Jordan Enters New Stage of Freedom Erosion by Undermining Rights of Teachers
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About 140,000 teachers belong to the Jordanian Teachers’ Syndicate (JTS), established in 2011. On September 2019, a crisis erupted between the union and the government, during which the teachers organized a sit-in in the capital, Amman, to demand a pay raise. The security forces responded by breaking it up with force.

The crisis escalated after the security services arrested dozens of the protesting teachers, who decided to go on an open strike, which lasted for a
whole month – the longest strike the country has ever witnessed. In return for ending the strike, the teachers demanded that the government apologize for abuses committed by the security forces during the protest and commit to the %50 pay raise promised by the government in 2014. The government responded to the teachers’ demands by signing a 15-article agreement with the JTS in October, including a pay raise of %35 to %75, depending on considerations such as seniority.

Nevertheless, the crisis did not entirely end. It boiled over again in July, when the JTS accused the government of obstructing implementation of the agreement. It was complicated still further when the management council of the union sued its own central committee for donating a half million dinars (705,200$) to the Himmat Watan Fund, created by the government to support efforts to manage the coronavirus. The government retaliated by closing the syndicate’s branches and forming a temporary committee to manage its duties. Hundreds of teachers were arrested after a July 29 sit-in organized by the JTS. Everyone was released the same day. However, the government continues to hold members of the union council, several branch heads and a number syndicate leaders.

At the time this report was issued, the detained teachers had launched an open hunger strike. The health condition of five of them has deteriorated: council members Nasser al-Nawasrah (vice president), Mut’asim Bishtawi, Nur ad-Din Nadim, Salman Al-Mahairah and Kifah Farhan.
In this report, Euro-Med Monitor details the events that have occurred since the July 25 sit-in, highlights the situation of the hunger-striking detainees and describes the measures taken by the government in response. We list the legal violations that accompanied the closure of the JTS, along with what followed—including prosecution, detention and repression.
In October 2019, after long and intense negotiations, the JTS and the government reached an agreement that guaranteed a gradual pay raise, soft loans and expansion of the royal grant for the education of teachers' children, health insurance and revision of school curricula based on further research and consultation.

A joint committee was formed by the two parties to implement the agreement’s provisions. A media spokesperson for the syndicate said it only met twice, but the minister of education claims the committee met
regularly until the coronavirus forced a suspension.

The teachers have accused the Ministry of Education of obstructing the implementation of the agreement, charging that only two action items had been implemented: the grant for education and the pay raise—except the latter was discontinued at the beginning of April.

- The Crisis Returns

That's when the crisis boiled over again. The Jordanian government insists the suspension of the pay raise for public-sector employees is necessary due to the coronavirus-induced economic downturn. However, the JTS considers it a clear violation of their agreement, saying the government could have sought other solutions. The union announced that it would seek a court order to nullify the decision and accused the government of not appreciating the union›s effort to contribute to the national response to the pandemic in the form of a donation – amounting to half of its liquidity – to the Himmat Watan Fund.

In the beginning of June, the JTS charged that the government had concealed an amendment to the civil service system that allowed it to suspend, postpone, amend or deduct any part of public employees› salaries, bonuses, incentives or other allowances until the “exceptional” circumstances resolve themselves. The union asked why the publication of the document containing the amendment had been concealed, and the
government replied that it was a technical error that was later corrected. The government promised the pay reduction will end at the conclusion of this year.

• **Lawsuits**

After the lockdown ended and the courts resumed operations, several teachers sued the government for the pay cut. On the other hand, some members of the syndicate’s Central Committee filed an opposing lawsuit demanding the dissolution of the union’s governing council. The sizable donation to the government’s coronavirus program wasted members’ money, they charged. In turn, the council responded that the donation had been approved by all members, including the Central Committee. According to the council, the vote was attended by 127 of 163 committee members, and 111 said yes to the donation.

• **Closure of the Syndicate**

After the JTS announced it would push for restoration of the pay raise and implementation of the other agreement provisions, the minister of the interior and the secretary general of the Ministry of Education rejected the plan in televised statements and threatened to retaliate firmly. However, they did not reply to JTS’ accusation that the government was refusing to implement the October 2019 agreement.
On July 25, the attorney general of Amman, Hassan al-Abdullah, fired the members of both the JTS council and central committee, shutting down the union for two years, ordering the interrogation of council members by the public prosecutor and banning communication about the case in traditional or social media, unless by authorized officials.

All members of the council launched a hunger strike to protest these measures. During the shutdown of the syndicate, council members were arrested without warrants, and employees and visitors who had been in the headquarters building at the time were locked up and prevented from photographing the events.
• Legal Violations

The decisions and measures taken by the Jordanian government in order to close the JTS, included violations of Jordanian legislations, which can be summarized as follows:

1. Powers of the Public Prosecutor

The closing of unions is addressed in the Jordanian Penal Code, specifically Article 36, which stipulates that «any union, company, association and all corporate entities, except for public administration entities, may be suspended if any of its directors, board members, representatives or employees committed under its name an intentional misdemeanor or felony punishable by imprisonment of at least two years.» This means that, legally, unions can only be shut down pursuant to a court order, with defendants given the opportunity to present a proper defense in a fair trial.

The Jordan-based National Center for Human Rights issued a statement calling on the authorities to adhere to the rule of law and condemning any punitive decisions made without a fair trial and competent judges. The think tank demanded that the powers of the attorney general be limited to the measures necessary to complete the investigation process. It also called on the justice department to supervise the investigation and all decisions affecting public freedoms and human rights guaranteed by the constitution.
2. Bans on Communication

The power of the Jordanian attorney general to ban publication is limited to the records of hearings only. Article 225 of the Penal Code stipulates that: «Any person who publishes one of the following shall be punished by a fine of 5 to 25 dinars (JD25 5):

1. One of the criminal investigation documents before it is read in a public hearing, regardless if the crime concerned was a felony or a misdemeanor.
2. In camera (secret) trial hearings.
3. Trials of defamation cases.
4. Any trial for which the court bans its publication.»

Article 38 of the Press and Publications Law stipulates that: «A. A publisher is prohibited from publishing anything pertaining to any stage of the investigation into any case or crime in the Kingdom, unless it has been authorised by the public prosecution. B. It is prohibited from publishing the minutes or deliberations of the courts in any case that is still under consideration and before the final sentence has been announced, except with the permission of the court. C. The provisions of Paragraph A of this article shall apply to foreign news media correspondents. They shall be subject to the penalties stipulated in Paragraph C of Article 47 of this law.»

Thus, the public prosecutor exceeded his jurisdiction when he prevented communication about the various activities and actions that took place.
The Jordanian constitution guarantees freedom of expression in Article 15, which stipulates that «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, provided that such does not violate the law.»

In addition to the constitution, the International Covenant on Civil and Political Rights, which the Hashemite Kingdom of Jordan has ratified, guarantees individuals’ freedom of expression of opinion. Article 19 states:

1. “Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in Paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, 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, public order, or public health and morals.»

According to the report issued by the attorney general, the journalist Basil Al Akour, a publisher of the JO24 website, was arrested after he published
news related to the teacher crisis. However, his detention ended the same day without forcing him sign a bond or pledge.

The National Center for Human Rights statement also called for curtailing all procedures that restrict freedom of publication and expression, without impeding justice.

- Arrests & Interim Committee

After the sudden actions that took place July 25, the teachers held several vigils in various regions, after which the unions branch heads met to announce a centralized sit-in the following in the 4th Circle. Most of those who attended this gathering were later arrested.
On July 27, the minister of education formed an interim committee to run the union's affairs, headed by the ministry's secretary general. The members were appointed by the ministry without any representation from the teachers. This action contravenes Article 27 of the Syndicate Law, which stipulates the following:

«A - The Bar Council shall be dissolved in any of the following two cases:

- With the approval of two-thirds of the members of the central committee of the union in a meeting to be held for this purpose, that all matters related to the meeting be organized according to a system issued for this purpose.
- By a final judicial decision, if the council violates the provisions of this law.

B - The minister shall form a committee from the General Authority of the syndicate to replace the dissolved council until the election of a new council within a period of six months from the date of dissolution.

C - The system determines how the committee is formed.»

The judiciary branch did not rule on the violation of the Syndicate Law, and the dissolution of the council was not approved by two-thirds of the members of the General Authority. This means that the action was in complete violation of the Syndicate Law.
• **4th Circle Sit-in**

There were many calls for a sit-in in front of the prime minister's house in the 4th Circle. In response, the government announced it would prevent large gatherings to protect public health, safety and COVID19-prevention measures, as well as stop the obstruction of public places, streets and facilities that provide vital health services.

Prior to the sit-in, government security forces stopped a number of teachers from traveling there from the Irbid governorate. The forces closed all the sub-roads that led to the circle.

As a result, the teachers were unable to reach their destination and rally in front of the prime minister's house. Several major groups formed instead in
the 3rd and 5th circles and on other secondary roads. However, any attempt to gather was dispersed by the security forces on the pretext of applying the Defense Law, which blocks assemblies of more than 20 people. Some of the demonstrators who attended the sit-in reported that when they were asked to disperse, they re-distributed to small groups, each with fewer than 20 people. However, the security forces dispraised even those gatherings by force.

The dispersal of the gatherings was accompanied with the arrest of hundreds of participants in the sit-in, who were released at the end of the day.

JTS legal advisor Professor Bassam Farahat reported that 718 persons were arrested and detained by security forces, without assuring social-distancing measures.

The security forces’ tactics with the protesters markedly varied. Some personnel acted with firmness but respect for the protesters, without insulting them. On the other hand, in some cases, security forces beat and insulted protesters.

At the same time, most local media completely ignored the sit-in and related events. However, some journalists were prevented from covering the sit-in and there were reports that photographers who managed to reach the gatherings were beaten. In addition, during the sit-in, the ability to upload and play videos on Facebook was temporary disabled, reported
In many areas of Jordan, residents staged their own sit-ins in objection to the repression and demand the release of the arrested teachers. Such harsh treatment of teachers, merely for demanding the minimum requirements for decent living, are inconsistent with the Jordanian constitution, which guarantees the right to express opinions. The king of Jordan supported this right in a letter regarding the Defense Law. He instructed government officials not to apply the law unless necessary and in a manner that does not erode political and civil rights. In addition, use of the Defense Law due to COVID19- is not warranted, since coronavirus cases are few in Jordan, especially recently.

**Hunger Strike**

On August 1, the government renewed the detention of the teachers for a second week, without responding to their demands. The detained teachers are continuing their hunger strike.

The health of five of the detainees have deteriorated: Nasser Al-Nawasrah (vice president of the union), Mu’tasim Bishtawi, Nur ad-Din Nadim, Salman Al-Mahairah and Kifah Farhan. Euro-Med Monitor obtained exclusive testimonies:
• Dr. Nasser al-Nawasrah
After he visited his brother in prison, Zaid al-Nawasrah said Nasser's health is collapsing due to the hunger strike and ill treatment. Nasser al-Nawasrah was transferred to Princess Basma Hospital, but when doctors offered to give him glucose solution intravenously, he refused to break his hunger strike.

• Professor Mutasim Bishtawi
Bishtawi was initially transferred to Princess Basma Hospital as well, since as he suffers from weak kidney functions and severe dehydration. The prison administration then intended to transfer him to Al-Bashir Hospital, which is two hours away by car (not ambulance), without a medical escort. However, his family protested and he was transferred instead to the intensive care unit of Ramtha Hospital.

• Noureddine Nadim
Nadim, who has a chronic heart condition, is currently in the intensive care unit due to a decline in his health. No one is allowed to visit him.
Professor Salman al-Muhaira
He suffers from severe bleeding, stomach ulcers, colon problems and severe headache. His health condition has declined from bad to worse.

• Professor Kifah Farhan
Farhan was taken to the hospital after suffering from chest pain. When the medical staff said he should be given solutions intravenously, he refused to break his hunger strike. Then, the doctor requested blood tests. Farhan asked if this blood test would require breaking his strike. The answer was yes, so he refused.
Recommendations

Euro-Med Monitor recommends the following:

1. Allow the teachers’ union to continue operations, since its officers are elected by members. The closure of such institutions without legal justification is a serious assault on freedom of opinion and expression that deprives citizens the right to participate in the democratic process.

2. Permit peaceful demonstrators to express their views, since this right is guaranteed in both Jordanian and international law.

3. Prohibit any abuse of journalists, including any behavior that hinders or limits their ability to do their work properly. Violators should be held accountable.

4. Release the arrested teachers, since their detention constitutes a major violation of their right to freedom, which is protected in the Jordanian constitution and relevant international covenants and treaties.