

A. Introduction

1. Lawyers for Lawyers (“L4L”) submits this report on the state of human rights in the Hashemite Kingdom of Jordan (“Jordan”), particularly in respect of the legal profession, with recommendations for the 45th session of the Universal Periodic Review (UPR) Working Group in the UN Human Rights Council in January 2024.
2. L4L is an independent, non-political and not-for-profit lawyers’ organization established in 1986. Our mission is to promote the independent functioning of lawyers and the legal profession across the world in accordance with internationally recognized norms and standards. Our work to support lawyers who are at risk, as a result of discharging their professional duties, seeks to protect them from threats, risks and reprisals, strengthens their international recognition and protection in laws, policies and practices, and empower them to fulfill their role as essential agents of the administration of Justice. L4L was granted special consultative status with the UN Economic and Social Council in July 2013.

B. Executive Summary

3. This submission highlights key concerns regarding Jordan’s compliance with its international human rights obligations to guarantee the right to independent counsel as set out in the UN Basic Principles on the Role of Lawyersⁱ (“**Basic Principles**”) and other international rights instruments, focusing on the following issues:
 - (a) Harassment of lawyers (Section D);
 - (b) Arbitrary arrests of lawyers (Section D);
 - (c) Violence against lawyers (Section D); and
 - (d) Access to clients in detention and lawyer-client confidentiality (Section E).

C. Normative and Institutional Framework of the State

4. The adequate protection of human rights and fundamental freedoms requires that every citizen has effective access to justice and legal assistance. Legal assistance can only be provided effectively in a judicial system where lawyers, along with judges and prosecutors, are free to carry out their professional duties independently of the government and political pressure. This follows inter alia from the Charter of the United Nations, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights (“**ICCPR**”). In particular, the protection and the independence of actors in the legal profession is a key component to ensure the well-functioning of justice systems and to combat impunity. This is a precondition to the right to a fair trial, protected by Article 14 of the ICCPR.
5. Furthermore, on 22 June 2017, the Human Rights Council (“**HRC**”) passed a resolution condemning in general “the increasingly frequent attacks on the independence of [lawyers], in particular threats, intimidation and interference in the discharge of their professional functions”. The HRC expressed its deep concern “about the significant number of attacks against lawyers and instances of arbitrary or unlawful interference with or restrictions to the free practice of their profession” and called upon States “to ensure that any attacks or interference of any sort against lawyers are promptly, thoroughly and impartially

investigated and that perpetrators are held accountable”.ⁱⁱ

6. In its task of promoting and ensuring the proper role of lawyers, the Government of Jordan should respect the Basic Principles within the framework of its national legislation and practice. The Basic Principles provide a concise description of international standards relating to key aspects of the right to independent counsel. Adherence to the Basic Principles is considered a fundamental pre-condition to fulfilling the requirement that all persons have effective access to independent legal assistance.ⁱⁱⁱ
7. During the third UPR cycle in 2018, Jordan received^{iv} and accepted^v some recommendations concerning the freedom of expression of human rights defenders, including lawyers, and strengthen the legal assistance system.^{vi} Jordan supported two of the proposed recommendations to consider (1) revising the use of administrative detention and the use of administrative detention and taking measures to guarantee access to legal assistance^{vii}; and (2) effective protection for human rights defenders, including lawyers, facing threats and violence.^{viii} Jordan opted not to submit a mid-term report for the assessment on the implementation of recommendations made during the UPR cycle in 2018.
8. Reports gathered by L4L, including information received from lawyers in Jordan demonstrate that Jordan does not adequately uphold the necessary guarantees for the proper functioning of the legal profession as set out in the Basic Principles. Consequently, some lawyers encounter serious difficulties in carrying out their professional duties independently. This undermines the proper functioning of the judicial system, including the right to fair trial and effective access to justice.

D. No Effective Guarantees for the Functioning of Lawyers

a. Intimidation, harassment, and surveillance of lawyers

9. Principle 16 Basic Principles states that “[g]overnments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference [...] and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics”. Furthermore, the Basic Principles require authorities to adequately safeguard the security of lawyers who are threatened because of discharging their functions.
10. For this cycle of the UPR review, L4L has received information including firsthand reports that some lawyers have faced intimidation and harassment for their work on politically sensitive cases or cases involving human rights.
11. In general, L4L has received reports of abuses of power within courts and police stations against critical lawyers. Lawyers who are seen as difficult, or who speak out about human rights violations committed by the state are easily targeted on arbitrary grounds, such as raising their voice to a judge or failing to get rid of their gum. The following case serves as an example of a lawyer being the target of such arbitrary interference:

a) Hala Ahed

Hala Ahed is a Jordanian lawyer who has worked on a range of human rights issues. She is active for several human rights and feminist organizations through which she defends civil rights, women’s rights, labour rights, and prisoners of conscience. She was a

member of the legal team defending the Jordanian Teacher's Syndicate, a large Jordanian labour union that was dissolved by the government in reaction to mass protests.^{ix} To sustain her human rights work, she also takes cases relating to trade issues, financial law, and criminal law.

Ms. Ahed has endured various forms of intimidation and harassment, including being summoned multiple times by the Jordanian General Intelligence Directorate (GID). She has further received threats from authorities who have also intimidated her son. Recently, following an announcement on her facilitating a training course on feminism and justice on the 13th of June 2023, Ms. Ahed was targeted with a harassment campaign on social media. The online campaign translated into verbal harassment in public. These forms of harassment were allegedly linked to her work as a lawyer.

In November 2021, she sent her phone for testing to several human rights' organizations. It was discovered and confirmed by Front Line Defenders, Citizen Lab, and the Amnesty International Security Lab that her phone had been infected by Pegasus Spyware.^x They informed her that her phone had been infected in March 2021. Other lawyers working on the Teachers Syndicate case were also infected. Therefore, L4L sees strong links with this attack and Ms. Ahed's human rights work.

12. This is not an isolated event and many human rights lawyers, and specifically those representing prisoners of conscience and labour unions, have been the target of several forms of harassment, including surveillance and threats, in relation to their legitimate activities as lawyers.

b. Violence against lawyers

13. L4L has also received reports of lawyers being the target of physical violence in relation to the cases that they work on. Article 17 of the UN Basic Principles holds that *"where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities"*. However, when instances of violence are committed against lawyers, the authorities fail to take appropriate measures to safeguard the lawyer and instigate an effective investigation into the incident.
14. One lawyer reported to L4L he had been the subject of a physical attack in early 2022 while he was on his way to court with his client. The lawyer states that he believes the attack was in retaliation for his involvement in the case he was working on at the time. Although Jordan law stipulates that harassment of lawyers legally needs to be treated as an attack on the judiciary, only one of the perpetrators was charged with a sentence of three months which was not enforced until now. The two other perpetrators have not been arrested, and a proper investigation was never conducted.

c. Arbitrary arrests of lawyers

15. In accordance with Principle 16(c) of the Basic Principles, governments must ensure that lawyers *"shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics"*.
16. Nonetheless, L4L has received reports of arbitrary detention of some lawyers in relation to their legitimate professional activities. Lawyers have reported being faced with short periods of arbitrary detention, with the apparent purpose of intimidating them. Usually, this

detention lasts for some hours, with no charges, no hearings and no due process, whereafter the lawyers are released again. This form of intimidation and harassment leads to a chilling effect: lawyers have reported being afraid to work on certain topics as they know that this might elicit harassment in the form of these short-term detentions. Also on some occasions, judges have ordered lawyers to be detained for short amounts of time for allegedly disrespecting the court without proper due process.

E. Access to clients in detention and lawyer-client confidentiality

17. According to Principle 8 of the Basic Principles, governments must ensure that *“all arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality”*. Moreover, it states that *“such consultations may be within sight, but not within hearing, of law enforcement officials.”* Principle 22 of the Basic Principles states that *“Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.”*
18. L4L has received reports from Jordanian lawyers that they face difficulties in accessing their clients in detention centers. Police officers attempt to stall the access of lawyers to their clients, as they try to get a confession from a suspect before the lawyer arrives in the police office. Lawyers are being hindered in exercising their professional duties by being repeatedly asked for their identification and work permits without legal grounds. One lawyer noted that he was not given access to his client, who was being held without charges in an unknown location, for seven days.
19. Furthermore, L4L has serious concerns regarding the reports of surveillance software, including the NSO Group’s spyware Pegasus, being used against Jordanian lawyers. In 2018, research from the University of Toronto Citizen Lab, a cybersecurity watchdog revealed that Jordan had access to Pegasus spyware.^{xi} The Pegasus spyware, once present in a phone, surveilles everything ranging from messages to contacts and conversations. This is particularly concerning in the context of surveillance of lawyers, who often have information covered by lawyer-client confidentiality on their phone, or who use their phone to speak with clients and witnesses.
20. One example of this is the Pegasus Spyware found in the phone of Ms. Ahed in November 2021, who had to change her phones once she learned about the infection with the Pegasus Spyware. After learning that she had been targeted with Pegasus, Ms. Ahed distanced herself from some of the human rights groups she had been working with for fear that she might have endangered them. After the news about the Pegasus infection of her phone became known, she lost quite a few of her clients. The clients felt that it might be unsafe to contact her, and that the surveillance might harm their case.
21. Moreover, lawyers have informed L4L on their difficulties to access case files to properly prepare for their cases. Reportedly, the prosecution is not often willing to share case files in advance of the hearings even though there is a legal right to information for lawyers.^{xiii} Even if the files are shared, lawyers have stated that the information received is usually not complete.

G. Recommendations to the Government of Jordan

- a) **Take immediate measures to ensure sufficient safeguards are in place, both in law and in practice, to guarantee the full independence and safety of lawyers and their effective protection against any form of retaliation in connection with their professional activity;**
- b) **Refrain from harassment of lawyers, persecution of lawyers on improper grounds, and undue interference in their work;**
- c) **Take immediate measures to ensure that lawyers have full access to their clients;**
- d) **Take immediate measures to ensure full confidentiality of communication between lawyers and clients as set out in article 22 of the Basic Principles on the Role of Lawyers and refrain from using surveillance software, including the spyware Pegasus, against lawyers; and**
- e) **Refrain from any actions that may constitute harassment, persecution, or undue interference in the work of lawyers, including their criminal prosecution on improper grounds such as the expression of critical views or the nature of the cases that the lawyer is involved in.**

ⁱ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on September 7 1990. Subsequently, the UN General Assembly “welcomed” the Basic Principles in their ‘Human rights in the administration of justice’ resolution, which was adopted without a vote on December 18 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

ⁱⁱ UN Human Rights Council, Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers, A/HRC/RES/35/12, 22 June 2017, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/L.20.

ⁱⁱⁱ During its 29th session (from 15 June – 3 July 2015), the Human Rights Council adopted without a vote a resolution on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers. While recalling the Basic Principles on the Role of Lawyers and condemning the increasingly frequent attacks on the independence of lawyers, in particular threats, intimidation and interference in the discharge of their professional functions, the Human Rights Council reminded all States of their duty “to uphold the integrity of [lawyers] and to protect them, as well as their families and professional associates, against all forms of violence, threat, retaliation, intimidation and harassment resulting from the discharging of their functions, and to condemn such acts and bring the perpetrators to justice”. See UN Human Rights Council, Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers, A/HRC/RES/29/6, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/L.11.

^{iv} Report of the Working Group on the Universal Periodic Review of Jordan A/HRC/40/10, 7 January 2019.

^v Report of the Working Group on the Universal Periodic Review of Jordan A/HRC/40/10/Add.1, 11 March 2019.

^{vi} 135.69 Promote dialogue with civil society organizations, human rights defenders and other relevant stakeholders in order to reform current legislation on freedom of expression (Italy).

136.17 Review its legislation and practices with the aim of ensuring that all persons and civil society actors, including human rights defenders and journalists, can freely exercise their rights to freedom of expression, association and peaceful assembly, both online and offline, as provided for by international human rights law (Lithuania).

136.2 Amend laws that impede freedom of expression and information (France).

135.29 Strengthen the legal assistance system for stakeholders (Tunisia).

^{vii} 136.11 Consider revising the use of administrative detention and take measures to guarantee access to legal assistance (Italy).

^{viii} 135.9 Recognize the important work of human rights defenders facing discrimination or marginalization and ensure effective protection against the threats and violence they face (Iceland).

^{ix} Human Rights Watch, ‘Jordan: Teachers’ Syndicate Closed; Leaders Arrested’, <https://www.hrw.org/news/2020/07/30/jordan-teachers-syndicate-closed-leaders-arrested>, 30 July 2020. On 29 March, 163 teachers from the Jordanian Teachers’ Syndicate (JTS) were arrested while protesting in front of the education ministry in Amman against the dissolution of the syndicate in 2020. All were released.

^x Front Line Defenders, ‘Unsafe Anywhere: Women human rights defenders speak out against Pegasus attacks’, <https://www.frontlinedefenders.org/en/resource-publication/unsafe-anywhere-women-human-rights-defenders-speak-out-about-pegasus-attacks>, 16 January 2022.

^{xi} Citizen Lab, ‘HIDE AND SEEK: Tracking NSO Groups Pegasus Spyware to Operations in 45 Countries’, 18 September 2018. Available at: <https://citizenlab.ca/2018/09/hide-and-peek-tracking-nso-groups-pegasus-spyware-to-operations-in-45-countries/>

^{xii} Article 9/a of the Access to information law No. 47 of 2007, Available at: <https://gtd.gov.jo/ar/information#:~:text=%D8%A2%D9%84%D9%8A%D8%A9%20%D8%B7%D9%84%D8%A8%20%D8%A7%D9%84%D9%85%D8%B9%D9%84%D9%88%D9%85%D8%A7%D8%AA%20%D9%88%D8%A7%D9%84%D8%AD%D8%B5%D9%88%D9%84%20%D8%B9%D9%84%D9%8A%D9%87%D8%A7%3A&text=%D9%8A%D8%AD%D8%AF%D8%AF%20%D9%85%D9%82%D8%AF%D9%85%20%D8%A7%D9%84%D8%B7%D9%84%D8%A8%20%D9%85%D9%88%D8%B6%D9%88%D8%B9%20%D8%A7%D9%84%D9%85%D8%B9%D9%84%D9%88%D9%85%D8%A7%D8%AA,%D8%B6%D9%85%D9%86%20%D8%A7%D9%84%D9%85%D8%AF%D8%A9%20%D8%A7%D9%84%D9%85%D8%AD>

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