The Relationship between Freedom of Expression and Security

Prepared by

Professor Hamdi Qubailat

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Introduction:

Freedom of expression is one of the most recognized basic freedoms of the human being internationally and nationally. It is impossible to speak of a prosperous society that supports human rights without passing through these freedoms, which are the real introduction to many freedoms, and public intellectual and cultural rights and others, such as the right to criticism, freedom of the press, printing and publishing, freedom of scientific research and creativity. All countries seek to ensure the minimum rights of their citizens and of the people living on their land in general, but the positions of countries vary regarding guaranteeing human rights. Some countries have come a long way in this regard and have become an example in this field, and some are still hesitant to guarantee the basic rights of the citizens. It is noted that this is no longer an internal matter, but also one of the most important factors for the classification of states into democratic or authoritarian states, in addition to the internal and the international monitoring of the extent to which human rights are guaranteed by the country. It may even be a pretext for the intervention in the internal affairs of a state under the slogan of protecting human rights. This may be related to the provision of assistance to some countries to strengthen the human rights system, hence the interest of all countries without exception is to defend its position and strengthen its record in the field of human rights before the international system. It is hoped that this debate between the expansion of freedom of expression without effecting security and the reduction of the freedom of expression for security will lead to achieve the national security within the framework of the rule of law, and respecting the freedom of expression in particular and human rights in general.
The importance of the study:

The importance of this study stems from the fact that it introduces an issue that has become a source of concern to many countries, on the one hand, and to human rights organizations and defenders on the other. Freedom of expression has begun to decline in many countries as a result of several pretexts and arguments, most of which are related to the security of the state and society. So that national security has become one of the most important determinants of freedom of expression and the freedoms were deprived under the name of national security, and Jordan was not isolated. The conflict between freedom of expression and requirements of security is still very big and it has changed from practices to legislation. The authority seeks to reduce its practices that restrict the freedom of expression, while the organizations concerned with human rights, including freedom of expression, and activists in this area, seek to counter this by increasing the freedom of expression of opinion and the embodiment of the principle of "altruism of freedom".

The study Problem:

The problem of this study is to strike a balance between two human rights, which at first glance may seem contradictory, the right to freedom of expression and the right to security. Freedom of expression may lead to the destruction of the right to security. Equally strict security can lead to the destruction of the freedom of expression. The issue seems to have to be sacrificed to one another, but that is not possible, they must be combined together, that is, freedom of expression without disrupting security. However, this delicate balance between the two rights needs to be precise in legislative drafting and careful monitoring in practicing it under the strict control of the judiciary authority. That is what this study seeks to answer and clarify it can happen.
Objectives of the study:

This study aims to:

1. Define the concept of freedom of expression in the national legislation and the international standards.

2. Understand the concept of security as a right of the citizens and the traditional function of the state.

3. State of the pillars and the dimensions of the national security.

4. Determine the nature of the relationship between the freedom of expression and the security from the perspective of the Jordanian situation.

5. Determine how to balance between the freedom of expression and the right to security.

6. Determine the role of the electronic means in promoting the freedom of expression.

7. Determine the role of the electronic means in threatening the community security.

8. Determine the position of the Jordanian legislator to restrict the freedom of expression to maintain the security.

Previous studies:

Previous studies at the national level focused on the study of each of the two rights separately. No one study was concerned with the relationship between the freedom of expression and the security and their impact on each other. There are
some studies at the national level or the Arab level that talked about it, but partially, such as:

- Mamdouh Sulaiman Al-Ameri’s Study, "The Relationship between the Jordanian Press and the National Security", Master thesis presented to the Media Department / Middle East University, Jordan, 2008. The study focused on the relationship between the Jordanian press and the national security and did not address the freedom of expression in general. Unlike what this study seeks.

- Dr. Reza Hamis’ Study, New Media between Freedom of Expression and Protection of National Security (Legal Study), published on the website: http://repository.nauss.edu.sa/bitstream/handle/123456789/6002284. The study focused on the new media represented by the electronic means and linking them to the national security in Algeria and some Arab countries, while our study focuses on the freedom of expression by various means and its relation to the security in the light of the Jordanian situation, with reference to the international standards whenever necessary.

**Study Approach:**

This study used an analytical descriptive approach which is based on specifying the legal texts related to the relationship between freedom of expression and security and analyzing them according to practical practices, in the light of international standards, such as the International Covenant on Civil and Political Rights, the Syracuse Principles and the Johannesburg Principles on National Security and Freedom of Expression, And the Camden Principles on Hate Speech.

**Study plan:**
Chapter One: The reality of freedom of expression and national security

The first topic: the meaning of freedom of expression and national security

The second topic: The importance of freedom of expression and its relation with national security

Third topic: Freedom of expression in the national legislations in the light of the international covenants

Chapter 2: National security as a restriction on freedom of expression in Jordanian law in comparison with international standards

The first topic: Restrictions on freedom of expression in the International Covenant on Civil and Political Rights.

The second topic: Security as a restriction on freedom of expression in Jordanian legislation

Chapter One: The reality of freedom of expression and national security

Freedom of expression and national security are strongly related as they affect one another, and the protection of one of them may require to waste or reduce the other. So we will discuss in this chapter, the reality of freedom of expression and national security through the meaning of each of them in the first section, while the importance of the freedom of expression and its relation to the national security will be discussed in the second section.

The first topic: the meaning of freedom of expression and national security

It requires us to determine the implication of freedom of expression and national security to show their meaning, which will be covered in this section through
two consecutive demands, the first is to be dedicated to the concept of freedom of expression, while the second will discuss, the concept of national security.

The first requirement: the concept of freedom of expression

By nature, the human being is eager to the freedom of speech, as it nurtures his instinct and through it he can come out from the depths of his thought to address others and communicate with them either orally, written, by signs or any other means. Societies look for freedom of expression and open communities not restricted by regulations and authorities, but the authority in all countries interject themselves in the audit and control of the various means of expression in all its forms, because of its effects as the instinct of freedom of expression is matched by instinct control. So governments will resort to impose sanctions on the expression outside of the law, such as touching national security or social order or public morals. Humans see freedom as absolute and unrestricted, and that freedom is one of the human dignity supplements, so the human struggles to get his dignity through freedom from restrictions imposed on freedom of expression regardless of the motivation.

Freedom of expression is defined as: freedom to express ideas and opinions through speech, writing or artistic works without censorship or government restrictions (1). Freedom of opinion and expression is defined as: the ability of the individual to express his opinions and ideas freely, in the way he wants (direct contact with people, writing, mailing, telegraph, radio, theater, movies, television, etc.)(2). It is also defined as “The freedom of the person to say what he thinks without being chased, and it includes the freedom to investigate, receive and broadcast the news by any means, without being bound by the geographical boundaries, in any form, whether it is written, oral, printed, or by any means chosen by the person ” (3). It is also known as" the ability of the person to adopt the opinions and ideas he wants without any pressure or coercion, in addition to the ability to express these opinions using all means and
methods (4). While another trend defined it as “Everyone has the right to express his/her opinion and to receive information without the intervention of others” (5).

It is also said that it is the ability of people to adopt the opinions they want without coercion and the ability to express them by using different means, with the need to observe two conditions for the practice of this freedom: the absence of restrictions on the desired activity and the absence of an irresistible threat, as this freedom includes the right to access and disseminate information (6).

Freedom of opinion is different from freedom of expression. The freedom of opinion is: - An intellectual process carried out by the mind. It depends on several factors, beginning with introductions, then with hypotheses and conclusions. The mind may link a number of objective or non-objective incidents to form a correct or a wrong vision or attempt to explain the phenomena that occur in turn. The opinion has two corners: the sender and the receiver, which requires the existence of a goal or a purpose of expressing the opinion. The individual has the right to embrace whatever ideas, opinions or doctrines he wishes. Whether this belief is related to political, economic, social or religious beliefs, he can believe what he wishes to believe unconditionally. This came from the reality of this freedom, because the opinion is no more than between the man and himself, it is an internal issue in the human soul. Therefore freedom of opinion does not need legislation to ensure its protection, and there is no way to control the freedom of opinion as long as it remains in the conscience of the person. The law begins with organization and empowerment only in the case of the expression of opinion and in public (7).

While freedom of expression means the expression of opinion to people through various means of expression, it is either written or artistic, or through the body language or any other means created by the owner of the opinion and expresses its content (8). Another definition for the expression of opinion is as "the ability of the person to disclose his opinion and to choose the means or the manner by
which he wishes to disclose this, whether by words or actions or photography or signs or others. It is limited by a restriction only under a law that includes this right of access and dissemination of information (9). The Egyptian Supreme Constitutional Court has defined it as "enabling the presentation of opinions on various issues and access and dissemination of information by all means. (10)"

According to the opinion of the trend that freedom of opinion is absolute; a person may embrace opinions and ideas as he is convinced by himself. Freedom of expression is used to express these opinions and it is subject to the legal restrictions because abuse may occur in its use (11).

The international conventions guarantee the freedom of opinion and expression. The Universal Declaration of Human Rights states, in Article 19, that "Everyone has the right of freedom of opinion and expression. This right includes freedom to hold opinions without interference and to access and disseminate information and the ideas to others, by any means and regardless of frontiers ".

**The second requirement: the concept of national security**

Security means all that reassures the person of himself and his money (12), and it is the opposite of fear (13). This meaning is embodied in the verse "and to replace them, after their fear, of our safety (14)" as well as the verse "Who fed them hunger and security of fear." In general, security is achieved if the person is assured of himself, his money and his honor against the danger of aggression whether it is by nature, such as floods, earthquakes, volcanoes, fires, collapsing buildings, tunnels and bridges ... Or by human like the robbery and the madness, violent demonstrations, road and car accidents…etc., or due to predators, wild animals and causing disorders such as stray dogs and snakes.

The need for security is a basic need for the continuation and the permanence of life and the building of the universe. Insecurity leads to anxiety and fear. It
prevents stability and construction, and calls for migration and homelessness and the cessation of livelihood, which leads to the collapse of the societies and their existence. It has been said that "two great virtues, whose value is felt by man only if he loses them, namely the health and the homeland’s security

So the administrative control bodies, for example, must take measures and procedures that aim at achieving security, facilitating traffic in roads, streets, places and public squares, repairing buildings that can fall, in addition to maintaining security in public gatherings such as demonstrations, marches, festivals, public markets and ceremonies (15).

As a part of our study of the definition of security, we must clarify first the definition of national security and then define the pillars of national security and its relation to freedom of expression, and finally the dimensions of national security from the perspective of human rights, as follows:

**Section One: Definition of National Security**

National security is seen as the protection of citizens and individuals within the country. It is also known as the use of security means to maintain the daily life away from any crises to the human and the components of the society. The concept of national security depends on two basic levels: the first level, known as the "traditional level", which depends on the role of the state in achieving security, and the second level, which is related to the effective role of local institutions which contribute to enhancing security, such as the establishments which provide trained guards to provide security protection for VIP’s or major shops.

The national security and nation’s security have the same definition, where many opinions and theories have emerged regarding the concept of the national security, and the foundations on which it depends. A range of vocabulary emerged, such as strategic security based on theories of deterrence, balance, potential risks, and proactive moves and controlling crises. The definition of
security according to this concept, as suggested by the British Department of Knowledge, means "protecting the nation from the threat of oppression by a foreign power". Some researchers believe that security means "preserving the nation's right to life". In the jurisprudential view, the comprehensive concept of security is "the country’s ability to use its internal and external economic and military sources in various fields to face danger locally and abroad in peace and war(16). The national security is the ability of the state to respond to any aggression by another state, either by military defense or by any method that contributes to maintain the external and the internal security of the state, without any control or authority of any state or any other entity. National security is the outcome of the plans, means, preparations and arrangements taken by a state to secure the national objectives and interests of the state and its values, and to preserve its entity and to ensure its stability and sovereignty from any internal or external threat, and to preserve its citizens and their safety (17).

While the concept of human security focuses on individual human beings rather than on the state, the concept considers that any policy should have the primary objective of achieving individual security alongside the state security; the state may be secure while some of its citizens lack security due to various conditions such as imbalance in the distribution of wealth or the emergence of ethnicity in multi-ethnic societies or natural and climatic conditions which pose a constant challenge such as earthquakes, volcanoes, floods, conflicts or separatist conflicts, where Security requires the intervention of regional or international bodies. Some humanitarian organizations are active in providing care and relief when the state cannot provide such requirements. In the report issued by the United Nations Development Program in 1999 “globalization with a human face”, seven key challenges were identified that threaten human security in the era of globalization. Financial insecurity and absence of job security due to income, instability and the absence of health security, especially with the spread of deadly epidemics and lack of cultural security, predominance of culture and the lack of personal security through the spread of organized crime, drugs and
innovative means of fraud, fraud and absence of environmental security, the absence of political and societal security through the easy transfer of weapons, means of destruction, violence, extremism and mass murder that amount to extermination (18).

The concept of human security is based primarily on the preservation of human dignity by meeting its moral needs, as well as its material needs.

Section Two: The pillars of the Jordanian national security and freedom of expression

The Jordanian National Security is based on internal and external bases:

First: The internal pillars of Jordan's security:

As a democratic state, Jordan strives to balance between freedom of expression and national security, as each of them strengthens the other and increases the state's power in facing dangers. Thus, Jordan managed to deal with the Arab Spring through the adoption of some political reforms and constitutional amendments, which avoided the country from the results that other neighboring countries ended up with such as the loss of national security and absence of freedom of expression. Perhaps the most prominent features of achievement that must be maintained and depended upon to become a permanent approach rather than a transitional one:

- Adopting constitutional amendments that promote the democratic approach and encourage popular participation in decision-making, including the establishment of a constitutional court to monitor the constitutionality of laws and to ensure the constitutional respect; and the establishment of an independent electoral body to supervise the elections taking place in the Kingdom apart from the interference and the control of the executive authority represented by the Ministry of the Interior.
- Issuing a number of legislations that strengthen and encourage the public participation in the public affairs, such as the 2016 Parliamentary
Election Act, the 2015 Decentralization Act, the 2015 Municipal Law, and the Political Parties Act 2015.

Second: The external pillars of the Jordanian national security:
Due to the geographical location of Jordan in an unstable region, it must follow an external policy that serves the national reconciliation and is positively reflected on its national security in the middle of regional conflicts. Jordan should therefore adopt an external policy that is close to neutrality with the conflicting parties in the region and maintaining its historic role as a factor for the stability of region, and being keen to develop balanced relations with all countries to support the Jordanian political situation and to enhance the Jordanian development. Thus preserving its national security through international support for its position and supporting it.

Section three: the dimensions of the national security from the perspective of the human rights

First, the political dimension, which is preserving the political entity of the state, protecting the supreme interests, respecting the national symbols and constants agreed upon by the majority of society members, refraining from seeking foreign care or work according to a non-national agenda for whatever justifications and pretexts, practicing freedom of expression in accordance with the laws and regulations that guarantee this, by peaceful means that take into account the security and the stability of the homeland.

Second: The economic dimension, which aims at providing decent living conditions and meeting the basic needs, raising the level of services, improving the living conditions, creating employment opportunities, taking into account the development of capacities and skills through education, rehabilitation and training and creating new employment opportunities and taking into account the development of skills and abilities through education, training and qualification, and paving the way for free license in accordance with legislations capable of keeping pace with the spirit of the age and the requirements of current life.
Third, the social dimension, which aims at providing citizens with security to the extent that it increases the sense of belonging and allegiance, and to increase the capacity of the national guidance organizations and to increase the national sense of the achievements of the country and to respect its heritage, which represents its identity and civilizational belonging. Also to encourage the establishment of the civil society organizations to play their role in discovering talents, channeling energies, promoting the idea of voluntary work and promoting human rights and the freedom of expression, so that these organizations can fulfill their duty as a supporter of the official effort in various fields.

Fourthly, the moral or ideological dimension, by respecting religious belief as the main element in the unity of the nation, which believes in Islam and unites its feelings towards it, taking into account the freedom of minorities in their belief. This dimension requires respecting the thought and creativity and the preservation of good habits and inherited traditions, in addition to the values that have settled in the collective conscience, and the urging people to believe in them.

Fifth: The environmental dimension, which aims to protect the environment from the dangers that threaten it such as pollution, especially in residential gatherings near factories which emit gases that contributes to air pollution, damaging other elements of the environment like plants and water, as well as combating marine pollution which harms aquatic life and fishery resources, which constitute a source of national income. This is provided for in the legislation relating to the protection of the environment and the procedures for reducing sources of pollution.
The second topic: The importance of the freedom of expression and its relation to the national security

In this section, we discuss the importance of the freedom of expression and its relation to the national security through two demands, the first includes the importance of freedom of expression, while the second discusses the mutual impact of the freedom of expression and the national security.

First: The importance of freedom of expression

The importance of freedom of expression at the individual level is that it is central to the life, dignity and development of every person. It allows everyone to understand what surrounds them and away from him by freely sharing ideas and information with others. Thus, it makes him more able to plan for his life and activities, as well as the ability to express what is in mind enjoying large space of personal and social security. At the social and national level, freedom of expression ensures that any new policies and legislation are carefully considered. The state intends to legislate them through the participation of citizens to take their ideas and observations. Freedom of expression helps to respect and implement the law, as it enjoys the support of people. Freedom of expression also supports the concept of good governance by enabling citizens to raise their concerns with the authorities and thus improving the quality of the government by assigning the task of administering the state to the most efficient and impartial people. Freedom of expression contributes to the identification of strengths and weaknesses of the supporters and opponents of the authority. This enables the voters to make informed decisions about who is the most qualified person to manage public affairs and they vote accordingly. Freedom of expression and access to information also affects the implementation of other human rights, and enables journalists and activists to draw attention to human
rights issues and violations, to persuade the government to take action on them, in addition to other benefits of freedom of expression (19).

Individuals’ freedom of expression is essential for the development of the independence and dignity of people by freely sharing ideas, information and opinions with others, making them able to plan their lives and work, giving the individual a sense of security and respecting them if they are able to express what goes on in their mind. For the state, freedom of expression is a necessity for democratic governance, economic and social progress, and it contributes significantly to the quality of the cabinet through the following (20):

1. It helps to ensure that the functions of the state administration are entrusted to people with adequate efficiency and integrity, through democracy, which enables voters to choose the most efficient, and moreover, the regulatory agencies help to detect corruption and areas of imbalance.
2. These policies enable citizens to rid all their fears from the authorities, by allowing their ideas to be expressed without hindrance or fear of punishment, and by informing the government so it can find a solution.
3. The citizen’s expression of his opinion as a way through which a citizen who has useful opinions on a particular issue that can be submitted to the government. The government chooses from those opinions what is appropriate to the issue at hand. This debate helps people to respect the decisions taken by the government and follow the laws issued by it.
4. Improving the government policies in all areas, including human rights, and persuading the government to take action against violations.

The second requirement: the mutual influence of freedom of expression and national security

National security is a vital necessity and perhaps the ultimate goal is not only for the state and the regime, but also for society and citizens. Therefore, the provision in international humanitarian law states that it is necessary to respect
it and to consider its threat as one of the reasons for restricting certain rights, especially the right to freedom of expression and the right to peaceful assembly (21). But the concept of national security has been misused over years to impose unjustified restrictions on the freedom of expression, which became a major issue after the September 2001 attacks which called for efforts to combat terrorism (22).

Social security is considered the cornerstone of building modern societies and a key factor in protecting their achievements as it is a way to progress and advancement. It also provides a safe environment for work and development and it provides peace of mind and creates a motive for creativity and progress towards the future. Security is achieved by agreement and faith in the national constants that unify the social and cultural formation which reflects the national identity and its characteristics. It is easy to direct efforts to achieve the goals that fall within the values and ideals to strengthen the national spirit and achieve justice, equality and equal opportunities and the integration of roles. The preamble to the Universal Declaration of Human Rights emphasizes "the recognition of the ingrained dignity of all members of the human family and their equal and established rights is a basis for freedom; justice and peace in the world ... The disregard and contempt of human rights have led to barbarous and unscrupulous acts.... It was necessary for the legislation to protect human rights so that one does not have to end by rebellion against tyranny and injustice. “Therefore, Member States of the United Nations pledged to ensure that human rights and basic freedoms are respected and national and universal measures are taken to ensure effective recognition and observance of these rights (23)"

It is worth mentioning that the stability of security contributes to the social cohesion which contributes to the creation of equality of rights and duties regardless of religion, race and doctrine while preserving the cultural specificities that represent the principle of diversity within the framework of unity which leads to freedom and respect for human right to belief and worship without affecting the rights of others in this context.

Just as security is conducive to an atmosphere of democracy and as it promotes human rights in practice and thought, freedom of expression is a necessity for
national security and it is a stability factor for society. The suppression of freedoms, especially the freedom of expression, will lead to tension among the public, which may lead to rebel, break the law and undermine national security. A man, who does not find legitimate and public means to express his opinion through, will resort to illegal and secret means, which may lead suddenly to upheavals, where it is difficult to have control. The Arab Spring, which has recently swept over many Arab countries, is only a result of the absence of the freedom of expression and its legitimate means, the control of the repression tools and the policy of muzzling mouths on the public scene which leads to a situation of public rejection that cannot be expressed by legitimate means. This situation prompted people to devise ways to express their opinion more violently than if they followed the democratic approach which respects Human rights and freedom of expression. Perhaps the introduction of new means of expression that are appropriate to the style of the electronic age, made their impact on the national security more dangerous if these means are misused.it is necessary here to tackle the most important means of electronic expression, which became a double-edged weapon. On the one hand, these means strengthen and facilitate freedom of expression and they make it transboundary as restrictions on the electronic space were rejected, on the other hand, they may pose a threat to the national security in its comprehensive sense, by infringing on the rights and freedoms of others, especially the right to inviolability of private life, which constitutes a serious threat to the social security. The understanding of the expression of opinion on the World Wide Web and websites is no longer as simple as it was taken initially by amateur Internet users, but it is one of the most serious issues that is outside the law and it is enhanced by the development of technology and due to the humble national laws on the other hand, in addition to the absence of the follow-up in many countries and the ignorance of the crimes of electronic publishing, especially in the press. . Therefore, the danger, which has become known as electronic publishing sites and social networking websites, increased lately that the freedom of the media and the right of expression guaranteed by the
constitutions. However, what these websites publish may be prohibited by law as it may violate the freedoms and privacy of others and may commit a crime that requires public disclosure.

Today, the world is entering a new era of a great change due to the production of vast amounts of information and knowledge that are capable of growing in an unprecedented manner. The future depends on our ability to store, retrieve and transfer information with high efficiency.

The new media provides an ideal platform for the freedom of expression, dissemination of ideas and opinions. The Internet allows the users to express their opinions and share their ideas. This platform provides an additional means of expression, better than distributing publications. The Internet also made every user or subscriber connected to any website give his opinion and express his ideas as he wishes, and it is clear that the Internet is the most powerful and most widely used means to express opinion and to practice the individuals' rights and freedoms, in addition to being the most free and widespread media window (24). Therefore, it is possible for a person to broadcast his thoughts, feelings and interests easily and share them through pictures or videos. It is possible to say that the margin of freedom of expression has expanded in light of the technological revolution and it became bigger than ever in comparison to traditional means. However, restrictions on social networks and electronic communication tools, is a clear threat to the basic right of the users to access to the Internet, especially since the United Nations Human Rights Council has passed a landmark resolution in July 2016 to promote and protect human rights on the Internet, as a human right. The resolution called on states and other entities to prevent the disruption and deliberate closure of the Internet services (25).

Perhaps the most important electronic means through which a person can express his opinion:

**First: Electronic publishing sites:**
The website is the address of the person or entity in the virtual world on the web, it is represented by specially designed pages by specialized entities, containing data and information belonging to that person or entity and under his control. This site can be accessed directly by typing the URL in the browsing location on the web page, or in case you do not know the URL, the site can be entered by Google search engines. These sites have been competing in progress in online ranking to show their spread and reach of network surfers. The search engine Google provides a tool called (Google Analytics) which can be subscribed for free. It provides the site owner with all the surveys and statistics on the site that includes many indicators such as the number of visitors, analysis of the most important pages of the site, the quality of visitors, the sites that are linked to the site, the most important engines used to access the site, and the geographical distribution of the site visitors, and others (26).

The website is a collection of topics and files on the web server. It is also an electronic space purchased from the specialized companies in this field. It is a mean owned by the party that pays for it. Thus, it is a means of serving the interests of the body that administers it (27). The Jordanian legislator defined the website in the Electronic Crimes Law (28) as a "space for making information available on the Internet through a specific address".

The electronic publishing sites are not different from the above mentioned websites. The online newspapers appeared in a clear and rapid manner that fits the speed on this network, taking advantage of the possibilities offered by the Internet such as continuous updating of news at the time of occurrence, using the interactive links and discussion areas, the ability to comment on news and reports, and the possibility of uploading videos of current events. Currently, there are independent electronic newspapers, and they are among the most used electronic means to express opinion in public affairs specifically through their upload of published news, opinions and articles, and the related comments and participations.
Second: The tools of social communication:

Social Media is one of the latest developments on the Internet. Social media is a great leap for communication through the Web in a much more interactive way than ever in the past when communication was limited to the participation of very small amounts of information and greater control over data managers. They are sites used by individuals for social media, building relationships, making friendships around the world, and building virtual groups according to common interests or affiliations. The user can create his personal page, publishes his biography, photos and personal information, writes articles and thoughts and publishes videos. They are an effective way to express the opinion.

They are based on the participation of their contents by the users through the additions and responses that contribute to increasing their content. They allow responding, commenting, and evaluating the content by voting, expressing opinions and observations, and exchange information freely and transparently (29). It should be noted that the Jordanian Administrative Court has approved the legality of the disciplinary decisions issued against the users as a result of what they publish on the pages of the social media (Facebook). The Supreme Administrative Court of Jordan decided that "it is clear from the facts of the case that the complainant, after appearing before the Commission of Inquiry on 2/8/2015, refused to be asked any question concerning the subject of the investigation and requested postponement of the investigation and granting him a deadline for this purpose until the morning of 4/8/2015 And that the Commission responded to his request to provide all the papers and documents, which were published on his page in his social networking page until his appearance at the meeting 4/8/2015, and that the Commission of Inquiry took into account the right of defence to postpone the investigation at his request until the completion of the investigation procedures, The complainant did not attend the hearing and did not show any reason why he did not attend indicating that the contestants did not intend to attend the investigation Commission and to answer any question or provide defensive evidence. Therefore, the findings of
the investigation Commission which were formed properly and legally in accordance with the provisions of Article (49) of the Staff Law at the Hashemite University No. (50) For the year 2003 and its amendments was based on what was published on the page of the complainant in the social networking site and that the violation committed one of the violations stipulated in article (45/a/3) of the said law, and the decision complained of was issued by those who have the right to issue it in accordance with article 46(b) of the same law and that the penalty within the penalties prescribed for the violation of this offense ".(30).

For its part, the French Court of Cassation issued a decision that the statements that are recorded via Facebook are private statements and cannot be a reason for follow-up. The Court of Cassation in France rejected a previous judicial sentence condemning a French citizen who published offensive words against Her employer on her Facebook page and demanded her compensation for material and moral damages. The court considered that this argument and the reason on which the lawsuit was built cannot be considered public because it is placed on a personal page with limited follow-up by people with only simple social ties. The space on which these charges were placed was personal and private, and doesn’t have a large number of followers and that fulfils the public requirement. As the post was not considered to be public because close friends were the only ones who could see it, the court refused to follow up on the complaint and also rejected the employer's request to penalize the employee who posted it (31).

It is worth mentioning here the Administrative Court of Jordan has approved the sentences taken against the employees who publish on social media websites (Facebook).

**Third: Electronic Blogging** (32):

They are websites owned by individuals (mostly), institutions and groups, written in different ways, and most of them approach journalism style. They always try to find fresh news, write on controversial topics and issues; publish
articles and recordings so readers and users can comment on them. The blog is a platform to practice the freedom of expression and opinion. Freedom of publication has allowed many people to talk about what is prohibited, and this is due to the absolute freedom and lack of censorship in the dissemination of information. It is thus an effective tool in expressing personal and public concerns, and a mean to uncover things (33).

**Fourth: Video broadcast sites:**

YouTube is a website that allows users to upload, watch, share, and comment on and view video recordings for free. This site allows podcasting or video clips, and can even be downloaded and viewed. There are several famous sites that can even sell clips to the media, and these sites broadcast their programs through this site. People often express their opinions and ideas through video streaming over the Internet.

**Fifth: Collective Editing Sites:**

These are content-based sites that rely on Wiki software which allows the users to edit their content collectively by adding, modifying, or even deleting existing material, such as Wikipedia.

Thus, electronic means have now become platforms for practicing freedom of expression, which has led to the emergence of a new generation of human rights, known as digital rights. The spread and popularity of these tools in the daily lives of many people and their connections to practicing their rights and freedoms have prompted the international community represented by the United Nations to protect and promote these rights and freedoms (34). In this regard, the United Nations Human Rights Council in its resolution on the promotion and protection of human rights on the Internet in 2012, " the same rights enjoyed by people outside the Internet must also be protected on the Internet, especially the freedom of expression, (35)" This resolution affirms The United Nations General
Assembly resolution 168 / 68 dated December 18 -2013 that human rights in the digital world must be protected and strengthened in the same way and in which human rights are protected in the real world, in which the United Nations asserts that "the same rights enjoyed by the persons outside the Internet must also be protected on the Internet, including the right of privacy."

At the end of this demand, we refer to the statement made by the Commissioner-General for Human Rights in Jordan to the Second Conference on the Challenges of Security and Human Rights in the Arab Region in Tunisia in 2015. The most important issues to be considered are:

1 – The absence of the definition or a correct understanding of the nature of security in the Arab world. The concept of security by nature is flexible and variable; therefore it is necessary to define its reality, especially determining whose security is required? What values are protected? Is it the security of the regime? Or is it the security of the ruling elite? Or is it security of the ruler? Or is it the security of society? The modern concept of security goes beyond defending the sovereignty of the state and protecting the government, reaching the so-called security of society. It should be mentioned that there are those who believe that the protest and demand movements in Arab societies are mainly aimed at destroying the Arab countries, as they consider it the remains of cohesion of society. In contrast, citizens - the majority - view that the Arab state is the source of repression and the threat of rights and protector of corruption and corruption, and that it is the greatest threat to security as well as the only threat to human rights (36).

2 - There is a gap in the concept of security between the Arab rulers and ruling elites on the one hand, and between the citizen "communities" or "groups" and "associations" and "groups", or what was recently called "components" of various Arab societies, but this confusion in the national consensus on the concept of security and the role of the parties (the society, and state) more than it has exceeded the relationship between the regimes and their communities, and overcome the issue of the relationship between the ruling and public to reach the components of the society itself. The most dangerous phenomena of this gap
between security and human rights groups: the state and society is the mutual
demonization between them or between the ruling elites and various groups
from outside the authority on the one hand, and between the same groups / ethnic, political, regional and even cultural against one another.

3 – The low level of satisfaction and faith, and to a certain extent, the human
devices and departments, and also citizens, especially the importance
of the rule of law, and the syndrome of rights and duties. On the other hand,:
many groups in our Arab countries worry that the fear of chaos and intimidation
of violence, terrorism, division and fragmentation will be exploited to justify
curtailing civil liberties, diminishing rights, distorting the opposition, reducing
public participation, and the reluctance to real reform and enabling citizens to
rule themselves and participate in determining their future and making their
choices. This is evidenced by the growing trend of enacting laws that reduce
freedoms and expand the protection of security at the expense of the rights and
freedoms. The most prominent of these concerns in the expansion of the
definitions of terrorism and emphasizing the importance of imposing the power
of the ruling class and the fight against criticism and refusal to accept
accountability and reliance on the strength of security instead of the power of
law and of seeking to establish ruling on the basis of consensus, justice and
participation.

4 - This double-negative of rights and the threat to security resulted in the
emergence of problems, and the phenomena in the Arab reality to the extent that
some consider that the call for reform, democracy and citizenship rights of
equality and non-discrimination and the practice of fundamental freedoms and
independent media as the sources of security threat in many Arab countries! The
decision-making circles in many Arab countries do not disturb those who
believe that the Arab Spring is responsible for the state of collapse experienced
by such countries, the turmoil and the chaos that keep the current situation in
the Arab world

5 - This fact led to the emergence of what can be described as specificity of the
security problem in the Arab region. The individual citizen can no longer assure
himself that any existing political system can protect his rights and freedoms;
therefore, the State is no longer the safe host of the individual, which has the
right to define the supreme interests and the national interest and has the right to
monopolize the legitimate use of force in the country. In several places, this
state has been fading to be replaced by sect, tribe, denomination, group or
organization. In fact, the citizen no longer benefits directly from the State as a
guarantor of the rights except for a minority of innocent and ideal people.
Freedom of expression in the Arab world may be the first victim of different political systems. It can be considered as the common denominator of all the member states of the Arab League in varying degrees, the relationship with the expression of Arab culture transcends the authoritarian nature of political systems as an important part of the structure of the societies governed by these regimes, based on a cultural, religious and social heritage and an accumulation of customs and traditions. The issue is more complex than merely being a ruler or a totalitarian party with a limited public will, as was the case in the countries of the communist camp (37).

Third topic: Freedom of expression in national legislations in the light of international covenants

The Jordanian legislator is keen to ensure freedom of expression and to provide it with special laws and texts. In order to review the position of the Jordanian legislator on the freedom of expression, we will discuss this according to two demands: the first is devoted to freedom of expression in the Jordanian constitution, while the second is the freedom of expression in the Jordanian laws; all in the light of the international charters and standards.

First: freedom of expression in the Jordanian constitution

Article 15.1 of the Jordanian Constitution stipulates that "the State shall guarantee freedom of opinion. Every Jordanian shall freely express his opinion by speaking, writing, photographing and other means of expression provided that he does not exceed the limits of the law."

We find that the text obligates the state to guarantee freedom of opinion, as well as a negative obligation not to interfere with freedom. As stipulated in the international human rights provisions: “Everyone has the right to hold opinions without interference (38)" and freedom of opinion in accordance with the provisions of Article (15) shall not be subject to any restrictions without justification that prevent their practice. "Every Jordanian has the freedom to express his opinion". It used the singular rather than the plural as when the
Constitution dealt with the other rights (39), and this is justified because of the special nature of this right, it is natural that the opinions of Jordanians and people in general differ. In terms of the requirement of the Constitution not to exceed the limits of the law in the practice of the freedom of expression, it should be noted that the role of law in organizing the practice of freedom of expression must not lead to emptying this freedom of content or confiscation, and that the law is contrary to the Constitution, otherwise, that law is contrary to the Constitution. Its role should be limited to regulating its practice only. This freedom cannot be absolute, but it is constrained by the inviolability of the rights and freedoms of others. The constitutional provision does not address the right to access, search, receive and broadcast information as parts of freedom of expression in accordance with international standards in this regard (40).

It also clarifies the obligation of the state to intervene positively to entice the opinion of the Jordanian citizen when it stipulates the state's guarantee of this freedom, and it must commit itself to encourage him to express his opinion and ensure not to harm him because of this or arrest him and to remove all the obstacles that prevent him from expressing his opinion (41). However, the Jordanian constitution is blamed as it did not specify the restrictions on the practice of freedom of expression but rather it left them to the law. It contravenes the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which have specified the restrictions on the freedom of expression (42).

The jurisprudence differed about the referral of the constitution to regulate the constitutionally prescribed rights and liberties of the law to regulate them. It went to a lack of adequate constitutional determination of the rights and freedoms and then referred the matter to the laws which might waste them, whereas the constitution must be fully regulate them (43). While another trend considered that one of the most important constitutional guarantees is the recognition of the law as a tool for restricting freedom, as an expression of the will of the representatives of the nation and does not envisage their consent unless it is for their interests and reconciles the conflicting interests related to it (44).
The expression of opinion does not require any particular means, it may be writing, saying, photographing, drawing or gesturing with a certain movement or humor, and it may be the individual taking a negative attitude of something (45). Hence the Internet has provided a wide range of expression through the publishing on its electronic space.

While the Constitution restricts the right to express opinion only to Jordanians as a political right that is limited to the citizens of the state who hold its nationality, it has mentioned some means of expressing the opinion (46), but it left the space for any means that may appear in the future as a tool of expression as it is the case with the electronic means on the Internet. The previous provision stipulated that freedom of expression should not exceed the limits of the law, that this right is restricted and not absolute. This is what all the international conventions agree upon when dealing with this right. However, the international conventions specify the cases in which this right may be restricted under the law exclusively (47).

Article 15 of the Jordanian Constitution places a constitutional obligation on the state to guarantee the freedom of expression and opinion for Jordanians. Thus, its duty goes beyond ensuring this right to ensure that it is made available to citizens. This freedom is given absolute, no restriction on it, not, neither in form nor time nor in means, but the constitution stipulated that it should not exceed the limits of the law. It is important to point out that this condition does not exceed the limits of the law. This law should not be overturned or arbitrarily violated. If a law is enacted to nullify the right of freedom, it is unconstitutional to comply with the provisions of the constitution itself. The practice of freedom of expression based on the philosophy that ensuring the practice of this freedom does not constitute an attack on the honour, reputation and beliefs of others, or the security and stability of the state. Among these determinants (48):

1 - Degrading and reprimanding individuals and institutions of the state.
2. Use of the information network to disseminate any terrorist acts, promote the ideas of any terrorist group, or expose the Jordanians or their property to the risk of hostile or reprisal acts.

3. The defamation of any foreign state, its flag or its president.

4 - Dissemination of what includes insulting one of the religions, or insulting religious feeling, belief, stirring sectarian or racial strife.

5 - Broadcasting any false or exaggerated news that would undermine the prestige of the state.

We conclude that the first provision of Article 15 has remained unaltered since its first formulation. It is: "The State guarantees freedom of opinion. Every Jordanian shall freely express his opinion by speech, writing, photography and other means of expression, provided that it does not exceed the limits of law." Until the 2011 amendment, the text of the first provision was retained, adding two provisions beginning with the word "guarantee": the State guarantees the freedom of scientific research and literary creativity, and guarantees the freedom of the press, printing and publishing. The amendment abolished the method of censorship of newspaper resources; the importance of this amendment is that in the added provisions the legislator used the term "guarantee". It is noted that the legislator used this expression only. For example, it did not use the term "the State shall not infringe or restrict the freedom of opinion" or the term “the Jordanian State gives the right of opinion expression ". If we adhere to what is stated by the judiciary and the law, the legislator does not digress. The use of the word "guarantee" by the Jordanian legislator was self-intended and had a legal significance of particular importance in the context of freedom of expression, freedom of scientific research, literary creativity and freedom of press; the guarantee in the law, in terms of nature, origin and application, is a contract of original obligation, that the bond is not an original obligation, but follows the original obligation and...
comes in the tail. If someone goes to the bank to borrow money, the bank agrees to his request provided that the guarantor pays the loan. The loan contract is the original obligation and the guarantee contract is a contract under the original contract, if the Loan contract expired, the bail necessarily fell. In this regard, the State "guarantees" freedom of opinion, and its obligation to ensure this is an obligation that follows the original obligation which is the Jordanian right to freedom of expression and opinion, which is the oldest and earliest right to legislate the constitution and the emergence of the state of existence. A social contract for Jordanians had been formed – as expressed in the 1952 Constitution

- until the State was committed to "guarantee" rights that had already been established and preceded its constitution, since the freedom of expression is a natural right that is born with man and preceded the existence of the State. Didn’t the Caliph Omar ibn al-Khattab say: "When did you enslave people and they were born to be free?". It should be noted that there is a consensus among jurists that freedom of opinion and expression is the most important freedom, without which other freedoms will always be threatened.

It is no coincidence that amendments to the Constitution did not affect Article 15/1 of, and when the amendment was made in 2011, it was confirmed and expanded in its various aspects of "guaranteeing" freedom of the press and "guaranteeing" the freedom of scientific research and artistic creativity which are based on the freedom of opinion and expression. It can be said that the Jordanian legislator remained free from prejudice to the freedom of opinion, not as a right guaranteed by the Constitution, but as the freedom of opinion is as a natural right. The Constitution was intended to ensure that its status was maintained as it was before it was included.

The word "guarantee", as opposed to the amendment of article 15, was originally found only in three places in the Constitution; the word was given twice in article 6/3, when it stated that "the State shall ensure that education and
work" but within its potentials a "and" guarantees "the state's tranquillity and equal opportunities, and, of course, "guarantees "itself is unrestricted.

It is clear that the State's guarantee of education and employment was limited by the potentials of the State, since the guaranteed original right was not widely available at the time of drafting the Constitution, other than with regards to reassurance, equality of opportunity and freedom of opinion; the guarantee itself was free of restriction.

Article 15 stipulates that "Every Jordanian shall freely express his opinion by speaking, writing, photographing and other means of expression ..." The article was successful in its formulation in terms of its comprehensiveness and broadness for any future developments. Traditional means used to take the form of speeches and cheers, or writing of data, slogans and publications, and the photography was not limited to photos, but also includes caricatures or drawings of logos or forms that have meaning or symbols that the protesters fear.

The means of expression have developed in modern times and have become as daily bread for generations of young people (WhatsApp, Viber, Instagram, Twitter, Facebook, etc.). These modern tools have become more effective and have often been far from the control of the security departments, as evidenced by the fact that the movements that were called "Arab Spring" in early 2011 were moving through these new tools.

The last sentence of the first provision of Article 15, which states that “the practice of freedom of opinion must not exceed the limits of the law" is not a license for the authority to withdraw or nullify the right of opinion, since the limits of the law referred to mean the texts established by the legislator to regulate the practice of the right of opinion and not to paralyze or impose restrictions on that freedom. If the law is otherwise, it will necessarily collide with the Constitution; the Constitution is superior to all. There is no doubt that freedom of opinion can be addressed in matters of national security and public morality without expansion, because the essence is the protection of freedom of
opinion. Moreover, the law should ensure that the average citizen is protected more than the official clerk who deals with the public.

The second requirement: freedom of expression in the Jordanian laws

This requirement addresses the situation of the law towards the freedom of expression, in particular within the electronic means, through the three parts; of the first is the position towards Press and Publications Law, the second is the position towards the audiovisual media law, and the third of which deals with the Telecommunications Law (49).

First Section: The situation of the Press and Publication Law

The Publications Law defines the publication as “all means of dissemination, in which the meanings, words or ideas are expressed in any way, including electronic, digital or technical means (50).” It stated again that the electronic print is “a website that has specified electronic address on the information network and it offers publishing services, including news, reports, investigations, articles and comments. The registration shall be chosen in a special record established by the Authority under instructions issued by the Minister for this purpose.”

The law affirmed that the press and printing are free and freedom of opinion is guaranteed to every Jordanian, so that he can freely express his opinion by words, writing, photography, painting, and other means of expression and media (51). The journalism law also guarantees the right to obtain information. All official bodies and public institutions have to facilitate this mission and provide an access to their programs, projects and plans. Prohibiting the imposition of any restrictions that impede the freedom of press in ensuring the flow of information to the citizen, or the imposition of procedures that impair the right to obtain it. It also prohibits interfering with any work carried out by the journalist in the context of his profession, or influencing him or forcing him to
disclose his sources of information, including the denial of the performance of his work or of writing or publishing without a legitimate cause or justification (52).

In the Press and Publication Law, the legislator has enacted special provisions for crimes committed in violation of its provisions, with the aim of giving privacy to journalists' work and taking into consideration the nature of their work and their difference from others. Article 42 of the Press and Publications Law stipulates that:

(A) A specialized judicial chamber shall be established in each court at the beginning for the issues of publications and publishing which shall consider the following cases:

1. Crimes committed in contravention of the provisions of this law and crimes committed by means of printed or audio-visual media, contrary to the provisions of any other law.

2. Civil claims filed by any party to claim compensation under the provisions of the Civil Code and the provisions of this law if the damage resulted from any act committed by any of the print media or the audio-visual media.

(B) The Chamber of Press and Publication issues at the Court of First Instance of Amman shall be competent exclusively to consider the following cases:

1- The criminal and civil cases referred to in paragraph (A) of this article if they fall within the jurisdiction of the courts located in the capital governorate.

2. Crimes against the internal and external security of the State provided for in the applicable Penal Code if committed by means of publications or the authorized audio and visual media.

(C) The criminal cases referred to in paragraph (1) of paragraph (A) and in paragraph (B) of this article shall be given the status of urgency. Meetings shall be held at least twice a week and shall be adjourned within four months from the date of receipt of the Registry.
(D) In cases of civil compensation referred to in paragraph (2) of paragraph (A) and in paragraph (1) of paragraph (B) of this article, the following provisions shall be considered:

1. Cases of civil compensation in such cases shall be urgent cases. All periods of submission and exchange of the regulations and the evidence provided for in Article (59) of the Civil Procedure Law shall be reduced by half and this period may not be extended. The trial sessions shall then be held twice a week at least and within four months from the date of receipt of the Registry.

2. The period of appeal shall be reduced in half and the regulations shall be submitted and exchanged in the court of appeal and the Court of Cassation.

(E) In each court of appeal, a specialized judicial chamber shall be established to hear appeals against the appealed judgments issued by the courts of first instance on the criminal and civil cases referred to in paragraphs (A) and (B) of this article, from the date of receipt of the Registry.

(F) The Attorney General shall investigate and make appropriate decisions on the crimes committed by means of publications within a period not exceeding fifteen days from the date of commencement of the investigation and this case shall be seen by one of the Attorney Generals.

(G) The public right suit to the crimes committed by means of periodic publications shall be established against the press publication, its editor or the director of the specialized publication and the writer of the press article as major members. The owner of the publication shall be jointly and severally responsible for the personal rights resulting from such crimes and the costs of the trial. The owner shall not entail any criminal liability unless it is proven that he has participated or is actually involved in the crime.

(H) The public right suit for crimes committed by means of non-periodic publications shall be brought against the author of the publication as an original actor and its publisher as a partner. If the author or publisher is not known, the
case shall be brought against the owner of the printing press and its responsible director.

(I) 1. No arrest may be made as a result of expressing opinion in words, writing or other means of expression.

2. The offenses referred to in paragraphs (A) and (B) of this article shall not be suspended."

Among the most important amendments to the Press and Publications Law, which was widely opposed by the electronic media sector, was the 2012 amendment. Under this amendment, hundreds of electronic publishing sites were required to register and correct their conditions and obtain a license with the Press and Publications Department. The concerned body was then abolished as an independent body and merged its staff and functions with the media body to form a single body. This amendment was a combination of necessary and correct regulatory measures (from an objective perspective) and restrictive conditions that restricted electronic space and allowed to the electronic media. It is noteworthy that the National Center for Human Rights has submitted a review on these procedures, stressing the need not to require licensing to practice the profession of journalism and the importance of the commitment of these sites and others to respect human dignity by avoiding disparagement, distortion and libel, and the distinction between criticism and verbal abuse or accusation, which was done by some means of social media or websites or any other means of dissemination (53).

Article (49) of the Press and Publication Law under the 2012 amendment included the provisions of the electronic publishing sites, wherein "notwithstanding any provision of this law or any other legislation:

(A) 1- If the electronic publication activity publishes news, inquiries, articles and comments related to the internal or external affairs of the Kingdom, this publication shall be bound by registration and authorization by a decision of the Director. The owner of the electronic publication shall comply with the provisions of this law within a period not exceeding ninety days from Date of notification of the Director's decision.
2. If the owner of the website is unknown or his address is outside the Kingdom, he shall be notified of the decision of the director issued in accordance with the provisions of paragraph (1) by publishing in two daily local newspapers for one time.

3. The Director's decision issued pursuant to the provisions of paragraph (1) shall be subject to appeal to the Supreme Court of Justice.

(B) If the website becomes binding on registration and licensing in accordance with the provisions of paragraph (A) of this Article, all applicable legislation relating to the press publication shall apply thereto.

(C) The comments published in the electronic publication shall be considered as a press material for the purposes of the responsibility of the electronic publication, its owner and its editor, jointly and severally.

(D) The electronic publication shall not publish the comments if they contain information or facts, which are not related to the subject matter of the news, or have not been verified or may constitute an offense under the provisions of this law or any other law.

E) The electronic publication shall maintain a record of the published comments, provided that this record shall include all the information relating to the writers of the comments and the material of comment for a period not less than six months.

F- The electronic publication and its owner, the editor-in-chief, and the writer of the press material, don’t exclude the person who writes the comment from legal responsibility for violating the provisions of this law.

G-The Director shall block unauthorized websites in the Kingdom if they violate the provisions of this law or any other law.
The Court of Cassation considered the application of the Press and Publications Law to electronic publishing sites prior to this amendment, in view of its consideration of the issue of committing legal violations. The Jordanian Court of Cassation stated in this judgment “….After reviewing the Press and Publications Law, we find in Article (2) that:

The following words and expressions as provided in this Law shall have the meanings assigned to them below unless the context indicates otherwise.

Publication: Any means of dissemination in which the meanings, words or ideas are written in any way.

Periodical publication: The press release, which is specialized in all its kinds and issued at regular intervals, includes:

A. Press releases:

1. Daily publication: The publication, which is issued daily on a continuous basis, with a specific name and serial numbers, and is prepared for distribution to the public.

2. Non-daily publication: The publication that is organized once a week or at longer intervals and is prepared for distribution to the public.

3. Specialized publication: The publication in a specific field and is prepared for distribution to those concerned or to the public as provided for in its license to issue.

Article 5 of the same law states: "Publications must respect the truth and refrain from publishing what is contrary to the principles of freedom, national responsibility, human rights and the values of the Arab and Islamic nation."

It clear from the text of the second article referred to above that there are two types of publications referred to by the legislator in this article:

The first type: Includes the publication in general and has been defined by the legislator as any means of dissemination, in which the meanings, words or ideas are written in any way.
The second type: Includes the periodical publication, which is a specialized press publication of all kinds and issued at regular intervals.

We find that the reason for the dismissal of this case depends on whether the website is considered as publications in accordance with the definition of the publication in the Press and Publications Law, or not?

In this regard, we find that if the second type does not extend to the coverage of the websites, since this type, as defined by the legislator of the periodical publication, is limited to press publications issued at regular intervals. The website is by no means a press publication, the first type expands its scope for the inclusion of websites, as this type and as defined by the legislator of the publication as any means of dissemination of written ideas and words in any way.

In this way, the website is one of the means by which the ideas and articles are written and published, and therefore the websites are considered as publications according to the definition of the publication in the Press and Publications Law and subject to its provisions.

Article (5) of the same law stipulates that the publications must respect the truth, and refrain from publishing what is contrary to the principles of freedom. It stipulates the publications in general and according to the general definition of the publication, and not as defined in the periodical publication. The legislator distinguished between two types of publications, publications in general and periodicals in particular, and whether the websites are included in the definition of the publications in general as mentioned above and subject to the provisions of the Press and Publication Law or not (54).

The Jordanian legislator, in the Press and Publications Law, didn’t allow detaining journalists in cases related to their journalistic work, as a result of expressing opinion in words or writing, or other means of expression. However, it was reversed by the issuance of the Electronic Crimes Act of 2015, which reinstated the possibility of arresting journalists under Article (11) which stipulates that "Anyone ,who deliberately sends, resends or publishes data or
information via the Internet or the website or any information system that involves defaming, vilifying or insulting any person, will be sentenced with imprisonment for a period of not less than three months and a fine not less than (100) dinars and not more than (2000) dinars. In accordance with an interpretative decision of the Law Interpretation Chamber (55), journalists may be detained pursuant to this article and in the sense of Article (149) of the Code of Criminal Procedure, which stipulates that "1. After questioning the defendant, the Attorney General may issue an arrest warrant for a period not exceeding seven days if the act assigned to him shall be punishable by law for imprisonment for a period of more than two years and for a period not exceeding fifteen days if the act against him is punishable by law by a criminal penalty and the evidence already attached to him is available and may extend this period whenever the interest of the investigation so requires, provided that the extension does not exceed one month in misdemeanours and three months in

the offenses punishable by law by a temporary penalty and six months in other crimes. The defendant shall be released thereafter unless the period of detention is extended in accordance with the provisions of paragraph (3) of this article.

2- The provisions of the arrest and extension referred to in paragraph (A) of this article shall apply to the defendant who is sentenced to one of the offenses punishable by law by imprisonment for a period not exceeding two years in any of the following cases:

a. If the act attributed to him is as a misdemeanour of intentional victimization, unintentional victimization or theft.

B. If he does not have a permanent and known residence in the Kingdom, he shall be released if he provides guarantor approved by the Attorney-General to ensure his presence whenever requested to do so.

3. If the interest of the investigation requires before the end of the periods specified in the preceding two paragraphs that the defendant be continued to be arrested, the Attorney General shall submit the case to the court competent to hear the case and after hearing his review and hearing the defendant or his
representative about the reasons for the continued detention or not. The investigation papers shall decide before the end of that period to extend the period of detention for a period not exceeding one month in misdemeanours and three months in criminal offenses, provided that the total arrest and extension in all cases do not exceed four months in misdemeanours and a quarter of the maximum penalty in the penal offense by the temporary penalty, or decide the detainee's release on bail or without in any of those cases.

4. During the proceedings for the investigation of criminal offenses and criminal offenses punishable by law, the defendant shall decide to recover the arrest warrant provided that the complainant has a permanent residence in the Kingdom to report all acts relating to the investigation and enforcement of the judgment.

According to the Interpretative Decree No. (8) For the year 2015, the Press and Publication Law No. (8) Of 1998 regarding the crimes committed through the periodicals, the daily newspaper printed, non-printed, electronic and specialized publications and the bulletin of the news agency are a general law. These publications should be registered and licensed, and the electronic publication shall give the option of registration in accordance with the decision of the Special Court No. (2) For the year 2012.

2. The Electronic Crimes Law No. (27) For the year 2015, implemented on 1/6/2015, is a special law with regard to crimes committed according to the provisions of the law.

3. Since the legal rules require reference to the act as an offense punishable by law, it is necessary to identify the text organizing this crime, and since the Electronic Crimes Law is a special law that reorganized some provisions relating to crimes of slander, it is the law that applies to them in accordance with the provisions of Article (11) and in the sense of Article 2/57 of the Penal Code, which states that "if the act is applied to a general description and a special description, the special description is applied."
Based on the foregoing, we decide that the crimes of slander committed contrary to the provisions of Article (11) of the Electronic Crimes Law through websites and social networking sites are subject to this article and Article (114) of the Code of Criminal Procedure and not Articles (42) and (45) of the Press and Publications Law.

Second section: The Audiovisual Media Act

Article 20 (l) of the Audiovisual Media Law No. 26 of 2015 stipulates that "the licensee shall comply with the following:

1. Respect human dignity, personal privacy, freedoms and rights of others and pluralism of expression.

2. Not to broadcast public shame, incitement to hatred, terrorism, violence, religious, sectarian or ethnic strife, or damage to the economy and national currency or to national and social security.

3 – Not to broadcast false material that harm the relations of the Kingdom with other countries.

4 – Not to broadcast media materials or advertising promoting witchcraft, deception, extortion and consumer deception.

Article (29 / B) B - 1 - If the licensee is engaged in the broadcasting or re-broadcasting of violation of the provisions of paragraph (l) of Article (20) of this law, a fine of not less than five thousand dinars and not more than thirty thousand dinars with the obligation to compensate and remove the damage resulting from the violation.
2. The penalty provided for in paragraph (1) shall be doubled in the event of continuation or recurrence of the violation and the cabinet upon the recommendation of the Minister based on the Director's recommendation to cancel the broadcasting license granted to the Licensee.

**Third section: Telecommunications Law**

Article (75) of the Telecommunications Law No. 13 of 1995 (57) stipulates that:

(a) Any person who, by any means of communication, sends messages of threat or insult or messages inconsistent with public morality or the transmission of a fabricated news for the purpose of causing panic, shall be punished by imprisonment for a period not less than one month and not exceeding a year or a fine not less than (300) dinars and not more than (2000) dinars or both penalties.”

It is clear from this text that each act contained in the text is criminalized by electronic means, in the sense of Article (2) of the law, which defines communications as "transmitting, broadcasting, receiving or sending symbols, signals, sounds, images or data, no matter what Its nature, by means of wire or radio or visual means or by any other means of electronic systems.” Therefore, some of the acts such as the expression of opinion may be included in this text, especially since the provisions of Article (75) are of a general nature which permits this, such as the phrase "conveying fabricated news with the intent to cause panic". As news is often circulated on the Internet without verification of its source, especially through social networking sites and even some news sites, which places these acts in the arena of criminalization if it is related to the raising of panic, which is subject to evaluation and linked to intentions.

**Chapter 2: National security as a restriction on freedom of expression in Jordanian law in comparison to international standards**
We have concluded that there is international legal recognition as well as in the national legislations about the freedom of expression as one of the most fundamental freedoms and rights of human beings, but it also has restrictions, and it is not absolute, as it is subject to a number of legal restrictions. Unrestricted freedom turns into chaos and arbitrariness, affecting the interests of States and affecting the rights and freedoms of the members of the society (58). Therefore, this freedom must be practiced in a responsible manner, within legal controls that respect the rights of others, and not intersect with national security and public order in the state. Freedom of expression, like any other right, is not absolute. It must be practiced according to legal regulations and may be subject to restriction sometimes if it exceeds its limits to violate the rights of others or threaten national security and public order. International conventions on the protection of human rights, as well as national legislation, have dealt with the protection of national security as a restriction on the practice of this freedom, either directly or indirectly. This is what we will discuss in the following two topics:

The first topic: Restrictions on freedom of expression in the International Covenant on Civil and Political Rights.

The aim of this topic is to understand legitimate restrictions on human rights by examining those relating to freedom of expression.

Article (19) of the International Covenant on Civil and Political Rights, states:

1. Everyone has the right to hold opinions without interference.

2. Everyone has the right to freedom of expression. This right includes freedom to seek, receive and impart information and ideas of any kind, regardless of limits, whether in written, printed, artistic or other form.

3. The practice of the rights provided for in paragraph 2 of this article includes it special duties and responsibilities. Accordingly, they may be subject to certain restrictions but provided they are specified in the law and are necessary:

(A) To respect the rights or reputations of others.
(B) To protect national security, public order, public health and morals.

Article (19), paragraph (3), specifically defined all restrictions to this right as to be defined by law and to be necessary (a) respect the rights or reputation of others; (b) protect national security, public order, public health or public morality. To ensure the legality of such restrictions, they must comply with the principles of legality and proportionality, and be imposed for one legitimate reason or more from those referred to in this paragraph.

In this regard, the Siracusa Principles, established by a Commission of 31 international experts in 1984, are intended to adopt a unified set of interpretations of the limitations contained in the International Covenant on Civil and Political Rights. Although these principles do not have the force of law, they are of particular moral value and have been issued by the Human Rights Commission of the Economic and Social Council for Human Rights, and they provide an explanation for some of the terminology in the Covenant not addressed by the Commission on Human Rights established in accordance with the International Covenant on Civil and Political Rights. Some details are as follows:

**First: to be defined by the law**

With regard to the interpretation of the term "specific to the text of the law", the Syracuse Principles clarified that the term was intended to be clear, precise, and consistent with the provisions of the Covenant and available to all. Moreover, the restrictions in the law shall not be arbitrary or illogical (59), but with judicial guarantees against unlawful or arbitrary application. The Covenant specifically defined the reasons for the law to restrict such freedom, as is clear from the text of article (19/3).

**Second: to be necessary**

The Siracusa Principles state that when the Covenant requires that there be restrictions necessary to practicing one of the rights, it means that it is based on
one of the legitimate reasons mentioned in the article which regulates this right and forms a response to an urgent public or social requirement and aims at achieving a legal purpose (60). In all cases, the limitation must be subject to objective considerations. In the application of a limitation, the State shall use appropriate procedures to achieve the objective for which such limitation was established without expanding such procedures (61).

The Commission on Human Rights has already stressed that the right to freedom of expression is of high importance in any democratic society and that any restrictions on its practice must be necessary in the sense that they are clearly and accurately justified. When the member states invoke one or more of the legitimate purposes referred to in paragraph (3) of the International Covenant on Civil and Political Rights to justify restrictions on the practice of freedom of expression (62), they must therefore provide sufficient specific and documented details to support their arguments. General references to concepts such as national security and public order are insufficient and are not accepted by the Human Rights Commission as a justification for restricting the practice of freedom of expression. If States have a margin of appreciation for the application and realization of the rights protected by the Covenant, this does not mean that they are free in this respect because they are subject to the control of the Commission on Human Rights (63). The Syracuse Principles indicate that the burden of proving that the restriction is within the conditions permitted under the Covenant falls on the State (64), and has been confirmed by the Commission on Human Rights on more than one occasion (65).

Third: Respect for the rights or reputation of others

The third paragraph allows for restriction to protect the rights of others. This provision should be read in the light of article (20/2) of the Covenant, which prohibits any advocacy of national, racial or religious hatred, and article (5), which excludes from the protection of the Covenant activities or acts aimed at the destruction of any of the rights or freedoms recognized in the Covenant (66). The provisions of article (17) of the Covenant, which protects privacy, reputation and article (14), which guarantees the proper functioning of the
judiciary, may be taken into account. Laws punishing defamation, slander also fall under this provision (67).

It should be noted that the term "the rights of others" is absolute and does not apply only to the rights contained in the Covenant (68), but extends to other rights that have not been mentioned Article (4) of the Covenant states: "1. Member States may, in times of officially declared public emergency which threaten the life of the nation, take whatever measures as in accordance with the present Convention in accordance with the position according to the requirements of the situation, but not inconsistent with other obligations under the international law ,and without discrimination due to race, color, gender, language, religion or social origin(68).

2. Nothing in this text shall derogate from the obligations under Articles 6, 7, 8 (paragraph 1 and 2), 11, 15, 16 and 18(70). "These rights have priority in protection when they conflict with the right to expression.

It must be emphasized that the term "reputation of others" should not be used to protect the state officials from criticisms of various media means (71). The Commission on Human Rights had emphasized this on more than one occasion and considered that legislative texts restricting freedom of expression, such as those punishing the lack of respect for authority or criticism of the ruling party, were incompatible with the provisions of article (19) of the Covenant (72).

The Commission on Human Rights had already expressed its concern that a small group of investors had control over the media, which would ultimately affect the rights of others to obtain information neutrally (73). This is also the case if the media is fully controlled by the government.

The best interest of the child, as provided for in Article (3) and Article (40) of the Convention on the Rights of the Child of 1989, must be taken into consideration by all authorities and organizations within the State when dealing with children. Such as preventing the dissemination of information about a crime and referring to his or her full name (74).
Fourth: National Security

The Syracuse Principles confirm that States may invoke national security to justify restricting Covenant rights only when they are taken with a view to ensuring the survival, territorial integrity or political independence of a State against the use of force or the threat of force (75). National security may not be used as an excuse for restrictions merely to prevent domestic or relatively remote threats or to which security and order are being exposed (76), or be used as an excuse to impose vague or arbitrary restrictions. National security may be invoked only when there are adequate and effective safeguards against abuse (77).

The Commission on Human Rights has already approved (78) the validity of the Italian Penal Code of 1952, which prohibits participation in any act aimed at recognizing the dissolved Fascist party, in accordance with article (5/1) of the Covenant, which states: "Nothing in the present Covenant may be interpreted to allow any State, group or person to engage in any activity or to carry out any act aimed at the destruction of any of the rights or freedoms recognized in the present Covenant or impose wider limitation than in the Covenant (79).

Some mention examples of the accepted restrictions on this freedom due to national security prevent the dissemination of State secrets (80). However, it must be emphasized that these restrictions must be met by a clear legal provision without giving the State discretionary authority to determine what constitutes a violation of national security without mentioning the reasons (81).

Fifth: Public order

The Syracuse Principles suggest that the term public order as used in the Covenant means a set of rules that ensure the proper functioning of society or the set of basic principles on which society is based, and respect for human rights is part of public order (82). This phrase must be interpreted in the context of the right in question and the need for the responsible authorities in the State to maintain the public order of control of the legislative authority and the competent judiciary (83). One of the legitimate restrictions on this freedom is that public order prohibits the dissemination of information material that incites
crime, violence or panic among the public (84), as well as the prohibition of unauthorized broadcasting to prevent interference or blocking of transmission (85). The Commission on Human Rights stresses that the protection of public order as a restriction on freedom of expression must be understood as the protection of society as a whole within the State, not only of specific bodies or groups (86).

The Commission on Human Rights stressed that the argument made by developing States, that they could postpone their commitment to certain political rights contained in the Covenant with a view to preserving public order and political stability, was unacceptable (87). It should be noted in this regard that there is a great overlap between the requirements of national security and public order, especially when it comes to restrictions on political discourse (88).

**Sixth: Public Health**

The Syracuse Principles indicate that a State may rely on public health as a basis for restricting certain rights in the Covenant so that the State can take a range of measures to deal with serious threats to the health of the population or members of society. These measures should aim at preventing illness or injury or providing services to patients (89). Particular attention should be paid to the instructions issued by the World Health Organization in this regard (90). Many countries have banned promotion materials on alcohol and tobacco based on this restriction (91), and a number of national courts have recognized the validity of these restrictions (92).

**Seventh: Public morals**

The Syracuse Principles take into account that the concept of public morals varies from time to time and from one culture to another, so a state based on public morality as a reason to restrict the right of expression must demonstrate that these restrictions are necessary to preserve the basic values of society (93). In this regard, it should be noted that the Commission on Human Rights endorsed the decision of the Finnish authorities to monitor a radio and television program
promoting homosexuality, in particular that the media, such as radio and television, were inappropriate to discuss such issues as they had negative effects on children. That the State must be given a margin of discretion to determine what constitutes a violation of public morality, especially since there are no universally accepted standards in this regard (94).

As for the Arab Charter on Human Rights, the Arab Summit in Tunis adopted the Arab Charter on Human Rights on (23 May 2004) and the Charter was adopted in 2008, where the Arab countries must take positive measures to respect its implementation, including the amendment of the legislation that conforms to its provisions. Article (32) of the Charter: Freedom of opinion and expression shall be as follows:

1. The present Charter guarantees the right to information, freedom of opinion and expression as well as the right to receive and impart information and ideas by any means and regardless of geographical boundaries.

2. These rights and freedoms shall be practiced within the basic components of society and shall be subject only to restrictions imposed due to respect for the rights or reputations of others or the protection of national security, public order, public health or morals.

Article (19) of the Universal Declaration of Human Rights (1948) affirms the right to freedom of expression, which includes the search, reception and transmission of information and ideas through any means, regardless of borders. Article (19) of the International Covenant on Civil and Political Rights states that everyone has the right to hold opinions without interference and everyone has the right to freedom of expression. This right includes freedom to seek, receive and impart information and ideas of all kinds, without limits, whether in written, printed, artistic or other forms.

The practice of the rights provided for in paragraph (2) of this Article shall be subject to special duties and responsibilities and may therefore be subject to certain restrictions but provided they are limited by law or are necessary. Therefore, the rights or reputation of others must be respected and national security, public order, health or morals should be protected. Article (10) of the European Convention on Human Rights protects freedom of expression at the
level of Member States, and Article (9) of the African Charter on Human and Peoples' Rights guarantees the same right. Article (13) of the American Convention for the Protection of Human Rights provides that: "Everyone has the right to freedom of thought and expression. This right includes the freedom to seek, receive and impart information and ideas of all kinds, without limits, whether orally, in writing, in print, and by whatever means to choose. The text of the article appears to be close to the text of article (19) of the Universal Declaration and the International Covenant on Civil and Political Rights (95).

It is clear from the previous international conventions that any restrictions on freedom of expression must first be subject to what is known as the 3 part test:

1 - The text of the law.
2. Necessary means that there is an "urgent social need" for restriction, and that the restriction is commensurate with the objective.
3 - To achieve a legitimate objective of the best care: national security, privacy.

Thus, the International Covenant on Civil and Political Rights (ICCPR) allows for certain restrictions on freedom of expression, if such restrictions are required by law and are necessary: (a) to respect the rights or reputation of others; (b) to protect national security, public order, public health or morals; However, under the Johannesburg Principles, in order for the limitation to be legitimate and in the interest of national security, "the real purpose which is to protect the State or its territorial integrity against the use or threat of force, or the ability of the State to respond to such a threat of force, as a military threat, or an internal source, such as inciting violence to overthrow the regime ... In particular, due diligence on the grounds of national security does not become legitimate if its primary purpose is to protect interests unrelated to national security, for example protecting the government from embarrassment or exposing mistakes (96)".

For its part, the European Court of Human Rights has acknowledged that states 'interference in restricting the right to freedom of expression and circulation of information should be linked to "urgent societal needs" and that States' practice their right to use the concept of "urgent social need" requires legal disclosure
and regulation in a way that is easily understood by and the absence of arbitrariness and the excessive tendency of States to restrict freedom. In a landmark judgment issued in 1979 that relates to a dispute between the British Sunday Times and the British government, the European Court has overruled the right to freedom of expression on criminal antitrust for governments and courts by considering that the publication of an article about a medical drug was ordered by a British court. Publication is a legitimate practice of freedom of expression that has not been prejudicial to the national security of Britain or to the territorial integrity of the State or to public safety, and has denied the suspicion of involvement in the criminal antitrust of the courts. In other words, the European Court has provided freedom of opinion, publication and circulation of information on arbitrary restrictions and not justifiable necessities, even if the source of these restrictions is the judgments and decisions of the courts (97). In 1997, the European Court re-affirmed the inadmissibility of the punishment of Belgian journalists who criticized the rulings issued by a number of appeal judges in their respective countries. The Court established the need to enable the press, media and politicians to deal with the judgments of the courts and to express opinion, and the necessity of activating greater tolerance with these groups even when their expression is excessive or provocative. The European Court linked this view to the "public welfare" and "public interest", namely, to enable the citizen to build public opinion on public issues through exposure to a variety of views, such as monitoring the public opinion of the work of the public authorities and evaluating their practices and preventing their involvement in transgressions or deviations (98).

The second topic: Security as a restriction on freedom of expression in Jordanian legislation

In this part, we discuss security as a restriction on freedom of expression in Jordanian legislation by addressing the laws which referred to security as a restriction on freedom of expression, whether directly or indirectly, as in the following requirements:
First requirement: The Constitution's position on restricting freedom of expression for security reasons

The Jordanian Constitution regulated the freedom of expression in Article (15), as mentioned in the first chapter of this study, but it did not refer to national security as a restriction on this freedom directly, while it can be deduced implicitly through the deficiency of the first paragraph of Article (15) of the Constitution, which states: "... provided that it does not exceed the limits of the law." In this text, it is an implicit statement that freedom of expression may be restricted by law for considerations the ordinary legislator decides. The same can be seen from some other constitutional provisions, for example, Article (6/2) of the Constitution stipulates that "2 - The defence of the homeland, its land and the unity of its people, and the preservation of social peace is a sacred duty for every Jordanian. The meaning of protecting national security in general and social security in particular, any breach of social peace necessarily leads to the violation of national security in its comprehensive sense. Article (7/2) of the Constitution stipulates that "any attack on public rights and freedoms or the inviolability of private life of Jordanians is a crime punishable by law." There is no doubt that the violation of public rights and freedoms or the violation of the sanctity of private life is an attack on national security and the prevention of these behaviours to preserve national security, cannot be included under the freedom of expression, and they are also restrictions on the freedom of expression put by the constitutional legislator. The practice of the right of freedom of expression may intersect with other rights, especially the right to privacy of individuals, and consequently the most prominent violations monitored by the National Center for Human Rights (99),

✓ A former Parliament member criticizes the appointment of a woman as a minister by publishing her own photos with her family on social media and using abusive language, which violates the right to privacy of the minister (100).
✓ The press and users of social media disseminated information about girls under the age of 18 who left the homes of their families, without being
bound by the provisions of the Code of Journalism, especially the obligation of journalists to defend children's issues and not to publish what harms them or their families (101).

Some of the media published pictures of two sisters whose bodies were found imprisoned in front of an abandoned building in Amman, violating the charter of press honor, especially the articles that referred to the need to preserve the reputation of families and the privacy of citizens, and without relying on documented information about the suicide (102).

It is also worth mentioning that the restriction of freedom of expression has been extended even to university students. Unfortunately, the Administrative Court (the Protector of Human Rights and Freedoms of Individuals) has decided in its decisions to restrict freedoms and to consider them valid, although the violations are merely distributing leaflets or lifting banners on campus. The Jordanian High Court decided that "... the hard copy of the lawsuit and the statements of the appellant through investigations conducted by the Commission of Inquiry that the appellant took place at around noon on Wednesday, 23/7/2015 distributed a leaflet and the students were asked to sign a banner of cloth, which was raised by the two students by the campus of Yarmouk University at the entrance of the College of Economics and Administrative Sciences without obtaining the approval of the competent department in the university in violation of the provisions of paragraphs (A,G) of Article (3) of the instructions of disciplinary procedures for students at Yarmouk University No. 7 of 2009 and has already been issued previous disciplinary penalties. The conclusion reached by the Commission of Inquiry and approved by the President of the University and the Deans' Council was a valid and acceptable result and derived from the evidence contained in the case, and since our Court does not interfere in these convictions as long as they are derived from fixed laws in the court papers. Since the penalty imposed on the appellant is one of the penalties stipulated in Article (4) of the Instructions of the disciplinary procedures for students at Yarmouk University No. 7 of 2009, the decision of the Deans Council at Yarmouk University is issued by a competent authority to issue it and within
the limits imposed by law, valid in its form and subject matter, and these reasons are not answered and require a response. And since the contested judgment ended up with the same result that we ended up, it has hit the law properly. (103)"

In exceptional circumstances, the Constitution permits the derogation from the laws in general for the purpose of ensuring the safety of the State, as in the case of emergency under Article (124) which stipulates that "if the defence of the homeland occurs in the event of an emergency, which shall be determined by the law to take the necessary measures and procedures, including the power to suspend the ordinary laws of the State to secure the defence of the country. The defence law shall be effective when it is declared by a Royal Decree issued pursuant to a decision of the Cabinet. In the case of martial law under article (125) which stipulates that "in the event of a serious emergency, it shall be deemed that the measures and procedures under the preceding Article of this Constitution are insufficient to defend the Kingdom,

The King may, upon the decision of the Cabinet, declare the martial law throughout the Kingdom or any part thereof 2. - Upon the declaration of the Martial provisions, the King may be issue any instructions which may be necessary for the purposes of defending the Kingdom, regardless of the provisions of any law in force and all persons who implement these instructions shall be hold the legal responsibility of their actions in accordance with the provisions of the laws until hey relieve that responsibility by a special law established for this purpose. “It is clear from these two texts that freedom of expression can be suspended under the Defence Act or the Martial administration instructions as stated.

The Supreme Constitutional Court of Egypt says in this regard: "It is dangerous to impose restrictions that impede the freedom of expression in order to prevent citizens from practicing it. No one can impose silence on others, even if he is supported by law. If freedom of expression is to breathe in an area that cannot live without it, a degree of transgression was to be tolerated, and there should be no doubt that exaggeration of some opinions is necessary to impede its
circulation (104). "Freedom of expression, and the interaction of opinions generated, cannot be restricted by restraints, both in terms of pre-publication restrictions and in terms of subsequent punishment. These ideas are in their minds, they are not inspired by them, but they are resolute - even if opposed by the public authority - to bring about peaceful changes to them, which may be required. The facts cannot be hidden, and it is inconceivable that they should be possible in the absence of freedom of expression (105).

The second requirement: the position of ordinary laws restricting freedom of expression for security reasons

The laws that restrict freedom of expression vary in terms of the organization of this freedom or penal laws in general, and we will address these laws in this requirement respectively.

First: the law of publications and publishing.

The Press and Publications Act did not explicitly address the question of national security as a restriction on freedom of expression, but pointed out that such freedom should be practiced within the limits of the law and within the framework of respect for public rights, freedoms and duties; and that the publication should refrain from publishing what is contrary to the principles of national freedom and responsibility. The journalist is required to show the ethics of the press by refraining from publishing anything that would incite violence or lead to stir up strife and division among citizens. Article (4) of the law states that "the press shall practice its duty freely to provide news, information and commentary, and contribute to the dissemination of thought, culture and science within the limits of the law and in the framework of preserving freedoms, rights and public duties. Article (7) stipulates that "the profession of journalism and its ethics shall be binding on the journalist, and shall include:

A- Respecting the public freedoms of others and preserving their rights and not harming the sanctity of their private lives.

D- Refraining from publishing anything that would incite violence or lead to stirring up divisions among citizens in any form.
In practice, however, this law may be used as a restriction on the freedom of expression. For example, (35) electronic publications were withheld in 2016 because they did not obtain the necessary license from the Authority pursuant to the provisions of Article (49 / A / 1) of the Press and Publication Law No. 8 of 1998 and its amendments (106). In addition, ten warnings were directed to ten electronic publications out of (181) publications, due to the lack of appointment of an editor due to the vacancy of this position, based on the provisions of Article (19 / B) of the Press and Publication Law No. 8 of 1998 and its amendments, And prevented the introduction of (48) books to the Kingdom for violating the provisions of the Jordanian legislation on pornography and abuse of heavenly religions (107).

Second: the law of the audio-visual media

The Licensed Audio-visual Media Act requires (108):

1. Respect for human dignity, personal privacy, freedoms and rights of others and pluralism of expression.

2. Not to broadcast public shame, incitement to hatred, terrorism, violence, religious, sectarian or ethnic strife, or damage the economy and national currency or the national and social security.

3 – Not to broadcast false material that harms the relations of the Kingdom with other countries.

4 - Not to broadcast media materials or advertising promoting sorcery, deception, extortion and consumer deception.

This text is criticized due to the generality of its expressions and breadth and the absence of a regulation or a standard that defines its meaning, leaving the door of diligence wide open to define the concept and application according to that concept (109).

Among the positive developments included in the Law of Audiovisual Media No. (26) for the year 2015, specifically Article (4 /j), is the formation of a specialized Commission to deal with the complaints submitted by the public or
any other body relating to the media content or materials broadcasted or recorded for presentation purposes or public circulation or licensed to another licensee. The establishment of this Commission is a positive issue as it aims at improving the visual and audio content. The Commission has started its work since 2015. The number of complaints considered by the Commission during the year 2016 (11) complaints, two of which were outside the jurisdiction of the Commission and fell within the framework of complaints workers (110).

The law grants the Authority in Article (8/Q) the power to suspend the broadcast of a material or program in exceptional cases that harm national security, community peace or public order. The first law was to provide for the referral of the violator to the judiciary and to issue a judicial ruling in this regard (111).

It is the practice of the Media Commission towards the media freedoms in particular, that it suspended on 4/8/2016 a broadcast program on one of the radio channels because of the unprofessional content of an inappropriate comment on the advisory opinion issued by the Grand advisor of the Kingdom. The program re-broadcasted again by a decision of the Media Commission after 14 days provided that the offense was not repeated. In addition, the Media Commission suspended 30/6/2016, broadcasting a morning program on one of the English-language radio stations, because of the abuse of official bodies and the lack of respect for the customs of civil society. The National Center for Human Rights in this regard explains that the Media Commission relied on the suspension of programs to the text of Article (8 / O) of the Press and Publications Law, which grants the Authority the suspension of broadcasting a material or a program in exceptional cases that harm national security or community peace or broadcasting pornographic material. In this regard, it is necessary to amend the law of the audio-visual media in order to be able to suspend the broadcasting of any program starting from the functions of the judiciary, as its judgement is the source of the truth (112).

On 9/8/2016, the Information Authority suspended an electronic news website. As an electronic newspaper, it must be subject to the same conditions as the
written press. The owners of the newspaper are all Jordanian. As a result, the Media Commission has re-broadcasted the news website on 18/8/2016. The National Center for Human Rights notes that the above-mentioned incident raises the problem of registering websites so as not to be blocked, which violates international human rights standards and violates the right to freedom of expression and circulation of information; which was confirmed by Article (128) of the Jordanian Constitution. The best international practice in this area is sufficient to notice, and if the publication is contrary to the laws, the offenses shall be referred to the competent court, so that the executive authority will not be an opponent and a judge at the same time (113).

**Third: The Telecommunications Law**

Article (29/H) of the Telecommunications Law No. 13 of 1995 stipulates that the licensee is obliged to provide the service to its applicants or beneficiaries on an equal basis and not to differentiate between them, except as required by national security or what is regarded as tolerance for operational social or humanitarian reasons. Article (75) of the law stipulates that: (a) Any person who, by any means of communication, directs messages of threat, insult, or messages that are contrary to the morals, or the transmission of fabricated news with the intent to cause panic, shall be punished by imprisonment for a period of not less than one month and not more than one year or a fine of not less than (300) dinars and not more than (2000) dinars or both penalties (b) Any person who has contributed to the provision of telecommunications services in violation of public order or public morals shall be punished by the penalties provided for in paragraph (a) of this article in addition to the application of the provisions stipulated in Article (40) of this law. Article (79) states that "Anyone who unlawfully or publicly uses public or private communications, unlawfully connects his network with another telecommunications network or hampers the services provided by other telecommunications networks or jeopardizes the national interest, shall be liable to imprisonment for a period not less than one month and not more than (6) months or a fine not less than (2000) dinars and not more than (5000) dinars or both."
The National Center for Human Rights monitored the issuance of communications by the Telecommunications Regulatory Authority to some institutions, including reference to the use of Facebook to attack ideologies and racial and ethnic origin, religious belief and public morality, in addition to being used as a means of violating human rights, impersonation and fraud and included the Commission's communication with the public policy representative in the Middle East and North Africa, and it was agreed that the Commission in coordination with the company, to report the offensive pages for the purposes of blocking and in accordance with the standards. The Center also stresses in this regard that the Commission in its book has used broad terms and it is difficult to control the Center also stresses the need to put an end to any hate speech through social media, through the judiciary, which is the original jurisdiction and its provisions are the source of truth (114).

Fourth: The Prevention of Terrorism Law

The Prevention of Terrorism Act No. 55 of 2006 (115) and its amendments define the terrorist act as "any intentional act, threat or omission, whatever its motives, purposes or means, is in the implementation of an individual or collective criminal enterprise, which would endanger the safety and security of the community or cause strife if such as disrupting public order, terrorizing or intimidating people, endangering their lives, damaging, occupying or seizing any of the environment, facilities, public property, private property, international facilities or diplomatic missions, endangering national or economic resources or imposing the authority Lawful or an international or regional organizations to undertake or abstain from doing so or to disrupt the application of the Constitution, laws or regulations. Article (3) of the law stipulates that: "Subject to the provisions of the Penal Code or any other law, the following acts shall be considered as prohibited acts of terrorism: (e) The use of the information system, the information network or any means of publication or media, carry out acts of terrorism or support for a group, organization or association that carries out terrorist acts, promotes its ideas or finances, or carries out any act that would endanger the Jordanians or their property at the risk of hostile or reprisal acts against them. " According to this judgement, the Court of Cassation ruled that "acts committed by the accused to
follow the news of the terrorist organization through the Internet, to re-publish its publications, to share news with its friends and acquaintances, and to re-publish the word of the leader of that organization and to promote it constitute other elements and elements of the offense according to the provisions of Articles (3/e) and (7/c) of the Prevention of Terrorism Law No. 55 of 2006 and its amendments (116). "It also decided that "the acts that the accused committed, namely:

- Following up and surveying the publications of the terrorist organization (ISIS) via social media.
- Uploading pictures of this terrorist organization and other pictures of the fighters of this organization and re-posting on his own account (Facebook).
- Uploading photos bearing ideas and phrases adopted by the organization of the Islamic State with the intention of promoting the organization and gaining more supporters.
- Downloading videos and songs belonging to the organization on his personal phone.

All elements of an offense to promote the ideas of a terrorist organization contrary to the provisions of Article (3/e) and in accordance with Article (7/c)

of the Prevention of Terrorism Law, as stated by the Attorney General Office and ended with the contested decision (117), and decided due to a post by the Deputy General Observer of the Muslim Brotherhood on his own account on Facebook "... the actions carried out by the accused, namely: -

1 - Publishing an article on one of the social networking sites (face book), available to all.

2 - Statements of abuse and insulting of another state with political and economic relations with the Hashemite Kingdom of Jordan, knowing that the means of social interaction are open to comments by others.
Article (3 / B and 7 / C) of the Prevention of Terrorism Law No. (55) for the year 2006, as stated by the Attorney General’s Office, and ended with the contested decision as the sentence was in full legal conditions in terms of causation, reasoning, facts and punishment. (118)"

If the previous judicial provisions, especially those related to the terrorist organization (ISIS), are acceptable and cannot be viewed as a restriction of freedom but rather anti-terrorism, which must be confronted and fought. Other provisions not related to terrorist organizations issued under the Prevention of Terrorism Act have not been widely accepted or welcomed, on the contrary, many viewed them as restrictions on the freedom of expression and the silence of speech under the pretext of confronting terrorism. For example, the previous sentence of the Deputy General Observer of the Muslim Brotherhood because of a post on his page on the social media (Facebook) criticizing the United Arab Emirates, and said that the arrest came after an article written by the Deputy General Observer of the Muslim Brotherhood Zaki Bani Ershid as he criticized the Government of the United Arab Emirates, after it classified the Muslim Brotherhood as a terrorist organization. The Brotherhood commented on the decision to arrest Bani Ershid by saying that "it is not permissible to arrest someone because of an article that expresses an opinion. (119)" The founder of the Saraya news website was also arrested in 2015 by the Attorney General of the State Security Court for using media to promote the ideas of a terrorist group, which would endanger the safety of Jordanians to the risk of acts of hostility and retaliation contrary to the provisions of articles (3 and 70 of the Prevention of Terrorism Act No. 55 of 2006 and its amendments (120).

In the view of Human Rights Watch, Jordanian authorities have increasingly used anti-terrorism provisions to arrest and prosecute activists, dissidents and journalists for expression crimes. It also relied heavily on the 2014 amendments to the anti-terrorism law and expanded the definition of terrorism to include acts such as "disrupting links (Jordan) with a foreign state. It also noted that Jordan reduced media freedom in 2015 by arresting and prosecuting at least 9 journalists and writers, sometimes under the vague provisions of the anti-terrorism law in the Kingdom (121).
On the other hand, the Commissioner-General for Human Rights pointed out that the Jordanian Parliament, three years after the Arab Spring began, had sought to amend the Terrorism Prevention Law to expand the definition of the crime of terrorism to include "disturbing Jordan's relations with a foreign country." As stipulated in the Penal Code on freedom of expression guaranteed not only by the Constitution but also by Article (19/b) of the International Covenant on Civil and Political Rights, to enable Jordan to deal with the influx of fighters returning from Syria. The amendment to the Prevention of Terrorism Act has made it easy to prosecute anyone for minor crimes as terrorist acts, which may make this right (expression of opinion) the exception and the restrictions become the norm (122).

In light of the ability of National Human Rights Center to monitor the human rights situation, the Center noted in 2016 the increasing number of detainees and their trial due to the expression of the opinions of these citizens on issues related to the public policy of the State, which relates to sensitive and important issues of full concern to the State Security Court under the Prevention of Terrorism Act No. 55 of 2006 and its amendments. The Center issued a statement on 7/7/2016 that called on the authorities to guarantee the freedom of the citizen to practice his right to peacefully express his opinion in various forms, including writing, publishing, commenting and peaceful assembly. That the significant expansion in the accountability of people in various forms of expression of opinion and peaceful protest, which amounted to affect the right of citizens to criticize the public policy and opposition, and issued on 25/2/2016 a statement expressing his concern over the repeated prohibition of law enforcement agencies from practicing the right to peaceful assembly and obstructing a number of peaceful activities (123).

According to the report of the National Center for Human Rights, in 2015, eleven journalists were arrested; five of them were arrested by the State Security Court Attorney General on the basis of the Prevention of Terrorism Law on accusations of using media to promote the ideas of a terrorist group. Article (3/E) of the Prevention of Terrorism Act that would expose the Jordanians to the
risk of acts of hostility and retaliation contrary to the provisions of Article (3) of the Prevention of Terrorism Act and to disturb relations with a foreign country in contravention of the provisions of Article (3/b) of the Prevention of Terrorism Law (124).

According to the report of the National Center for Human Rights in 2015, the law described terrorist acts in broad terms, such as "public order", "community safety", "sedition", "community security", "terrorizing" All these statements are of great significance and can be used when applying the legal texts and considering any act or activity as part of a terrorist act. This contravenes international standards, namely articles (4 and 14) of the International Covenant on Civil and Political Rights, which ensured that no measures were taken by the authorities that would affect the rights guaranteed or that the guarantees of a fair trial would be lost (125).

The UN Special Rapporteur on the protection of human rights has expressed grave concern that the use of anti-terrorism measures is often vague and therefore, incompatible with the requirement of legality as set forth in the International Covenant on Civil and Political Rights. Therefore, these restrictions and measures are not limited to combating terrorism but can also be used with regard to expressing an opinion free from violence (126).

The offenses of terrorism happening in contrary to the provisions of the Prevention of Terrorism Law No. (55) of 2006 are considered by the State Security Court pursuant to article (3/a/3) of the State Security Law No. 17 of 1957.

Fifth: Electronic Crimes Law

The Jordanian legislator did not define “the electronic crime” in the Electronic Crimes Law No. 27 of 2015, but only organized its own provisions, leaving the definition to jurisprudence and judiciary. The electronic crime is defined as "any illegal behavior punishable by law, where one of the electronic media or more as a means, or an environment or a target for committing a crime (127)". It may also be defined as any unlawful conduct or omission using information
technology, information network or information systems. Perhaps this law is one of the most controversial laws in the scope of restricting freedom of expression for security reasons, as a sword on everyone who expresses his opinion through electronic means that have become an outlet for many to express their opinions on public affairs and performance of its figures.

The arrest of seven media activists on Facebook in October 2017 caused widespread controversy in Jordan. Attorney General arrested the seven activists in a case brought against them by the Secretary-General of the Royal Court, Yusuf al-Issawi, and published false information about him (128). There have been widespread calls for the release of the seven activists arrested for slander against al-Isawi. In such practices, freedom of expression is restricted, especially if it is in the form of criticism directed at the officials of the Authority, which is in accordance with international standards.

One of the issues that raises doubts and concerns about the violation of the Electronic Crimes Law on freedom of expression is the draft law amending the Electronic Crimes Act of 2017, which dealt with the so-called "hate speech", which is defined by the draft law as "any statement or act that would provoke sedition or strife religious, sectarian, racial or ethnic, or to discriminate between individuals or groups." It is clear that these statements are general, vague and unclear enough to refer any person to justice as an accused of committing this offense, which will negatively affect the freedom of expression and may have begun even before the passage of the law.

Article (11) of the Camden Principles (129) on the Restrictions on Freedom of Expression and Harmful Speech states that "States shall not impose restrictions on freedom of expression that do not comply with the standards set out in Principle (2/2) of these Principles (130) and, in particular, the restrictions must be defined by legal provision and should be intended to protect the rights or reputation of others, national security, public order, public health or morals, and be necessary in a democratic society to protect these interests (131). This means these restrictions:

- Must be clearly defined and meet an urgent social need
- Must be the least restrictive means available, meaning that there is no other effective means and leads to fewer restrictions on freedom of expression.

- They should not be loose, that the speeches should not be restricted in a broad and unspecified way, and the restrictions should be confined to harmful speeches and not limited to restricting forms of expression.

- The restrictions must take into account the principle of proportionality, meaning that the benefit they cause to the targeted groups is greater than the damage to freedom of expression, including the penalties permitted by such restrictions.

11/2 States should review their legal framework to ensure that all restrictions on freedom of expression are consistent with the above-mentioned”

In the twelfth principle, under the title (incitement to hatred), the following is stated: "12/1 - All States shall adopt legislation prohibiting any advocacy of hatred on a national, racial or religious basis which constitutes incitement to discrimination, hostility or violence (hate speech) (132) , National legal regulations must explicitly state that: - The word "hate" and "hostility" refer to strong and irrational feelings of disdain, hostility or hatred towards the target group - the word "invitation" means an intention to promote hatred for the target group and in a public manner - The word incitement refers to the statements about national, ethnic or religious groups, which pose an imminent danger of discrimination, hostility or violence against persons belonging to such groups - Positive promotion of the identity of a particular group does not constitute a hate speech.
12/2 - States shall refrain from denying or condoning genocide, crimes against humanity and war crimes only when such statements constitute a hate speech as defined in principle 12/1.

12/3 - States shall not prevent criticism or discussion of ideas, beliefs, ideologies, religions or religious institutions, except when such acts constitute a hate speech as defined in Principle 12/1.

12/4 - States shall ensure that persons who have suffered real harm as a result of a hate speech, as defined in Principle 12/1, have the right to an effective remedy, including civil compensation for damages.

12/5 - States should review their legal framework to ensure that any controls relating to the hate speech take into account the abovementioned.

In event of the Government wants to contribute to the fight against the hate speech and to fight it in practice and law, it must first rely on the International Covenant on Civil and Political Rights, in particular articles (19 and 20), and the International Convention on the Elimination of Racial Discrimination, and it must abide by the principles of Camden Article (19), which defined 12 principles to delineate the differences between freedom of speech and hate speech, although the latter is of literary character, not legal.

In this context, the National Center for Human Rights monitored in 2016 the continued detention of individuals because of the expression of their opinions and the vast majority of those arrested expressed their opinions mainly through their accounts on Facebook. The arrests, issued by the judicial authorities, the administrative authorities and even the security departments, have included activists in the public move, artists, writers and others. In this context, the Center monitored (16) cases, the majority of which were under the Electronic Crimes Law No. 27 of 2015. The number of cases related to the crime of sending, retransmitting or disseminating data or information through the information network, the website or any information system involving slander or defamation of any person pursuant to the provisions of Article (11) of the Electronic Crimes Law No. (27) For the year 2016, was (456) cases, while the
number of case for the year 2015 was (48) cases. The National Center for Human Rights notes in this regard a significant increase in the number of cases related to Article (11) of the Electronic Crimes Law for the year 2016 compared to 2015.(134) This confirms that this article constituted a new restriction on the freedom of expression and opinions in the internet (135). In addition, a journalist was arrested on 15/2/2016 under article (11) of the Electronic Crimes Law No. (27) for the year 2015, because he published a press article on the website of the newspaper he is working on, entitled "Judges and court staff rise up." He was released on 16/02/2016 under a bail provided by the Journalists' representative. In addition, a journalist was arrested on 18/5/2016 under article (11) of the Electronic Crimes Law No. (27) of the year 2015 against the background of the publication of an article titled "Building of Death: Security Load in Amman." He was released on the same day under a bail by the Journalists' representative as well (136).

According to the Electronic Crimes Unit, this type of crime is increasing, especially those related to freedom of expression and the transgression of the law, as follows (137):

<table>
<thead>
<tr>
<th>Type of crime / year</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>9/20178</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impersonation</td>
<td>190</td>
<td>341</td>
<td>321</td>
<td>884</td>
<td>194</td>
</tr>
<tr>
<td>Threat, insult, defamation</td>
<td>474</td>
<td>456</td>
<td>970</td>
<td>1023</td>
<td>2038</td>
</tr>
<tr>
<td>scam</td>
<td>98</td>
<td>93</td>
<td>91</td>
<td>159</td>
<td>104</td>
</tr>
<tr>
<td>Corrupt marital bond</td>
<td>101</td>
<td>91</td>
<td>141</td>
<td>187</td>
<td>1009</td>
</tr>
<tr>
<td>Stealing data</td>
<td>0</td>
<td>36</td>
<td>16</td>
<td>80</td>
<td>183</td>
</tr>
<tr>
<td>Hacking sites</td>
<td>35</td>
<td>23</td>
<td>76</td>
<td>167</td>
<td>73</td>
</tr>
<tr>
<td>Communication applications</td>
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<td>467</td>
<td>686</td>
<td>1103</td>
<td>448</td>
</tr>
<tr>
<td>Child abuse</td>
<td>21</td>
<td>23</td>
<td>4</td>
<td>51</td>
<td>0</td>
</tr>
</tbody>
</table>
Sixth: Crime Prevention Law

Although the Code of Prevention of Crimes No. 7 of 1954 (138) is one of the administrative control laws aimed at protecting public order, and leaving its application to the Administrative Governor, it also includes the idea of restricting the freedom of expression to protect security as public security is one of the most important elements of public order. According to Article (3) of this Law, " If he contacts the director or has any reason to believe that a person is present in his area of competence and belongs to any of the categories mentioned below and believes that there are sufficient reasons for taking the measures, he may issue a notice of attendance to the person mentioned in the first appendix of this law, instructing him to appear in front of him, in order to indicate whether he has reasons to prevent him from being bound by a pledge, either by bail or otherwise, according to the text included in the second appendix to this law, in which he undertakes to be good during the period that the Director is entitled to specify, provided that it does not exceed one year.

1. Any person found in a public or private place in circumstances that convinces the Governor that he is about to commit any offense or to assist in committing it.

2. Anyone who is used to banditry, robbery or possession of stolen money or used to protect thieves or keeps them or to assist in concealing or disposing of the stolen money.

3. Anyone who is in a situation that makes his freedom without bail is considered a danger to the people".
According to Article (5/C) of the Law, "the obligation mustn’t go beyond his commitment maintain security or refrain from carrying out actions that would cause a disturbance to the public security or to be of good manners."

According to the annual report of the National Center for Human Rights in 2016, a decision was issued by the Governor of the capital on 18/6/2016, about the blocking of six websites belonging to a group of companies that provide access to judicial and financial databases and statements of legal legislation and its amendments, Based on the Prevention of Crimes Law No. 7 of 1954, the previous resolution raises two issues of importance; the first issue is the issuance of an administrative decision by the Governor of the capital to block websites based on the Crime Prevention Law, which is a violation of the judicial authority that has jurisdiction over the legality of such sites, and the second issue is the existence of a legal gap related to the protection of personal information and the security of individuals in the internet, and the urgent need for the existence of texts criminalizing the infringement of the right to privacy, especially through information systems (139).

A journalist was also subject to ill-treatment and three days' detention on the decision of the Administrative Governor of Madaba Governorate while covering the events of the Thiban movement during Ramadan 2016. Law enforcement agencies have cut off his press card, broken his camera and beaten him (140). The National Center for Human Rights also monitored the arrest of 104 people due to their participation in labor demonstrations, or demanding some economic rights or for denouncing and expressing their rejection of certain policies and decisions related to public affairs. The arrest was often carried out under administrative decisions by the administrative authorities and their detentions continued for short periods (141).

One of the phenomena that has come to light this year (2017) is the resort of officials in the state to the judiciary and the arrest of activists on social media on the pretext of committing acts contrary to the law of electronic crimes. The Attorney General of Amman decided on 22/11/2017 to arrest nine people who abused the former prime minister and the current chairman of the Senate Faisal
Al-Fayez by social media. Al-Fayez filed an official complaint with the Attorney General Office against the persons who abused him in selling land for social security owned by Al-Fayez and his relatives without verifying the information, which was found by the Attorney General in violation of the Electronic Crimes Law, where he decided to arrest them in the centers of reform and rehabilitation (142). And then the complainant waived his right after a few days to be released.

The requirement of freedom of expression to present views related to public affairs in various fields and to criticize the work of those who are responsible for them. It is one of the rights covered by constitutional protection. The freedom of criticism for public work is indeed guaranteed to every citizen, the freedom to present and circulate opinions is not intended merely to express the critic himself, but to reach the truth by ensuring the flow of information from its diverse sources. This is what the Supreme Constitutional Court of Egypt stated by saying: "The dialogue of power is a waste of the power of reason and of the freedom of creativity, hope and imagination, and it generates a fear between the citizen and the expression of opinion to support the desire to suppress them, and perpetuates the aggression of the public authority against it, which ultimately destroys its security and stability. (143)"

Seventh: The Penal Code

The Penal Code (144), by its very nature, is a restriction on the rights and freedoms of individuals and a guarantee for them at the same time by criminalizing certain acts and behaviors and prohibiting them under liability, so that all individuals can practice their rights and freedoms without harassment from anyone and thus maintaining national security in general, and this restriction actually may include freedom of expression. Article (114) stipulates that "Any temporary work shall be punishable by at least five years for every Jordanian citizen who has attempted, in acts, speeches, writings or otherwise, to take part of the lands of Jordan into a foreign state, or to it a right or a special privilege over the State of Jordan.

Article (118/2) stated that "Punishment shall be by temporary detention for a period of not less than five years: 1. any person who violated the measures
taken by the State to preserve its neutrality in the war. 2. any person who has performed works such as writings or sermons, not permitted by the Government, that would endanger the Kingdom to hostile acts or to distort its relations with a foreign State or expose the Jordanians to retaliation against them or their money." Article (122) stated that: "The same penalties set out in the preceding article shall be punishable on the basis of the complaint of the affected party for the following offenses, if committed without sufficient justification". 1. The defamation of a foreign state, its army, its flag, or its national emblem in public. 2. The libel or defamation or profanity that is publicly committed against the head of a foreign state or its ministers or political representatives in the Kingdom. It is not permissible to prove the act which was the subject of the invective." Article 130 stated that "a person who, in the time of war or when it is expected to occur, has propaganda aimed at weakening national sentiment or awakening racial or sectarian prejudices has been punished by temporary acts". Article 131/1 stipulates that "the penalty set forth in the preceding article shall be entitled to spread in the Kingdom in the same circumstances as news that is known to be false or exaggerated, which would weaken the morale of the nation". As well as Articles (147-149) on terrorism and conspiracy. These crimes are considered by the State Security Court pursuant to article (3/A/3) of the State Security Law No. 17 of 1957. Article (150) stated "every writing, every speech or action that means or provokes sectarian or racial strife or incitement to conflict between sects and various elements of the nation punishable by imprisonment for a period not less than one year and not more than three years and a fine not exceeding two hundred dinars. "This article may be one of the most applicable articles to pursue people who go beyond the limits of freedom of expression as prescribed by law. This is in addition to the many texts that criminalize many of the acts that fall under the freedom of expression, which are aimed at protecting national security.

It is noteworthy that the Jordanian Penal Code contains a provision that criminalizes the carrying out of acts or writings that would endanger the Kingdom of hostile acts, disrupt its relations with a foreign state, or expose the
act to be the provision of terrorist acts (article 3 / b) and thus becomes the speciality of the State Security Court, which raises the question of dual criminality and the competent authority to refer cases of this kind to the State Security Court or to the judiciary and decision-making mechanism (145).

Finally, the jurisprudence has defined the permissible criticism as an act in which there is no defamation, no insult, no affront, and it does not offend the honor, reputation or reputation of others, but it is aware of his behavior or his work that is unintentionally offensive to his person in terms of honor or respect. The distinction between a person and his actions is what determines the level of aggression punishable by him and the non-criminal level of criticism.

The right to criticism, especially in its political aspects, was a direct contribution to the maintenance of the regulation of mutual control between the legislative and executive authorities. The right of criticism requires five conditions:

1. Criticism of a fixed and known fact to the public.
2. The criticism is based on the fixed incident and is confined to it
3. The incident in question is of social importance
4. The critic shall use appropriate terms in the judgment or comment on the incident
5. Be a good-intention critic

**Eighth: The Defence Law**

This act shall be declared by a Royal Decree issued according to a decision by the Cabinet if there is a need to defend the homeland in the event of an emergency threatening national security or public safety in all parts of the Kingdom or in a region due to a war or a situation threatening to occur or an Internal disturbances or strife, general disasters or the spread of a pest or epidemic. The Defence Act No. (13) Of 1992 was promulgated in 1992 and has not yet been declared for the lack of justifications in accordance with Article
(124) of the Constitution. Although this law is applicable only in exceptional circumstances in the case of a declaration of emergency, it is only for the purpose of defending the Kingdom and securing it from any internal or external danger. In the event that it is implemented, it will lead to a clear violation of the freedom of expression for national security purposes. Under Article (4/J), it is the prerogative of the Prime Minister to "monitor messages, newspapers, publications, leaflets, and drawings, all means of expression, propaganda and publicity before publishing them, controlling them confiscating them, obstructing them and closing them. "Such measures taken under this law are not subject to judicial control except in the context of the cause and purpose of the decision, and the supervision of the judiciary does not extend to the rest of the aspects, the most important of which is the aspect of the act and the defect belonging to it. : "If the acts attributed to the complainant are defamation of the honor, which raises feelings and sensibilities and sedition between members of a society that maintains the traditions of family honor, which are matters affecting public safety and tranquillity, the governor has the right to apply the provisions of Article9 of the defence act No. (2) Of 1939 against the convict and arresting him in the Vocational and Rehabilitation Center. (146)"

Such measures taken under this law are not subject to judicial control except within the framework of the cause and purpose of the decision. It seems that all these laws restricting the freedom of expression for the reasons of maintaining national security and other higher interests of the state, especially the successive amendments to these laws, which are combined by a common link, are restricting freedom of expression for security reasons has led to a decline in the classification of Jordan in the field of journalist freedom, according to a report by Reporters without Borders, published in November 2017, where Jordan’s rank was the 138th in the world on the Freedom of the Press, and in rank 11th in the Arab world. According to the media, this was a "logical result of the recent legislation that restricted the freedom of opinion and expression in general and the freedom of the press in particular." For its side, the government and the media director questioned the validity of this report. (147) "According to the report of the National Center for Human Rights 2015, suspension and prosecution of persons on charges of using the information system or the
In this respect, the Center notes the lack of clarity and accuracy of the term "connection" blurred and non-accuracy of the term "promotion of a terrorist group" and its violation of relevant international standards, in addition to the fact that it is a loose term and does not have regulation or standard. The Center has monitored the arrest and trial of approximately (50) persons based on this crime. While emphasizing the need to criminalize and prosecute those who disseminate terrorist ideology, it stresses the necessity of committing to the precise legal formulation of acts constituting terrorist crimes and avoiding the loose terminology that accepts interpretation.

In a related context, it is noteworthy that Human Rights Watch issued its report on the situation of human rights in the world in 2015, noting that the Jordanian authorities have increasingly used the provisions of the law to prevent terrorism to arrest and prosecute activists, opponents, journalists, politicians and people participating in marches or protests. The report also pointed to a narrowing in the area of media freedom during the 2015.

According to the report on the conditions of the freedom of opinion and expression in the Arab world in 2016, the Jordanian authorities, under the Prevention of Terrorism Act, have included legal provisions punishing the crimes of expressing opinion, which contain disturbing relations with brotherly and foreign countries. The authorities have also used the Electronic Crimes Act No. 27 of 2015 to arrest many citizens for Facebook posts or Twitter tweets, which is considered a threat to online activists. The law imposes strict restrictions and severe penalties for those who violate it through writings expressing their opinions through social media or websites. In 2016, many political activists were arrested for publications on social media in accordance with the Electronic Crimes Act, the Anti-Terrorism Law, the Press and Publication Law, and the Penal Code on charges such as offense or putting

Jordan at risk of hostility or contempt of religion. In 2016, the Jordanian Authorities also increasingly restricted the freedom of dissemination of
information by banning publication to the press to prevent public reporting on issues considered sensitive by the Authorities and should not be publicly debated.

Conclusion
The importance of freedom is great the individual’s life and in the society. Freedom is the means to satisfy human desires and innate needs to express opinion and share problems, concerns and thoughts. When there is a margin of freedom for individuals, they will feel happy because they are able to express their opinion freely and vent out their problems and concerns without being subject to pressure and coercion from anyone. Freedom is the way of developing the societies. Wherever you look in this vast world, you find that free nations are the most developed and civilized countries. Freedom brings out all the skills and abilities that people have for the service and progress of their countries, while societies that lack freedom are lagging behind civilization and progress. It is the means of sharing decisions and discussing them and choosing the best of them. Democracy as a mean of ruling is a form of freedom where people come together to choose a number of crucial issues and decisions in their lives, including the selection of their rulers and officials. Also participating in the Shura Councils, which legislate laws and regulations and submit them to the Competent Authority for approval and taking it into action. Freedom enables people to practice positive criticism in order to correct the behavior of officials. The ruler and the officials constantly need to be provided them with positive advice and criticism in order to correct their path, correct their decisions and guide them. The individual cannot practice such criticism except in the presence of freedom. The Caliphs were an example of accepting criticism and giving people a great margin of freedom. Therefore, the famous phrase, "if i was wrong, correct me" is an example of freedom that was at the era of the caliphs. Freedom is a mean of creativity since creativity does not rise unless there is freedom that enables people to think without limits or obstacles. It is also a means of creating solutions and creative ideas. If freedom of expression is one of the freedoms and rights recognized internationally and locally, whether in the traditional media or the new media, the practice or abuse and unleashing of such acts would affect the rights and freedoms of others or cause spiritual or material harm to them. National security may be threatened, especially in light of the proliferation of social media, news sites and radio stations and television.
broadcasts through the Internet, which have become a tool for some ill-mannered people to defame people and abuse their honor and interfere in their privacy; or to pay tribute to violence or incitement to hatred or racism and terrorism, or to affect the public order or national security and defense in the state.

The monitoring by the National Center for Human Rights of violations in the field of freedom of expression has long been shown to be concentrated in two areas (151): The first is the adoption of a number of legislations that, although limited, have had a significant impact on freedom of expression in terms of narrowing the space previously available to citizens - journalists, political activists or just peaceful protesters. The second is the tightening of penalties and the of follow-up against those who criticize the Authorities (Jordan or foreign countries), especially leaders, officials and institutions. One can note that the government's tightening of penalties and restrictions on freedom of expression was a reaction to certain developments in society and in the practice of this freedom, in which rights holders sometimes exceed the framework or limit permitted by international standards. The government's special measures in the legislation also violate the limits by referring offenders to the State Security Court and expanding the scope of the offense to become a crime. All of this allows us to say that the government actions may be sound in principle from which they originate but are flawed in the way they are applied.

This study concluded with the following results and recommendations:

**First: Results**

1. Freedom of expression is one of the fundamental freedoms of human being recognized internationally and nationally. It is impossible to speak of a society respecting human rights without passing through these freedoms, which are the real introduction to the practice of many intellectual and cultural freedoms and other rights, such as the right to criticism, freedom of the press, printing and publishing, freedom of scientific research and creativity.
2. Freedom of expression is closely linked to national security, since each affects the other, but it is not acceptable in any way that they cancel each other.

3. International conventions guarantee freedom of opinion and expression. Article 19 of the Universal Declaration of Human Rights stated that "Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of limits.

4. One of the pillars of the Hashemite Kingdom of Jordan's internal security is the adoption of balanced external policies that contribute to supporting internal stability and preventing the entry into external confrontations that threaten national security.

5. The importance of freedom of expression at the individual level’s is that it is central to his life, dignity and development. It allows everyone to understand what surrounds him and the wider world by freely sharing ideas and information with others.

6. Freedom of expression and access to information affects the implementation of other human rights, and enables journalists and activists to draw attention to the issues and violations of human rights so as to persuade the government to take action on them, in addition to other benefits of freedom of expression.

7. National security is a vital necessity and perhaps the ultimate goal is not only for the state and the regime, but also for society and citizens. Therefore, the provisions of the international humanitarian law states that it is necessary to respect it and to consider its threat as one of the reasons for restricting certain rights; especially the most prominent of these rights is the right to freedom of expression.

8. Security is generally the basis from democracy and promotes human rights in practice and thought. Freedom of expression is a necessity for national security and a stabilizing factor for society. The suppression of
9. freedoms, especially the freedom of expression, will lead to tension among the public, which may lead them to rebel, break the law and undermine the national security.

10. The new media provide an ideal platform for freedom of expression, dissemination of ideas and opinions. The Internet allows users to express their opinions and share their ideas. This platform provides an additional means of expression, better than distributing. The Internet also made every user or subscriber able to access to any website to give their opinion and express their ideas. It is clear that the internet is the most powerful and most widely used means to express opinion and practice the individuals' rights and freedoms. In addition, it is the most free widespread and interactive media outlet.

11. Many national provisions criminalize what is published on the social media of news or comments if it involves insulting or cursing, as these sites are considered of public means and the Jordanian judiciary gets along in that, in contrast to what the comparative judiciary has determined as these sites do not provide publicity.

12. There is a lack of definition or correct understanding of the nature of security in Arab countries. The concept of security by nature is flexible and variable, and therefore it is necessary to define its reality, especially determining the security that is required to be achieved. What values are protected? Is it the security of the political system? Is it the security of the ruling elite? The ruler? Or the security of the community?

13. There is a gap in the concept of security between the Arab rulers and the ruling elites on the one hand, and between the citizens, "communities" or "groups", and "associations", "groups" or what has recently been called "components" of the various Arab societies, on the other hand.

14. Many groups in our Arab countries worry about the fear of chaos and intimidation of violence, terrorism, division and fragmentation will be used to justify curtailing civil liberties and rights, distorting opposition and reducing public participation and the reluctance to real reform and
15. enabling citizens to govern themselves and participating in determining their future and making their choices. This is evidenced by the growing trend of enacting laws that reduce freedoms and expand the protection of security at the expense of rights and freedoms. The most prominent of these concerns is the expansion of the definitions of terrorism and emphasizing the importance of imposing the ruling power and the fight against criticism and relying on solid power instead of the power of law and of seeking to establish governance on the basis of consensus, justice and participation.

16. Article (15/1) of the Jordanian Constitution guarantees freedom of expression by stipulating that "the State guarantees freedom of opinion. Every Jordanian citizen shall freely express his opinion by speaking, writing, photographing and other means of expression provided that he does not exceed the limits of the law." We find that the text obliges the state to guarantee freedom of opinion, as well as a negative obligation not to interfere with freedom. As stipulated in international human rights covenant, this stated: “Everyone has the right to hold opinions without interference.”

17. The expression of opinion does not require any particular means. It may be written, spoken, photographed, painted, or given with a certain movement or humor. It may also be that the individual takes a negative attitude towards something. Hence, the Internet has provided a wide range of expression through publishing through its electronic space.

18. The constitution restricts the right to express opinion only to Jordanians as a political right that is restricted to the citizens of its nationality. However, it mentioned means of expressing opinion, for example, but not limited to any means that may appear in the future as a tool of expression. As is the case for electronic media on the Internet.

19. Paragraph (1) of Article (15) of the Constitution stipulated that freedom of expression should not exceed the limits of law, that this right is
20. restricted and not absolute. This is what all international conventions agree upon when addressing this right. However, international conventions (Article 19/3) of the International Covenant on Civil and Political Rights specify the cases in which this right may be restricted by law exclusively.

21. The Jordanian legislator has set different rules on the practice of freedom of expression. Its philosophical basis is to ensure that the practice of this freedom does not constitute an attack on the honor, reputation and beliefs of others or on the security and stability of the state. Among these determinants:

1 - Insulting and degrading of individuals and state institutions.
2 - Using the information network to disseminate any terrorist acts, promote the ideas of any terrorist group, or expose the Jordanians or their property to the risk of hostile or reprisal acts.
3 - The defamation of any foreign state, its flag or its president.
4 - Dissemination of what includes insulting of one of the religions, or what constitutes an insult to religious feeling and belief or stirring sectarian or racial strife.
5 - Broadcasting any false or exaggerated news that would undermine the prestige of the state.

22. The last sentence of the first paragraph of Article (15), which states that the practice of freedom of opinion must "not exceed the limits of the law" is not a license to the Authority to suspend or nullify the right of opinion, as the limits of the law referred to mean the texts established by the legislator to regulate the practice of the right of opinion to restrict such freedom. If the law is otherwise, it necessarily goes against the Constitution. The Constitution is superior to all. There is no doubt that freedom of opinion can be set in matters of national security and public morality without expansion, because the principle is the protection of freedom of opinion.
23. Among the most important amendments to the Press and Publications Law, which was widely opposed by the electronic media sector, was the 2012 amendment. Under this amendment, hundreds of electronic publishing sites were required to register and correct their conditions and obtain a license with the Press and Publications Department. The concerned body was then abolished as an independent body and merged its staff and functions with the media body to form a single body, the media. The amendment was a combination of necessary and correct regulatory actions (from an objective perspective) and restrictive conditions that restricted electronic space that is permitted to electronic media.

24. The Electronic Crimes Law No. (27) For the year 2015 under Article (11) of this law grants journalists protection from arrest in publishing cases under the Press and Publications Law in 1998. Journalists can be arrested pursuant to the provisions of Article (114) of the Code of Criminal Procedure In accordance with the provisions of Article (11) of the Electronic Crimes Law as a special law, according to the explanatory decision no. (8) For the year 2015.

25. With regard to the interpretation of the term "defined by the law" in article (19/3) of the International Covenant on Civil and Political Rights, the Syracuse Principles clarified that the term was intended to be clear, precise and consistent with the provisions of the Covenant and available to all. In addition, the restrictions in the law shall not be arbitrary or illogical, with judicial guarantees against unlawful or arbitrary application.

26. The Syracuse Principles confirm that States may not invoke national security to justify restricting Covenant rights except when taken with a view to ensuring the survival, territorial integrity or political independence of the State against the use of force or threat of force. National security may not be used as an excuse to impose restrictions solely to prevent local or relatively remote threats to security and order,
or to be used as an excuse to impose arbitrary restrictions. National security may be invoked only when there are adequate and effective guarantees against abuse.

27. The European Court of Human Rights has held that states 'interference in restricting the right to freedom of expression and information should be linked to "urgent societal needs" and that States' practice of their right to use the concept of "urgent social need" requires legal disclosure and regulation in a manner that is easily understood by citizens, and it is not arbitrary and free of exaggeration in the tendency of States to restrict freedom.

28. The Jordanian Constitution does not refer to national security as a restriction on freedom of expression, but this can be deduced from indirect texts such as the right to inviolability of personal life and the maintenance of social peace as a sacred duty.

29. The Jordanian Administrative Court has upheld administrative decisions imposing disciplinary penalties on university students to distribute leaflets or raise banners on campus.

30. The Egyptian Constitutional Court supported the freedom of expression by saying: "It is dangerous to impose restrictions on the freedom of expression in order to prevent citizens from practicing it. No one can impose silence on others, even if it is supported by law. A degree of violation must be tolerated, and there is no justification for the exaggeration in some opinions as a reason for restricting it.

31. The Press and Publications Law in Jordan has been used to block dozens of electronic publishing sites and to issue warnings to a number of others, according to the National Center for Human Rights.

32. The media has suspended a number of radio programs in support of the audio-visual media law as they are abusing national security or community peace. The National Center for Human Rights in this regard stresses the need to amend the audio and video media law so as to be able to suspend the broadcasting of any program by the judiciary body as it is its function, where its judgment is fair.
33. The National Center for Human Rights monitored the issuance of the messages of the Telecommunications Regulatory Authority to some institutions, including reference to the exploitation by some parties of the social networking platform (Facebook) to attack ideologies and encroach on ethnicities, races, national origins, religious belief and public morals as well as their use as a means of violating human rights. It also agreed that the TRA would communicate with the Public Policy Representative in the Middle East and North Africa. It was agreed that the Authority, in coordination with the Company, would report the offensive pages for the purpose of blocking them. In this regard, the Center stresses that the Commission in its report has used and broad terms that are difficult to control. The Center also stresses the need to put an end to any hate speech that takes place through social networking sites. This should be done through the judiciary, which is the original jurisdiction and its provisions are appropriate.

34. From Human Rights Watch's perspective, Jordanian Authorities have increasingly used anti-terrorism provisions to arrest and prosecute activists, dissidents and journalists for expression crimes. It also relied heavily on the 2014 amendments to the anti-terrorism law and expanded the definition of terrorism to include acts such as "disturbing Jordan's ties with a foreign country." It also noted that Jordan curtailed media freedom by 2015 by arresting at least 9 journalists and writers, and charges against them, sometimes under the vague provisions of the anti-terrorism law in the Kingdom.

35. The amendment of the Prevention of Terrorism Act of 2015 has made it easy to try anyone for minor crimes as terrorist acts, which may make this right (the expression of opinion) the exception and the restrictions become the norm, because the legislator uses loose, flexible and interpretable words. The law defines terrorist acts in broad terms, such as "public order", "community safety", "sedition", "community security", "terrorization" and "intimidation of people"; All these statements are very significant, and can be used in the application of legal texts and the
consideration of any activity or activity within the context of which is a terrorist act. This contravenes international standards, namely articles 4 and 14 of the International Covenant on Civil and Political Rights, which ensured that the authorities would not take any measures that would affect the rights guaranteed or would result in the loss of fair trial guarantees.

36. In light of the National Center for Human Rights’ authority to monitor the human rights situation, the Center noted in 2016 the increasing number of detainees and their trial due to the expression of opinions of these citizens on subjects related to the public policy of the state and related to sensitive and important issues of full concern to the State Security Court Prevention of Terrorism No. 55 of 2006 and its amendments.

37. Among the things that raise doubts and concerns about the violation of the Electronic Crimes of Freedom of Expression Law, the draft law amending the Electronic Crimes Act of 2017, which dealt with the so-called "hate speech", known by the draft law as "any statement or act that would provoke sedition or religious, ethnic, racial or ethnic discrimination or discrimination between individuals or groups." It is clear that these statements are vague, general and vague enough to refer anyone to justice as an accused of this crime, which will negatively affect the freedom of expression and may have begun even before the passage of the law. Contrary to the principles of Camden Article 19, which set 12 principles to delineate the differences between the freedom of speech and hate speech, although the latter is of literary nature, not legal.

38. The National Center for Human Rights monitored in 2016 the continued arresting of individuals because of the expression of their opinion, and the vast majority of those arrested expressed their opinions mainly through their accounts on the Facebook, included the arrest issued by the judicial authorities or administrative authorities or even the security departments in some cases activists in the popular movement, artists, writers and others. In this context, the Center monitored (16) cases, most of which were under the Electronic Crimes Law No. 27 of 2015.
According to the annual report of the National Center for Human Rights in 2016, a decision was issued by the governor of the capital on 18/6/2016 to block six websites belonging to a group of companies that provide access to judicial and financial databases and statements of legal legislations and amendments, based on the Prevention of Crimes Law No. 7 of 1954. The previous decision raises two issues of importance: The first issue is the issuance of an administrative decision by the governor of the capital to block websites based on the crime prevention law, which is an infringement on the judicial authority that has the jurisdiction to determine the legality of such sites. The second issue is the existence of a legal gap concerning the protection of personal information and the security of individuals in internet, and the urgent need for texts that criminalize infringement of the right to privacy, especially through information systems.

One of the phenomena that has become remarkable this year (2017) is the resort of officials in the state to the judiciary and the arrest of activists on social media on the pretext of committing acts contrary to the law of electronic crimes.

It is noteworthy that the Jordanian Penal Code includes a provision that criminalizes the carrying out of acts or writings that would endanger the Kingdom of hostile acts or disturb its relations with a foreign country or expose the Jordanians to the risk of retaliation with a foreign state (Article 118/2). The Law on the Prevention of Terrorism includes a similar provision which considers this act to be the rule of terrorist acts (article 3 / b) and thus becomes the jurisdiction of the State Security Court, which raises the question of dual criminality and the competent authority to refer cases of this kind to the State Security Court or to the judiciary and decision-making mechanism.

According to the report on the conditions of freedom of opinion and expression in the Arab world for the year 2016, the Jordanian Authorities and under the Prevention of Terrorism Act, have included legal provisions punishing the crimes of expressing opinion, which contain
disturbing relations with brotherly and foreign countries. The Authorities have also used the Electronic Crimes Act No. 27 of 2015 to arrest many citizens for Facebook posts or Twitter tweets, which is considered a threat to online activists. The law imposes strict restrictions and severe penalties for those who violate it through writings expressing their opinions through social media or websites.

**Second: Recommendations**

1. The Jordanian legislator shall take into account the provisions of Article (15) of the Jordanian Constitution when enacting laws aimed at the protection of the state, so as not to void it of its content and confiscate the right to freedom of expression and in contravention of Article (128/1) of the Constitution, which states that, the rights and liberties shall be governed by the fundamental principles of these rights.

2. The Jordanian legislator and judiciary should take into consideration the new media and various electronic means as an outlet for citizens to express their opinions and move as far as possible to criminalize what is published through them, although the purpose is for security reasons, in accordance with the principle of preference of freedom.

3. The various authorities concerned, especially the three authorities, should work to define a clear and specific concept of national security so as not to remain a vague term used in accordance with the circumstances away from objectivity.

4. Law enforcement authorities should not exploit the fear of chaos and intimidation of violence, terrorism, division and fragmentation to justify curtailing civil liberties, curtailing rights, distorting opposition and reducing public participation, the reluctance to real reform and enable citizens to govern themselves and participate in determining their future and making their choices.
5. The need to limit the broadness of definitions of terrorism and emphasizing the importance of imposing the prestige of governance and the establishment of power and the fight against criticism and reliance on the strength of security and solid power rather than the power of law, and seeking to establish the rule of consensus, justice and participation.

6. The need to comply with international standards in cases where the legislator wishes to restrict freedom of expression (Article 15 of the Constitution), and to comply with article (19/3) of the International Covenant on Civil and Political Rights. Security considerations should not affect the importance of violating freedom of expression and restricting it beyond the considerations set forth in article (19/3) above, and abide by the restrictions contained in international human rights standards regarding the conditions that must be met when restricting freedom of opinion and expression and the right to peaceful assembly, by providing for the strict observance of the law and for the legitimate purpose of protecting national security, public order, public morals, public health or the rights and freedoms of others.

7. The need to understand the last sentence of the first paragraph of Article (15), which states that the practice of freedom of opinion must "not exceed the limits of the law" is not a license to the Authority to suspend or nullify the right of opinion, as the limits of the law referred to mean the texts established by the legislator to regulate the practice of the right of opinion to restrict such freedom. If the law is otherwise, it necessarily collides with the Constitution; the Constitution is superior to al. There is no doubt that freedom of opinion can be set in matters of national security and public morality without expansion, because the essence is the protection of freedom of opinion.

8. To review the amendment to the Press and Publications Law, this called for electronic publishing sites to be licensed in accordance with certain procedures, so as to reduce the restrictive rules and conditions that restricted the electronic space.
9. Reconsidering the right enjoyed by journalists against the arrest of publications in accordance with the Press and Publications Law of 1998, which was deprived by them under the Electronic Crimes Law No.? (27) Of the year 2015 and the prosecution of journalists under the Press and Publication Law and not to be tried under any other law.

10. With regard to the interpretation of the term "defined by the law" in article (19/3) of the International Covenant on Civil and Political Rights, the Syracuse Principles clarified that the term was intended to be clear, precise and consistent with the provisions of the Covenant and available to all. In addition, the restrictions in the law shall not be arbitrary or illogical, with judicial guarantees against unlawful or arbitrary enforcement.

11. The Syracuse Principles confirm that States may not invoke national security to justify restricting Covenant rights except when taken with a view to ensuring the survival, territorial integrity or political independence of the State against the use of force or threat of force. National security may not be used as an excuse to impose restrictions solely to prevent local or relatively remote threats to security and order, or to be used as an excuse to impose arbitrary restrictions. National security may be invoked only when there are adequate and effective guarantees against abuse.

12. We wish the national judiciary to follow the European Court of Human Rights that states’ interference in restricting the right to freedom of expression and information should be linked to "urgent societal needs" and that States' practice of their right to use the concept of "urgent social need" requires legal disclosure and regulation in a manner that is easily understood by citizens.

13. The need to amend the law of the audiovisual media to be able to suspend the broadcast of any program as it is the functions of the judiciary whose judgment is considered fair.

14. To review the provisions of the Prevention of Terrorism Act, especially the 2015 amendments, as the legislator used loose, flexible and interpretable terms. The law described terrorist acts in broad
terms, such as "public order", "community safety", "sedition", "community security" "terrorism". All these words are very loose, and can be used in the application of legal texts and the consideration of any action or activity within the framework of a terrorist act and the law in harmony with international standards, specifically Articles (4 and 14) Of the International Covenant on Civil and Political Rights Ensuring that no measures are taken by the authorities that would affect the rights guaranteed or that the guarantees of a fair trial would be wasted.

15. Amending the Prevention of Terrorism Act to make the criminal act more clear and precise so that the individual can control his behavior according to the penal code, especially the amendment of article (3/b), which has been prosecuted by many journalists and the various opinions and article (3/e) related to the use of the information network to promote the ideas of a terrorist group.

16. To review the jurisdiction of the State Security Court for crimes committed by activists through social media to become part of the judicial system, specifically those committed in contravention of the Prevention of Terrorism Law.

17. The proposed definition of hate speech should be reconsidered in the draft law amending the Electronic Crimes Act and in conformity with the Camden Principles. And to develop clear anti-hate speech policies that focus on the values of human rights, citizenship and the promotion of economic, social and public freedoms.

18. Assuring the administrative rulers to respect the principle of separation of powers and non-aggression on the jurisdiction of the judiciary on the pretext of the application of the law to prevent crimes and not resort to the issuance of administrative control decisions with the blocking of websites.

19. We wish that the respectful judiciary to increase the scope of freedom of expression and to promote it as a fundamental right and to follow the European Court of Human Rights in allowing the permissible
criticism of institutions and officials. The judiciary should not be a threat to freedom of expression. The Egyptian Constitutional Court supported the freedom of expression by saying: "It is dangerous to impose restrictions on the freedom of expression in order to prevent citizens from practicing it. No one can impose silence on others, even if it is supported by law. A degree of violation must be tolerated, and there is no justification for the exaggeration in some opinions to be used for stopping it.

20. The necessity of reviewing the provisions of the Penal Code and the Prevention of Terrorism Act, since the Jordanian Penal Code includes a provision that criminalizes acts or writings that would endanger the Kingdom of hostile acts, disrupt its relations with a foreign state, or endanger Jordanians to acts of reprisal with a foreign country (Article 118 / . This law is considered to be within the jurisdiction of the State Security Court, which raises the question of double criminality and the competent authority to refer cases of this kind to the Court of State or to the regular judiciary.

21. Reviewing the legislation that contains provisions that contradict the provisions of the Constitution and the general principles of the right to a fair trial to be brought into line with the international conventions ratified by Jordan and published in the official newspaper, including the Prevention of Crimes Law, the State Security Court Law.

22. Promoting the practice of freedom of expression in universities and not impose penalties on students or faculty members for expressing their opinions.

23. Reviewing the laws related to media legislation and freedom of expression in general, taking into account the review as a single legislative case to avoid inconsistencies between the laws.


7 - Dr. Adel Al-Hayari, in the rights of: freedom of opinion, freedom of expression, freedom of criticism and freedom of the press,


10 - Ruling of the Supreme Constitutional Court of Egypt, s. 17 of 14, dated 14/1/1994.


12 - Dr. Sulaiman al-Tamawi, al-Wajiz in Administrative Law, op. Cit P. 540.

13- The verse (55) of the light.

14- The verse (4) of Quraish.


18- Previous reference.
19- The right to express opinion and information http://annabaa.org/arabic/freedoms/4417

20- The right to express opinion and information http://annabaa.org/arabic/freedoms/4417.


23- Dr. Mousa Al-Breizat, previous reference.


29- Merzouki Hossam El-Din, recruitment of news media outlets on the Internet for social media tools

A descriptive study of a sample of Arabic-speaking news websites, a paper for a master's degree in information and communication sciences, specialization: Media and Communication Technology, Department of Human Sciences, University of Haj Lakhdhar-Batna, University Year 2011/2012 p. 52.

30- Supreme Administrative Court, Judgment No. 189 of 2016, 22/6/2016.


34 - Dr. Reza Hammis, op. Cit., P. 7.

35 - http://www.ohchr.org/AR/NewsEvents/Pages/Therighttoprivacyinthedigitalage.aspx

36 - Dr. Mousa Al-Breizat, previous reference.

38 - See, for example, article 19/1 of the International Covenant on Civil and Political Rights.

39- See, for example, Article 16 of the Constitution, which states: "Jordanians have the right to meet within the limits of the law ..." and article 17, which states that "Jordanians have the right to address public authorities ..." and article 23, .. ". It should be noted that the text of Article 11 of the Jordanian Constitution of 1928 stipulated that "all Jordanians are free to express and publish their heritage ... in accordance with the provisions of the law", unlike what is currently the case.

40- Shatha Ahmad Mohammed al-Assaf, op. Cit., P. 32.


46- Article 17 of the Jordanian Constitution of 1947 states: "Freedom of opinion is guaranteed. Every human being has the right to express his thought by saying and writing within the limits of the law." In other words, this right granted to citizens and foreigners alike. Means of expression by saying and writing only

47-Supreme Administrative Court, Judgment No. 144 of 2015, dated 8/9/2015.


50. Supreme Constitutional Court of Egypt, Case No. 42 of 1995.

51. The Constitutional Court of Egypt, Case No. 17 of 1995.


54. Attorney General Arrests 9 Persons Who Misused Faisal al-Fayez
http://www.sarayanews.com/article/458655

55. Merzouki Hossam El-Din, the use of news media sites on the Internet for social media tools- 1 descriptive study of a sample of Arabic-speaking news sites, a paper for a master's degree in information and communication sciences, specialization: Media and Communication Technology, Department of Humanities, University of Haj Lakhdar-Batna, the academic year 2011/2012.

46- Article 17 of the Jordanian Constitution of 1947 states: "Freedom of opinion is guaranteed. Every human being has the right to express his thought by saying and writing within the limits of the law." In other words, it granted this right to citizens and foreigners alike. Means of expression by saying and writing only.

47- Article 19.3 of the ICCPR states that "the practice of the rights provided for in paragraph 2 of this article entails special duties and responsibilities, and may therefore be subject to certain restrictions but provided they are specified by law and are necessary: (a) to respect the rights of others or their reputation, (b) to protect national security, public order, public health or morals." Article 10.2 of the European Convention on Human Rights states that "the practice of these freedoms, which require the duties and responsibilities of some of the formalities, conditions, restrictions or irregularities established by law, which are necessary in a democratic society shall be necessary to preserve the integrity and territorial integrity of the nation, , The prevention of crime, the protection of health and morals and the protection of the rights and reputations of others in order to prevent the disclosure of confidential information or to ensure the integrity and impartiality of the judiciary. Article 13.2 of the American Convention on Human Rights states that "the exercise of the right provided for in the preceding paragraph shall not be subject to prior control, but may be subject to the imposition of a subsequent liability prescribed by law and necessary: (B) to protect national security, public order, public health or morals;

48- http://www.alghad.com/articles/965272

49 - Anis Fawzi Qassem, What Happened to Freedom of Expression in Jordan,
http://www.aljazeera.net/news/humanrights/2017/2/23


51 - Article (3) of the Press and Publication Law No. 8 of 1998.

52 - Article 8 of the Press and Publication Law No. 8 of 1998.


55 - Interpretative Decision No. 8 of 2015, Official Gazette, No. 5367, 16/11/2011, p.8991
56- Published in the Official Gazette No. 5343, dated 1/6/2015, p. 5614.

57 - Publication of the Telecommunications Law in the Official Gazette, No. 4072, 1/10/1995, p. 2939.

58 - Gutier Mohamed Rachid, Restrictions on the Right to Freedom of Expression, Rafidain Journal of Rights, Volume 1, Year 8, No. 18, 2003, 186


This is what the European Court of Human Rights has decided. See, for example:


The facts of the case are that the complainant was convicted under the National Security Act based on his membership and participation in the activities of the Korean Youth Movement. It appears from the decision of the National Court that the conviction and punishment were due to the support of the complainant of some slogans and political positions or sympathy with participation in some peaceful demonstrations. The Commission pointed out that in order to justify the restriction on the practice of this right, it must show that it was necessary to protect national security but only referred to the general situation in the country and the threat posed by the Communists from North Korea. The Commission considered that the State did not specify the nature of the threat as well. It concluded that all the arguments made by the State were insufficient to justify restricting the complainant's freedom since the data submitted by the State did not prove that the author's conviction was necessary to protect legal objectives.

In the former sense, see also:


Examples of this are copyright, as not provided for in the Covenant. In this same sense, Article 27 of the American Convention on Human Rights of 1969 notes that the African Charter of 1981 did not come in such a form, where the text on rights that may be infringed or restricted in such a way as to allow some restrictions such as articles 8, in which the individual has the right to enjoy a certain right, such as freedom of expression, but within the limits of the law. These rights are the right to life, the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment; the right not to be detained on the basis of their inability to fulfill a contractual obligation; the non-punishment of a person for a crime that was not punishable The right of the individual to be recognized as a person before the law, and the right of the individual to freedom of thought, conscience and religion.

73- See for example HRC Concluding comments on Italy, UN Doc. CCPR/C/79/Add.3, 1995.
76- IBID., 30.
In one of the cases brought to the attention of the Commission on Human Rights, the Commission rejected the State’s submission that it had convicted the person for national security because it did not specifically indicate how the complainant’s actions could threaten national security.


So is the case:


As the Commission noted that the State has not accurately identified how the activity of the complainant in trade unions could threaten national security.


It should be noted that this decision was criticized by the jurisprudence on the grounds that the Commission did not commit itself to investigate the objectives of the party to ascertain whether or not there was a violation of article 5 of the Covenant. On this subject, see:


IBID., paras 23 & 24


The Commission refused to accept the Canadian Government’s submission that the restrictions on press freedom to cover parliamentary sessions were part of the public order to ensure the proper functioning of the legislature.


90- IBID., 26


92-See, for example:


94-Leo Hertzberg et al. v. Finland, Communication No. 61/1979, U.N. Doc. CCPR/C/OP/1 at 124, decision of 2 April 1982, para 10

95-- Yunis Malih, freedom of opinion and expression between the reality of limits and the need to control restrictions,

http://www.raiayoum.com/?p=235050

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98- The previous reference.


103 - Supreme Administrative Court, Judgment No. 144 of 2015, dated 8/9/2015.

104 - Supreme Constitutional Court of Egypt, Case No. 42 of 1995.

105 - The Constitutional Court of Egypt 'Case No. 17 of 1995.


108 - Article (20 / l) of the Audio-visual Media Law No. 26 of 2015.


115 - Published in the Official Gazette, No. 4790, 1/11/2006, p. 4264.

116 - Judgment No. 1435 of 2017 - Court of Cassation, dated 18/7/2017, Qustas.

117 - Judgment No. 1366 of 2017 - Court of Cassation, dated 29/6/2017, Qustas.

118 - Ruling No. 562 of 2015 - Court of Cassation, dated 15/4/2015, Qustas.


120- http://www.alsafernews.com/12f/38118


The principles on freedom of expression and equality are based on the idea that freedom of expression and equality are fundamental and fundamental rights. Freedom of expression and equality are the full rights of each other and play a vital role in protecting human dignity, guaranteeing democracy and strengthening international peace and security. The Camden Principles represent a progressive interpretation of international law and norms, of accepted State practice and of the general principles of law recognized by the international community. This document was designed to disseminate the greatest global understanding of the relationship between respect for freedom of expression and the promotion of equality.

19 Article 19 of the International Covenant on Civil and Political Rights, based on discussions at the United Nations, other officials and experts from society Civil society and academics specialized in international human rights law on the subjects of freedom of expression and equality, at meetings held in London on 11 December 2008 and 23 and 24 February 2009. These principles represent a progressive interpretation of international law and standards and accepted State practice (as reflected in the Acts of national provisions of courts and other sources), the general principles of the law recognized by the international community.

110- "This principle 2/2 in particular, states should ensure that domestic constitutional provisions clearly define the scope of permissible restrictions on the right to freedom of expression, provided that such restrictions are defined by a law that is defined precisely to serve a legitimate interest provided by the Constitution and necessary in a democratic society to protect this interest."

131- These rules are based on the text of article 19/3 of the International Covenant on Civil and Political Rights.

132 - This principle is based on article 20 (2) of the International Covenant on Civil and Political Rights.


137- Electronic Crimes Unit, Criminal Investigation Department, www.psd.gov.jo

138- Published in the Official Gazette, No. 1173, dated 1/3/1954. P.63


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