

Limitations on Freedom of Expression for the Protection of National Security: A Case Study of Jordan

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Abstract: *This paper aims to examine the legal limitations on freedom of expression in Jordanian laws with a view to protect national security. These limitations have been examined in accordance with the controls set forth in international instruments and the Jordanian Constitution. This research used the doctrinal method as a methodology. The primary data were collected through the texts of the Jordanian Constitution and laws, in addition to international and regional instruments. The paper addresses the definition of the concept of national security, the limitations on freedom of expression in order to protect national security in regional and international instruments, and then the controls on these limitations. Finally, the paper examines the legal texts in Jordanian laws that limit freedom of expression in order to protect the security of the Jordanian State. The study concluded that such limitations provided for in the Jordanian laws do not comply with the provisions of international instruments and the Jordanian Constitution. These limitations have been formulated in vague and broad terms that can be interpreted in many ways. The formulation of limitations in this way opens the door to government authorities to violate freedom of expression on the pretext of protecting national security.*

Keywords: *Limitations; National Security; State Security, Freedom of Expression; Jordan.*

1. Introduction

Freedom of expression is among the rights that are not absolute; it can be limited in certain, precisely defined ways and under certain circumstances.ⁱ practicing freedom of expression in an absolute and unrestricted manner may conflict with the higher interests of society such as national security, or with the rights and freedoms of other individuals. Where some people may use freedom of expression as a pretext to destabilize countries

and threaten their national security by disseminating false news and information.ⁱⁱ

Limiting freedom of expression in order to protect the national security is an issue recognized in the regional and international human rights instruments. It is also documented in the Jordanian legislation. Meanwhile, the regional and international instruments, as well as the Jordanian Constitution, have established controls that must be observed when restricting freedom of expression. These controls are designed to achieve a balance between the right of individuals to express their views and to protect the interests of society and individuals.

The question of the permissibility of limiting the exercise of freedom of expression to maintain the national security is one of the most sensitive issues in the field of human rights.ⁱⁱⁱ This is due to that the national security and freedom of expression are often viewed as going in opposite directions. Therefore, the considerations that justify limiting freedom of expression can be used as a pretext for violating the exercise of this freedom.^{iv} Consequently, the laws limiting freedom of expression must balance the requirements of national security on the one hand and non-violation of the right of individuals to express their views on the other.

This paper explains the concept of national security, identifies the regional and international provisions that justify limiting freedom of expression to protect national security, and the controls that laws must abide by when limiting this freedom. It also discusses limitations on freedom of expression in the Jordanian legislation by highlighting the legal texts aimed at protecting the state security.

2. The Concept of National Security

National security, in general, is linked to the independence, stability, and development of the state.^v where it derives its theoretical and practical justification from two main concepts that represent the essence of the existence of the state:

- The first is the sovereignty, which means that the state has total control of its territory independently of any other authority unless it is restricted by international conventions ratified by the state. The protection of national security is a reflection of this sovereignty, as an idea based on the legitimate right of the state to defend its entity and protect its security by taking the necessary measures.^{vi}
- The second is the basic and vital interests of the state represented by political, social, economic, and ideological interests. Therefore, the national security of any state is the sum of its vital interests.^{vii}

Accordingly, there are two concepts of national security, the first limiting the scope of national security, while the second concept expands this scope.

2.1 The Narrow Concept of National Security

National security in its narrow sense means protecting the state against any external aggression that threatens its sovereignty, territorial integrity and political independence. This concept limits national security to external military threats that the state may be exposed to.^{viii}

2.2 The Broad Concept of National Security

This concept defines the national security in its comprehensive sense, considering that military force is no longer the main source of threat to the state. There are other threats represented by economic, social, and political threats. Hence, the national security includes the protection of home front of the state, its identity and values of the society, saving the citizen from fear and poverty, and ensuring the minimum welfare and political participation.^{ix}

Consequently, the national security is achieved in any state through the protection of the state against the threats to its sovereignty, stability, and territorial integrity as well as the protection of its political, economic and social interests. The source of this threat may be external by other countries or

may be an internal source by citizens or residents of the state. The external threat to state security is dealt with either through the armed forces or by recourse to international courts. While the internal threat to state security is dealt with through the laws of criminalization and punishment.

3. Limiting Freedom of Expression to Protect the National Security under the Regional and International Instruments

Limiting freedom of expression to protect national security is a recognized issue in regional and international instruments. At the regional level, the European Convention on Human Rights (ECHR 1950) clearly states the need to limit freedom of expression in accordance with specific controls. The exercise of freedom of expression could be subject to certain formalities, limitations, conditions or penalties provided for by law and are necessary in a democratic society to preserve public safety, national security or territorial integrity.^x

The Arab Charter for Human Rights (ACHR, 2004), which issued by the League of Arab States, considered that the protection of national security is one of the main reasons for limiting the freedom of expression. Where Article 23, Paragraph 2, of this charter stipulates that:

“These rights and freedoms shall be exercised within the basic constituents of society and subject only to restrictions imposed by the enjoyment of the rights and reputations of others or to protect national security, public order, public health or morals”.

At the international level, international human rights instruments also permit the freedom of expression to be restricted in order to maintain the national security. Article 19, Paragraph 3, of the International Covenant on Civil and Political Rights (ICCPR 1966) stipulates that:

“The exercise of the rights provided for in Paragraph 2 of this Article carries with its special duties and responsibilities. It may, therefore, be subject to certain limitations, but these shall only be such as are provided by law and are necessary: (a) for respect of the rights or reputations of others. (b) for the protection of national security or of

public order, or of public health or morals”.

Where Article 20, Paragraph 2, of the ICCPR 1966 imposes a clear positive duty on states. Where it states that

“1. Any propaganda for war shall be prohibited by law. 2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”.

According to these texts, the protection of national security, public order, public health or public morals are legitimate reasons for restricting freedom of expression. However, such as that the exercise of freedom of expression is not absolute, the limitations on such freedom by state authorities is not absolute as well. As a result, these limitations are subject to some controls.

In its Commentary to Article 19 of the ICCPR 1966, the UN Committee on Civil and Political Rights issued its general comment No. 34 of 2011, explaining that the exercise of freedom of expression requires the observance of specific duties and responsibilities. For this reason, this right may be subject to exclusive two areas of limitations pertaining to respect the rights and reputations of the individuals or for protecting national security, public health, public order, and morals.^{xi}

4. Controls of the Limitations on Freedom of Expression

Controls of the limitations on freedom of expression are clearly stated in Article 19, Paragraph 3, of the ICCPR 1966. According to this Paragraph, such limitations must be stated by laws, seek to achieve a legitimate aim, and they must be essential to achieve that aim in protecting the national security, or public order, or public health and morals.^{xii} Accordingly, the state parties to the ICCPR 1966 are obliged to ensure that any legitimate limitations on freedom of expression are subject to the principles of necessity and proportionality.^{xiii}

The necessity must be linked to the existence of a pressing social need that necessitates limitations on freedom of expression. The states parties are obliged to explain the importance of such

limitations for the protection of the interests of the state. Proportionality means that the least restrictive measure must be applied if it is capable of achieving the same purpose as a more restrictive one.^{xiv}

According to the UN Committee on Civil and Political Rights in its general comment No. 34 of 2011, when a state party imposes limitations on the freedom of expression, such limitations must not put the right itself in jeopardy.^{xv} The committee pointed to the provisions of Paragraph 1 of Article 5 of the ICCPR 1966, which states that there is nothing in the covenant refers to the right of any state to take any action or to exercise any activity aimed at the violation of the rights and freedoms recognized in the covenant or to impose limitations which are not enshrined in the Covenant.^{xvi}

The Committee also added in its general comment that Article 19, Paragraph 3, of the ICCPR 1966 provided for specific conditions. Any limitations must be imposed only if they are subject to these conditions. The limitations must be stipulated by law and be enacted to achieve one of the reasons mentioned in Subparagraphs (a) and (b) of Paragraph 3. Limitations are not permitted on the basis of the foundations that are not specified in Paragraph 3, even if these grounds to justify the imposition of limitations in order to maintain other rights that protected by ICCPR 1966. The limitations must be limited only to the purposes for which they were prescribed and must be related to the particular purpose for which it was established.^{xvii}

According to principle 2 of The Johannesburg Principles, there is no justification for imposing limitations on freedom of expression on the basis of national security unless its real purpose and apparent effect is to protect the presence of the state or its territorial integrity against the use or threat of use the force, or its ability to respond to the use or threat of use the force, whether from external sources, such as a military threat, or an internal source, such as incitement to violent overthrow of the government.^{xviii}

Thus, seeking to justify the limitations on the basis of national security is not legitimate if the real purpose is to protect interests unrelated to national security, including, for example, protecting the government from embarrassment or criticism, concealing information about the work of its institutions, or suppressing labor protests.^{xix}

Furthermore, Principle 6 of the Johannesburg Principles affirms that the expression of the view

cannot be considered a threat to the security of the state unless the government can demonstrate that the expression is intended to provoke imminent violence, or that it is likely to provoke such violence. It also required by the state authority to prove that there is a direct relationship and immediate communication between the expression and the possibility of the occurrence of such violence.^{xx}

According to Principle 7, the peaceful exercise of the right to freedom of expression is not considered a threat to national security, and therefore should not be subject to any limitations or sanctions if it calls for a change in government policies or even a change in the government itself in non-violent ways or is a criticism or insult to a foreign State^{xxi}

In its commentary to Article 19, Paragraph 3, of the ICCPR 1966, ARTICLE 19 Organization argued that this Paragraph requires that the limitations on freedom of expression shall be provided by law exclusively. The law must be specifically formulated to enable individuals to organize their behavior accordingly. Therefore, this Article prohibits the imposition of vague or excessive limitations on freedom of expression.^{xxii}

It also said that the interference in freedom of expression must seek to achieve a legitimate aim as thoroughly identified in Article 19, Paragraph 3 of the ICCPR. As such, it will be prohibited to prevent the dissemination systems from publishing any material merely that it can criticize the government or the social and political system, which is adopted by the government. Similarly, the restrictions imposed on the freedom of expression cannot be a pretext used by the government to protect itself from the accountability, or to detect its mistakes, or to hide information about the functioning of governmental institutions.^{xxiii}

4. Limitations on Freedom of Expression to Protect National Security under the Jordanian Legislation

Article 15 of the Jordanian Constitution affirmed the right of Jordanians to freely express their views without limitations except those provided for in the laws. It stipulates that:

“1. The state shall guarantee freedom of opinion. Every Jordanian shall be free to express his opinion by speech, in writing, or by means of photographic representation and

other forms of expression, providing that such does not violate the law.

2. The state shall guarantee freedom of scientific research. It shall also guarantee the freedom of literary, artistic and cultural creativity if not contrary to public order and public morals.

3. Freedom of the press, publications, and mass media shall be ensured within the limits of the law”^{xxiv}

Meanwhile, the Jordanian Constitution restricts the laws that regulate the rights and freedoms. It has established controls that shall be observed by the laws. So that these laws must not affect the essence or fundamentals of the rights and freedoms. Article 128 states that: “The laws issued in accordance with this Constitution for the regulation of rights and freedoms may not influence the essence of such rights or affect their fundamentals”.

The Jordanian laws contain many limitations on freedom of expression. These limitations are supposed to aim at protecting the higher interests of society, such as the state security, as well as the rights and freedoms of the individuals. The Penal Code of 1960 and the Anti-Terrorism Law of 2006 are the main laws which criminalize acts, writings, and sayings that are considered a threat to national security.

Jordanian laws used the term “state security” instead of “national security” to refer to the same meaning. These laws have adopted the broad concept of the state security, since state security, in accordance with Jordanian laws, is not limited to protecting the sovereignty, territorial integrity and political independence of the state. It also includes protecting the social, political, and economic system from the internal and external threat. Under the heading of “crimes against the state security”, the Penal Code of 1960 classifies these crimes into two categories:

- Crimes against the external security of the state. This category includes; crimes of treason, crimes against international law, espionage, contact with the enemy for unlawful purposes, and crimes of “harming the state’s standing or national feeling”. These crimes are stipulated in Articles 110 to 134. Under these Articles, the Penal Code of 1960 criminalizes any act, speech or writing committed by any

Jordanian that would help a foreign state to undermine the security of the Jordanian state.

- Crimes against the internal security of the State. This category includes 6 types of crimes; crimes committed against the Constitution, unlawful seizure of political or civil power or military leadership, sedition, terrorism, crimes that damage national unity or coexistence among elements of the nation, and crimes that harm the financial situation of the State. These crimes are stipulated in Articles 135 to 153. Under these Articles, the Penal Code of 1960 criminalizes any act, writing, or speech that would threaten the social, political and economic system of the Jordanian State committed by the Jordanians.

According to provisions of the Jordanian Penal Code of 1960, the criterion of distinction between the internal and external security of the State is that; any act committed by the Jordanians that would help or incite or justify an external aggression against Jordan have been classified as “crimes against the external security of the state.” While the acts committed by Jordanians against state security without being linked to an external threat have been classified as “crimes against the internal security of the state”.

4.1. Limitations to Protect the External Security of the State

The Penal Code of 1960 criminalizes some means of expression which is considered affecting the external state security. Article 114 punishes any Jordanian who attempts, through acts or speeches or writings or other means, to detach any part of the Jordanian territory in order to annex it to a foreign state or gives such state rights or special privileges owned by the Jordanian State. Under the heading of “crimes against international law”, Article 118, Paragraph 2, penalizes anyone who expose the Kingdom of Jordan to the risk of hostile acts, or disturb its relationship with other countries, or expose Jordanians to the acts of reprisals against them or their property, through using acts or writing or speeches unauthorized by the government.

In accordance with Paragraph (b) of Article 3 of the Anti-Terrorism Law of 2006, the acts mentioned in Article 118 of the Penal Code of 1960 are considered to be terrorist acts and have been brought under the jurisdiction of the State Security Court. Article 3 of the Anti-Terrorism Law of 2006

states that any act that exposes the Kingdom to the risk of hostile actions, disturb its relationship with a foreign state or expose the Jordanians to reprisals against them or their property, it shall be considered in the rule of banned terrorist acts.^{xxv}

According to the State Security Court, the application of Article 118 requires the following elements:

- Conducting acts, speeches, or writings without the permission of the government to carry out these acts.
- Such acts, writings or speeches may harm the foreign state or its citizens.
- Such acts would lead to any of the following results: exposing the kingdom to the risk of hostile acts, or disturb its relations with a foreign country, or exposing the Jordanians for acts of reprisal on them or on their property.^{xxvi}

Thus, this Article does not require any act of hostility or protest by the foreign state in response to such acts, writings or speech. Moreover, it does not require the actually disturb the relationship with the foreign state or actual retaliation against the Jordanians or their property.^{xxvii} This opinion was confirmed by the Jordanian Court of Cassation which decided that the legislator does not require the occurrence of actual disturb to the relations between Jordan and a foreign state or exposing Jordan to terrorist attacks. Where any act to be deemed by the judge that it would expose Jordan to this risk is sufficient for conviction.^{xxviii}

Under the title of “harming the state’s standing or national feeling”, the Penal Code of 1960 penalizes the transmission of false or exaggerated news that would affect the national feeling, social cohesion, and the prestige and standing of the State. Article 130 punishes any person who, during the war or when the war is expected, publishes propaganda aimed at weakening national feeling or inciting racism or sectarianism. While Article 131 prohibits broadcasting false or exaggerated news which leads to the weakening of the nation’s morale.

Article 132 punishes, by imprisonment for a period of not less than 6 months and a fine for no less than 50 Jordanian Dinars, every Jordanian who knowingly spreads, outside the country, false or exaggerated news which might weaken the state’s standing or its prestige. The penalty is increased if such news was directed at the King, the Crown Prince or one of the custodians of the throne.

4.2. Limitations to Protect the Internal Security of the State

Articles 135 to 153 of the Penal Code of 1960 and Article 3 of the Anti-Terrorism Law of 2006 criminalize acts that may be committed against the internal security of the state. Some of these Articles contain limitations on freedom of expression while overriding these limitations is considered to be detrimental to the internal security of the state and a crime punishable by law. The limitations on freedom of expression aimed at protecting the internal security of the state are provided for in Articles 149, 150, 152, 153 of the Penal Code of 1960 and Article 3 of the Anti-Terrorism Law of 2006.

4.2.1. Limitations to Protect the Political Regime, and the Social and Economic System of the State

These limitations are set forth in Article 149, Paragraph 1, of the Penal Code of 1960, which is classified under the heading "terrorism". This Article criminalizes any act that may incite the political ruling regime in Jordan or any action aimed at changing the economic or social system of the state or changing the basic conditions of society. It stipulates that:

"Any person who commits any act which undermines the political ruling regime of the Kingdom or incites against it or commits individual or collective action to change the economic or social system of the State shall be punished by temporary imprisonment with hard labor".

In accordance with the provisions of Article 3, Paragraph (h), of the Anti-Terrorism Law of 2006, the acts provided for in Article 149 of the Penal Code of 1960 shall be deemed to be a terrorist act. This Paragraph provides that any act committed with the intent to provoke an armed insurrection against the authorities established by the Constitution or to prevent them from exercising their functions derived from the Constitution or to change the Constitution of the State by unlawful means is considered an act of terrorism.

Based on this Articles, In December 2016, the security services arrested some activists on charges of carrying out provocative acts that would raise public opinion and change the basic conditions of society. They were charged on the basis of their

publications of social media calling for reform. According to one of those arrested, he was arrested only because he wrote a collection of old poetic verses on his personal page on Facebook without even commenting on the content of these poetic verses.^{xxxix} The Prime Minister, Hani AL-Mulki, justified the reasons for the arrest, saying that Jordan upholds the law and respects freedom of expression, however, the detainees are accused of inciting acts that provoke public opinion.^{xxx}

According to Article 149, Paragraph 1, of the Penal Code of 1960, the State Security Court sentenced the activist, Hossam Al-Abdalat, to one year in prison on charges of incitement against the political regime. Al-Abdalat, in a television program in a private channel, accused some members of the House of Representatives and the government of corruption. The Jordanian Court of Cassation, in its approval of the decision of the State Security Court, clarified the meaning of the political ruling regime intended for this Article as well as the controls of freedom of expression in this regard.^{xxxi}

According to the Court, the legal concept of the political ruling regime is not limited to the king or the throne institution, however, it is a set of political institutions that form the political ruling regime and regulate its work. It is, in its structural form, a group of institutions divided among them the process of political decision-making. The court said that the political regime in Jordan, which is a parliamentary with hereditary monarchy, represented by the three authorities that are the executive, legislative and judicial authority, stressing that the violation or incitement against either of them is, in the legal sense, incitement against the political regime in Jordan.^{xxxii} These authorities are the tools through which the political regime is managed and defined. Therefore, any action likely to incite any of the three authorities is a crime provided that the criminal intent to incite people against the political ruling regime has been achieved.^{xxxiii}

In its response to the appeal that freedom of expression is guaranteed under the Constitution, the Court stated that such guarantees are not absolute but restricted. It explained that the laws governing freedom of expression required individuals who exercise this freedom to abide by the rules and principles of integrity, impartiality, and objectivity, not to harm others. They should also abide by national responsibility and maintain public order, national security, and the public interest.^{xxxiv}

4.2.2. Limitations to Protect the National Unity and the Religious Feeling

Under the heading of “crimes harming national unity and the coexistence between the nation’s elements”, Article 150 of the Penal Code of 1960 criminalizes any writing, speech or acts intended to provoke sectarian or racial strife or to encourage conflict between different sects or elements of the nation. While Article 273 states that anyone who publicly dared to disdain or curse any of the prophets shall be punished by imprisonment for a period of one to three years. Article 278 also states that:

“Whoever commits one of the following acts, he/she shall be punished by imprisonment for a period not to exceed three months or a fine not to exceed twenty Jordanian Dinars:

1. Publishes any print, writing, picture or effigy calculated or tending to outrage the religious feelings or belief of other persons, or;
2. Utters in a public place and in the hearing of another person any word or sound calculated or tending to outrage the religious feelings or belief of such person”.

These limitations are also set forth in Article 38 of the Press and Publications Law of 1998, which prohibits journalists from publishing anything that may harm the religious feeling or belief or incite racial or sectarian hatred. Journalists are also prohibited from publishing anything that includes defamation, insult, or humiliation any religion recognized by the government, or insulting the prophets of the heavenly religions by writing, drawing, image, and symbols or by any other means.

Moreover, Article 20 of the Audiovisual Media Law of 2002 obligates the licensee to establish a television channel or radio station not to broadcast anything that offends public morals, or instigates hatred, terrorism, and violence, or inciting sedition, religious, sectarian, and ethnic conflict, or harming the economy and national currency, or compromising national and economic security.^{xxxv}

4.2.3. Limitations to Protect the Financial Standing of the State

Harming the financial situation of the state is one of the crimes considered to be committed against the internal security of the state. Article 152 of the Penal Code of 1960 provides that:

“Any person who, by any of the means mentioned in Paragraphs 2 and 3 of Article 73, disseminates false facts or accusations in order to devalue the national currency or to weaken the trust in the strength of the state’s currency or its bonds and all bonds associated with public financial trust, shall be punished by imprisonment from 6 months to 3 years and a fine not exceeding 100 Jordanian Dinner”.^{xxxvi}

Whereas Article 20, Paragraph (n), of the Law on Audiovisual Media No.26 of 2015 states for the licensee's obligation not to broadcast any subject or economic comment that would affect the integrity of the economy and the national currency.

5. Discussion and Analyses

The limitations of freedom of expression stipulated in the Jordanian laws are strongly criticized for violating the right to freedom of expression. The Penal Code of 1960 and the Anti - Terrorism Law of 2006 have expanded the criminal liability under the pretext of combating terrorism and protecting the security of the state. The Anti-Terrorism Law of 2006 has included some texts that made it easy to prosecute persons for minor crimes as terrorist acts, making this right is the exception and restrictions have become the basis. Where the expansion of the scope of acts classified as a terrorist in the Anti-Terrorism Law of 2006, opening the way for state authorities to violate the right of individuals to express their views. Along with the vagueness and generality of some Articles of the Penal Code of 1960 to the extent that the authorities allowed exceptions to be expanded on the grounds of protecting national security.^{xxxvii}

In its report issued in 2015, the National Center for Human Rights (NCHR) reported that: in the legislative framework, the Anti-Terrorism Law of 2006 still raises a broad constitutional and legal debate and requires a comprehensive review, in particular, Article 3, Paragraph (b), which comes in vague and general terms, making them susceptible to interpretation in multiple ways, thereby violating the principles of legality. “disturbing relations with a foreign state” that is considered an offense under

these Articles may be used to prosecute Jordanians for any speech criticizes foreign rulers or their governments.^{xxxviii}

AL-Aqbilat considered that the charge of “disturbing Jordan’s relation with a foreign country” can be directed to any citizen even if he is talking about ordinary things criticizing a foreign state, even if it is a football match, or criticism of what is happening in neighboring countries, such as Egypt and Syria, especially as it does not require real disturbance in relations with those countries.^{xxxix} In line with this view, Hamouri said that this charge can be directed against anyone who expressed his opinion, describing this accusation as “a sword threatening the necks of Jordanians.”^{xl}

Article 149 of the Penal Code of 1960 contains loose words which would lead to confusion between what is considered an actual incitement to the political ruling regime and what is considered a criticism of a wrong political approach or criticism of the people responsible for this wrong approach. In general, the international jurisprudence illustrated three forms of incitement that violate the limits of freedom of expression: incitement to violence, incitement to hostility or hatred, and incitement to racial discrimination. Furthermore, Article 20, Paragraph 2, of the ICCPR 1966 sets out the general framework for exceptions to freedom of expression in this area. Accordingly, incitement to the political regime is not one of the limitations on freedom of expression.

It should be noted that one of the recommendations made to Jordan at the Universal Periodic review session of the Human Rights Council of the United Nations in October 2013 was to amend Article 149 of the Penal Code of 1960 so as not to be used against political activists, but Jordan rejected this recommendation.^{xli}

6. Conclusion

Limiting freedom of expression to protect the national security is a necessity recognized by the international and regional instruments as well as the Jordanian legislation. Although international instruments have allowed restrictions on freedom of expression, they have established controls that must be adhered to when limiting freedom of expression.

The provisions of Article 128 of the Jordanian Constitution have not been taken into account by the Legislative Authority when enacting laws restricting freedom of expression. The reason for

this is that the text of Article 128 has come in general terms without providing for specific controls that the laws must abide by when limiting the rights and freedoms. It does not illustrate what is the essence of the right and what is its fundamentals. Therefore, it can be concluded that the Jordanian constitution does not include effective controls restricting the legislator when establishing legal limitations on the freedom of expression.

Jordanian laws contain numerous texts limiting freedom of expression to protect the internal and external security of the state. Some of these limitations are not consistent with the principles of necessity and proportionality required by the international instruments.

The vague and broad wording in this Articles allows the government to imprison anyone simply to express an opinion does not consistent with the policy of the government. These texts lacked precision and clarity due to the use of vague and loose phrases. Additionally, most of the acts which are considered crimes under these texts came out of the jurisdiction of the civil courts to fall within the jurisdiction of the exceptional courts represented by the State Security Court, which is contrary to the principle of proportionality.

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^{xxxii} Jordanian Court of Cassation. Ibid.

^{xxxiii} Jordanian Court of Cassation. Ibid.

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^{xxxvi} Jordanian Penal Code, no. 16 of 1960. Article 73” The following are considered as means of publicity:1. Acts and gestures committed in a public place or a place open for the public, or if they are committed in a place

other than the ones mentioned before but could be seen by any person present at such places.² Spoken or hollered remarks whether transmitted by some mechanical means or otherwise, which occur in a manner that can be heard by any person who is not connected in any way to the act.³ Different forms of writings, pictures, hand drawings, photos, films, signals, or displayed in a public place or a place open to the public or displayed for sale or distributed to more than one person.

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