2007).

<sup>121</sup> European Commission, *European Neighbourhood and Partnership Instrument, Jordan, Strategy Paper 2007 – 2013 & National Indicative Programme*, p. 6, 2007 – 2010, [http://ec.europa.eu/world/enp/pdf/country/enpi\\_csp\\_nip\\_jordan\\_en.pdf](http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_jordan_en.pdf) (accessed October 19, 2007).

results of “creation of civil society platforms/networks” and “increas[ing] dialogue between civil society/non-state actors [and] government” can realistically be achieved.<sup>122</sup> The EU/Jordan Action Plan accompanying the NIP is more concrete and specifies as its goals promoting “[f]reedom of association and Development of Civil Society” and, specifically, “[r]eform legislation on associations.”<sup>123</sup> However, in reiterating these goals, the EU admits a record of failure since its 2004 NIP already included the goals of “promoting freedom of expression, of opinion, of association and of assembly.”<sup>124</sup> Merely restating the same goals without achieving them saps both the ability of the EU to effect change through its funding and the confidence of Jordanians in its desire to do so.

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<sup>122</sup> European Commission, *European Neighbourhood and Partnership Instrument, Jordan, Strategy Paper 2007 – 2013 & National Indicative Programme*, p. 26, 2007 – 2010, [http://ec.europa.eu/world/enp/pdf/country/enpi\\_csp\\_nip\\_jordan\\_en.pdf](http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_jordan_en.pdf) (accessed October 19, 2007).

<sup>123</sup> European Commission, *EU/Jordan Action Plan*, no date, p.4, [http://ec.europa.eu/world/enp/pdf/action\\_plans/jordan\\_enp\\_ap\\_final\\_en.pdf](http://ec.europa.eu/world/enp/pdf/action_plans/jordan_enp_ap_final_en.pdf) (accessed October 19, 2007).

<sup>124</sup> European Commission, *Euro-Med Partnership, Jordan National Indicative Programme, 2005-2006*, September 24, 2004, p.18 [http://ec.europa.eu/external\\_relations/jordan/csp/nip\\_05\\_06\\_en.pdf](http://ec.europa.eu/external_relations/jordan/csp/nip_05_06_en.pdf) (accessed October 19, 2007).

## Recommendations

### To the Jordanian Government

A. In order to comply with its international obligations regarding the right to freedom of assembly, the Jordanian government should:

*With respect to the Law on Public Gatherings (No. 7/2004):*

Amend the law to:

- Define specifically the meaning of public gathering that falls within the purview of this law. Include only gatherings in publicly accessible places or those that are open to the public.
- Remove the requirement for permission and allow only notification of the authorities before holding a public gathering within a period of time to allow for reasonable security and public order measures to be taken to protect the right to assembly and the rights of others.
- Require that reasons be given when the government refuses the right to hold public meetings and allow an expedited appeal of such a decision in court.
- Require any restrictions placed on the public gathering to be strictly necessary on the grounds of protecting public order, public morals and the rights of others in keeping with the jurisprudence of the UN Human Rights Committee on the interpretation of those terms.

B. In order to comply with its international obligations regarding the right to freedom of association, the Jordanian government should:

*1. With respect to the draft 2007 Law on Charitable Societies and Social Institutions:*

Amend the draft law to:

- Ensure that all groups formed for any legal purpose are allowed to acquire legal personality by:
  - Making registration of associations automatic once these associations fulfill the formal requirements;
  - Removing sex-based restrictions for membership in NGOs;

- Removing restrictions on conditions for merging NGOs, opening branch offices, creating NGO unions, or affiliating with foreign NGOs; and
- Abolishing penalties for participation in unregistered NGOs.
- Remove the Ministry of Social Development's authority to:
  - Appoint one member of the management board of Local Charitable Organizations;
  - Vet and confirm members of the management board;
  - Attend board meetings or any other meetings and require notification of meetings;
  - Appoint a temporary board of management;
  - Demand submission of any kind of information by the NGO, including meeting minutes; and
  - Search the premises of an NGO and confiscate documents without a showing of cause or obtaining a warrant from an authorized court.
- Restrict the Ministry of Social Development's authority to dissolve any association. Involuntary dissolution of an association should take place only by appealable judicial order, and only as a result of the most egregious violations of the law.
- Permit receipt of donations or transfers from Jordanian or foreign donors without the government's approval, as long as all foreign exchange and customs laws are satisfied.
- Permit foreign NGOs to register in Jordan under the same conditions as local NGOs.

*2. With respect to Regulation of Non-profit Companies (No. 60/2007):*

Amend the Regulation to:

- Remove the authority of the controller-general for companies to reject registration of non-profit companies on public order grounds.
- Remove restrictions on fields of operation for non-profit companies and allow all such companies engaging in activities for the public good or the benefit of its members to register.
- Remove restrictions on the activities of non-profit companies and allow them to engage in any lawful activity.

- Permit receipt of donations or transfers from Jordanian or foreign donors without the government's approval, as long as all foreign exchange and customs laws are satisfied.
- Remove the role of monitoring non-profit companies' output from the Ministry of Trade and Industry.
- Narrowly interpret public order and public morals violations that may lead to the liquidation of a non-profit company, in conformity with Article 22 of the International Covenant on Civil and Political Rights and the jurisprudence of the UN Human Rights Committee.
- Remove the Ministry of Trade and Industry authority to put non-profit companies into liquidation without a judicial order subject to appeal.

*3. With respect to ongoing court cases against NGOs:*

- Reinstate the management boards of the General Union of Voluntary Societies, the General Union of Voluntary Societies-Capital Governorate, and the Islamic Center Society.
- Move to a speedy trial in any case where there is reasonable suspicion that officials in an NGO broke the law; dismiss cases where charges are based on provisions of the law that violate rights to freedom of assembly and association and/or are motivated by a desire to punish or harass those deemed to be critical of the government or for expressing political opinions.
- Hold government officials judicially accountable for violations of Jordanian law and interference with the right to freedom of association and assembly.

**To the United States**

- Ensure that Jordan's eligibility for funding through the Millennium Challenge Corporation and bilateral aid under the cash transfer is conditioned on amending laws of assembly and association to abide by international human rights law.
- Clarify that US monetary transfers to Jordan will be significantly reduced should the government interfere in USAID decisions for funding Jordanian NGOs, such as from its Middle East Partnership Initiative fund or the Economic Support Fund.



### **To the European Union and its Member States**

- Discuss the right to freedom of association within the Association Committee, and, in line with the EU's Action Plan for Jordan, make specified funding to Jordanian government bodies conditional on a revised NGO law.
- Discuss the right to freedom of assembly within the Association Committee, and make specified EU funding to Jordanian government bodies conditional on reform of laws and practices concerning the right to public assembly.

### **To the US Government and the EU**

- Ensure that US and EU government officials and politicians visiting Jordan are briefed on the state of Jordanian compliance with human rights and its efforts and transparency in addressing human rights violations and instructed to raise these concerns systematically.
- Speak out publicly when Jordan lags in taking steps to come into compliance with international human rights norms, and impose the targeted withholding of funding to Jordan in response to specific failures to take rapid steps to address gaps in compliance.

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