

UNIVERSAL PERIODIC REVIEW 2009

JORDAN

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RELIGIOUS FREEDOM IN THE HASHEMITE KINGDOM OF JORDAN

SECTION 1: *Legal Framework*

I. Jordanian Constitutional Provisions

The Constitution of the Hashemite Kingdom of Jordan declares Islam as the state religion¹ and requires the king to be a Muslim born to Muslim parents.² The Constitution provides for personal freedom,³ equality before the law, and prohibits discrimination based on religion for all Jordanians.⁴ It also provides freedom to exercise “all forms of worship and religious rites in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality.”⁵ Jordan ratified the International Covenant on Civil and Political Rights (ICCPR) on May 28, 1975.⁶ Although the ICCPR is not self-executing⁷ (and until, September 2007 there was no legislation in Jordan giving the covenant effect), the government published the ICCPR in its official gazette, thereby giving it the force of law under the Jordanian Constitution.⁸ Article 18 of the ICCPR states that “everyone shall have the right to freedom of thought, conscience and religion.”⁹ This right shall include freedom to have or to adopt a religion or belief of his choice”¹⁰ It also states that “no one shall be subject to coercion which would impair his freedom to have or to adopt a religion (...) of his choice.”¹¹ Article 19 states that “everyone shall have the right to freedom of expression.”¹²

¹ CONST. OF THE HASHEMITE KINGDOM OF JORDAN, chapter 1, art. 2, *available at* http://www.kinghussein.gov.jo/constitution_jo.html.

² CONST. OF THE HASHEMITE KINGDOM OF JORDAN, chapter 4, part I, art. 28(e):

No person shall ascend the Throne unless he is a Moslem, mentally sound and born by a legitimate wife and of Moslem parents.

³ CONST. OF THE HASHEMITE KINGDOM OF JORDAN, chapter 2, art. 7.

⁴ CONST. OF THE HASHEMITE KINGDOM OF JORDAN, chapter 2, art. 6(i):

(i) Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion.

⁵ CONST. OF THE HASHEMITE KINGDOM OF JORDAN, chapter 2, art. 14.

⁶ International Covenant on Civil and Political Rights, *adopted* Dec. 16, 1966, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (*entered into force* Mar. 23, 1976), *available at* http://www.unhchr.ch/html/menu3/b/a_ccpr.htm.

⁷ *Id.* art. 2(2).

⁸ CONST. OF THE HASHEMITE KINGDOM OF JORDAN, chapter 1, art. 93(ii); *see also* U.S. Dep’t of State, Bureau of Democracy, Human Rights and Labor, *Int’l Religious Freedom Report 2007 Jordan* (Sept. 14, 2007) [hereinafter, *2007 Religious Freedom Report*], *available at* <http://www.state.gov/g/drl/rls/irf/2007/90213.htm>.

⁹ International Covenant on Civil and Political Rights, at art. 18(1), *supra* note 6.

¹⁰ *Id.*

¹¹ *Id.* art. 18(2).

¹² *Id.* art. 19(2).

Contrary to the constitutional guarantees and the international covenants, however, the government continues to impose restrictions on “conversion from Islam and proselytization of Muslims.”¹³ In recent years, the Sharia courts in Jordan have convicted people for blasphemy against Mohammad (insulting Mohammad) as well as for apostasy (converting from Islam to another religion).¹⁴ People who convert from Islam to other religions lose their civil and property rights, their marriages are annulled, and their Muslims relatives gain custody of their children.¹⁵ A separate provision of the Constitution provides that “no property of any person may be expropriated except for purposes of *public utility* and in consideration of *just compensation* (...).”¹⁶ That provisions notwithstanding, Sharia courts have recently stripped converts of their civil and property rights and have annulled their marriages.¹⁷

The Constitution also guarantees freedom of expression and opinion, either by speech, writing, or photographic representation, provided that it does not violate the law.¹⁸ Contrary to such provisions, however, Sharia courts have banned various publications and have convicted people for allegedly writing derogatory remarks about Islam or Muhammad.¹⁹ (Under the Jordanian Penal Code, journalists can be imprisoned for “insulting the king and stirring sectarian strife and sedition.”²⁰)

II. Legislation

A. *Sharia Law*

Although the Jordanian Constitution protects the free exercise of religion²¹ and prohibits religious discrimination,²² converts are considered apostates under Sharia law.²³ Sharia law expressly prohibits proselytization of Muslims as well as conversion from Islam to any other religion.²⁴ Under Sharia law, such conversion is punishable by death,²⁵ but there is no commensurate law pertaining to conversion²⁶ or proselytism²⁷ under Jordanian civil law.

¹³ 2007 *Religious Freedom Report*, *supra* note 8.

¹⁴ *Id.*

¹⁵ U.S. Dep’t of State, Bureau of Democracy, Human Rights and Labor, *Int’l Religious Freedom Report 2004 Jordan* (Sept. 15, 2004) [hereinafter, *2004 Religious Freedom Report*], available at <http://www.state.gov/g/drl/rls/irf/2004/35500.htm>; 2007 *Religious Freedom Report*, *supra* note 8.

¹⁶ CONST. OF THE HASHEMITE KINGDOM OF JORDAN, chapter 2, art. 11 (emphasis added).

¹⁷ 2007 *Religious Freedom Report*, *supra* note 8.

¹⁸ Const. of the Hashemite Kingdom of Jordan, chapter 2, art. 15:

(i) 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.

(ii) Freedom of press and publications shall be ensured within the limits of the law.

(iii) Newspapers shall not be suspended from publication nor shall their permits be revoked except in accordance with the provisions of the law.

¹⁹ 2004 *Religious Freedom Report*, *supra* note 15; *see also* 2007 *Religious Freedom Report*, *supra* note 8.

²⁰ Amnesty International, *Amnesty International Report 2008 State of the World’s Human Rights Jordan* (2008), available at <http://thereport.amnesty.org/eng/regions/middle-east-and-north-africa/Jordan>.

²¹ CONST. OF THE HASHEMITE KINGDOM OF JORDAN, chapter 2, art. 14.

²² CONST. OF THE HASHEMITE KINGDOM OF JORDAN, chapter 2, art. 6(i).

²³ 2007 *Religious Freedom Report*, *supra* note 8.

²⁴ 2004 *Religious Freedom Report*, *supra* note 15.

²⁵ *Id.*

²⁶ *Id.*

Because Sharia law is part of the Jordanian laws, the “Sharia courts have authority to prosecute apostates and proselytizers.”²⁸ Furthermore, as stated, converts lose their civil and property rights, their marriage is annulled, and the custody of their children is given to a Muslim relative under Sharia law.²⁹ Importantly, other countries have afforded refugee status to such converts fleeing from possible prosecution, social discrimination and persecution.³⁰

While there are no reported incidents of forced religious conversion,³¹ the Jordanian government has an indirect way of accomplishing such forced conversion. Conversion to any religion, except Islam, is forbidden.³² “All minor children of a male citizen who converts to Islam automatically are considered to be Muslim,”³³ but parents who convert to Christianity lose custody of their children.³⁴ Under Sharia law, children of Christian converts continue to be considered Muslims and custody is granted to their Muslim relatives.³⁵ Children of mixed-religion marriages are considered Muslim if the father is a Muslim.³⁶ According to some reports, local government officials often encourage Christian women involved in relationships with Muslim men to accept Islam in order to avoid social discrimination and family conflicts.³⁷

B. Jordanian Penal Laws

Under the Jordanian Penal Code, journalists may be imprisoned for “insulting the king and stirring sectarian strife and sedition.”³⁸ Additionally, the Jordanian Justice Act prohibits producing images of Mohammad (even outside Jordan),³⁹ and the Jordanian Criminal Procedures Laws allow a criminal complaint to be filed if an act committed outside Jordan has effects within the country.⁴⁰

III. Judicial System

The courts in Jordan are divided into three categories: “Civil Courts,” “Religious Courts,” and “Special Courts.”⁴¹ The religious courts have two sub-categories: the “Sharia Courts” and the “Tribunal of other Religious Communities.”⁴² Sharia law is part of Jordanian laws⁴³ and the

²⁷ 2007 Religious Freedom Report, *supra* note 8.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *E.g.*, <http://www.compassdirect.org/> (in navigation panel click “News Archives”; then in “Country” select “Jordan”; then follow the hyperlink “June 09, 2008 - Jordan: Court Annuls Christian Convert’s Marriage”).

³¹ 2004 Religious Freedom Report, *supra* note 15.

³² *Id.*

³³ *Id.*

³⁴ *Id.*; *see also*, <http://www.compassdirect.org/> (in navigation panel click “News Archives”; then in “Country” select “Jordan”) (reporting incidents where the courts have granted custody to Muslim relatives of the converts).

³⁵ 2004 Religious Freedom Report, *supra* note 15.

³⁶ *Id.*

³⁷ 2007 Religious Freedom Report, *supra* note 8.

³⁸ Amnesty International, *supra* note 20.

³⁹ <http://www.foxnews.com/story/0,2933,363182,00.html>.

⁴⁰ Suha Ma’ayeh, *Jordan court to rule on cartoon case*, <http://www.thenational.ae/article/20080529/FOREIGN/715595686> (last visited Aug. 31, 2008).

⁴¹ CONST. OF THE HASHEMITE KINGDOM OF JORDAN, chapter 6, art. 99.

⁴² CONST. OF THE HASHEMITE KINGDOM OF JORDAN, chapter 6, art. 104.

⁴³ CONST. OF THE HASHEMITE KINGDOM OF JORDAN, chapter 6, art. 106:

The Sharia Courts shall in the exercise of their jurisdiction apply the provisions of the Sharia law.

Sharia courts thus have exclusive jurisdiction over “matters of personal status” of Muslims.⁴⁴ Matters of personal status include “religion, marriage, divorce, child custody, and inheritance.”⁴⁵

The Tribunals of other Religious Communities have jurisdiction over matters of personal status of non-Muslims who belong to a religion officially recognized by the government.⁴⁶ These recognized non-Muslim communities can select the structure and members of the presiding tribunal.⁴⁷ Though the Tribunals of other Religious Communities have jurisdiction over the matters of personal status of non-Muslims, a Muslim who converts to Christianity “continues to be treated as a Muslim in matters of family and property law” because the authorities do not recognize it as a legal conversion.⁴⁸

SECTION 2: *Incidents of Religious Persecution and Discrimination*

The following examples describe recent incidents of religious persecution or discrimination in Jordan. Most incidents referenced herein are accompanied by a web link to a news story. The full text of each news story can be found in the Appendix. Those incidents not accompanied by a web link are described in the U.S. State Department’s 2007 *International Religious Freedom Report* on Jordan.

Selected Recent Incidents of Persecution or Discrimination

A. Blasphemy

1. July 2008 – A Jordanian prosecutor charged a Dutch politician with blasphemy for producing an anti-Islam documentary called *Fitna*. Through the Dutch Embassy in Jordan, the politician was ordered to face trial in Jordan.⁴⁹
2. June 2008 – A coalition of media outlets and members of the Jordanian Parliament initiated a campaign against Danish cartoonist who reprinted cartoons depicting Mohammad. The cartoonist was summoned to appear before a Jordanian court.⁵⁰
3. February 2006 – Charged with “denigrating the Prophets in public and insulting God,” two journalists were arrested and convicted for reprinting cartoons depicting Mohammad.⁵¹

⁴⁴ CONST. OF THE HASHEMITE KINGDOM OF JORDAN, chapter 6, art. 105(i); *Religious Freedom Report*, supra note 8.

⁴⁵ 2007 *Religious Freedom Report*, supra note 8.

⁴⁶ CONST. OF THE HASHEMITE KINGDOM OF JORDAN, chapter 6, art. 108:

The Tribunals of Religious Communities are those for the non-Moslem religious communities which have been or will be recogni[z]ed by the Government as established in the Hashemite Kingdom of Jordan.

See also 2007 *Religious Freedom Report*, supra note 8.

⁴⁷ 2007 *Religious Freedom Report*, supra note 8.

⁴⁸ *Id.*

⁴⁹ <http://www.foxnews.com/story/0,2933,374721,00.html>.

⁵⁰ <http://www.foxnews.com/story/0,2933,363182,00.html>.

⁵¹ 2007 *Religious Freedom Report*, supra note 8; http://news.bbc.co.uk/2/hi/middle_east/4680948.stm (the cartoons were first published by a Danish newspaper *Jyllands-Posten* on September 30, 2005).

4. February 2003 – Three journalists were accused of “harming the dignity of Muslims” by publishing an article discussing “Mohammad’s sexual relationship with his wives.”⁵²
5. May 2002 – A journalist and former member of the Jordanian Parliament was sentenced to eighteen months in prison for “tarnishing the Jordanian state, defamation of the judiciary, uttering words before another deemed to be detrimental to his religious feeling, publishing and broadcasting false information abroad which could be detrimental to the reputation of the state, and inciting disturbances and killings.”⁵³
6. March 2000 – A Muslim poet was sentenced to three months in prison for allegedly contradicting the Koran.⁵⁴

B. Anti- and Forced Conversions

1. June 2008 – A Christian convert’s marriage was annulled by a Sharia court.⁵⁵
2. April 2008 – A convert family was attacked by Islamic extremists for converting from Islam to Christianity.⁵⁶
3. 2006 – A man was accused of apostasy under Sharia law for converting from Islam to Christianity.⁵⁷
4. April 2005 – A Christian widow won eight-year long custody battle with her Muslim brother.⁵⁸
5. 2004 – A Sharia court annulled the marriage of an alleged apostate who converted from Islam to Christianity.⁵⁹ The court also “stripped him of his civil rights.”⁶⁰

⁵² <http://articles.latimes.com/2003/feb/04/world/fg-jordansex4>

⁵³ <http://www.amnesty.org/en/library/asset/MDE16/008/2002/en/dom-MDE160082002en.html>.

⁵⁴ <http://www.jordanembassyus.org/03262000008.htm>.

⁵⁵ <http://compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5420&backpage=summaries&critere=&countryname=&rowcur=>.

⁵⁶ <http://compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5345>.

⁵⁷ *2007 Religious Freedom Report*, *supra* note 8.

⁵⁸ <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=3769>.

⁵⁹ *2007 Religious Freedom Report*, *supra* note 8.

⁶⁰ *Id.*

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APPENDIX

Section 2

A. Blasphemy

1. Report: Jordan Charges Dutch Politician with Blasphemy

July 1, 2008

<http://www.foxnews.com/story/0,2933,374721,00.html>

Dutch politician Geert Wilders was charged by a Jordanian prosecutor Tuesday with blasphemy and contempt of Muslims for making an anti-Koran film, and ordered to stand trial in Jordan, Reuters reported.

The charges came one day after Dutch prosecutors decided they wouldn't take action against Wilders because he was protected by the right to free speech.

An order was issued to bring Wilders to trial through the Dutch Embassy in Amman, Reuters reported.

Wilders' film "Fitna," which appeared on the Internet on March 27, linked terror attacks by Muslim extremists to texts from the Koran, Islam's holy book.

The Organization of the Islamic Conference, a league of 56 Muslim nations, said it was "deeply annoyed" by the Dutch decision, Reuters reported.

"The decision ... encourages and supports the irresponsible defamatory style followed by some media outlets and instigates feelings of hatred, animosity and antipathy towards Muslims," the Saudi Arabia-based organization said in a statement, according to Reuters.

The film set off protests in Pakistan, Malaysia and Indonesia and led to calls in other countries for a boycott of Dutch goods after its release.

The Dutch government has said it disagrees with the tone of the film, but says Wilders has a constitutional right to air his views. The U.N. secretary-general and U.N. agencies have condemned the film. EU foreign ministers have also rejected Wilders' views.

The charges carry a maximum sentence of three years in jail, Reuters reported.

2. Jordan Summons Danish Cartoonist on Blasphemy Charges

June 4, 2008

<http://www.foxnews.com/story/0,2933,363182,00.html>

A Danish cartoonist and ten newspaper editors have reportedly been summoned by Jordan's public prosecutor on charges of "blasphemy" for reprinting cartoons of the Prophet Muhammad. According to the Copenhagen Post, prosecutor Hassan Abdullat has subpoenaed the 11 Danes for drawing and reprinting cartoons they say offend Islam, charging them with "threatening the national peace."

Under Jordanian law, reproducing images of the Prophet Muhammad inside — or even outside the country — is illegal under the Jordanian Justice Act, the newspaper wrote.

A lawyer representing "The Prophet Unites Us," a Jordanian group angling for the prosecution, said that if the Danish journalists did not appear in Jordan for legal proceedings, the next step would be to inform Interpol and seek their arrest.

But the Danish foreign ministry said that the journalists would not be forcibly deported, as the printing of the controversial cartoons is not a punishable offense in Denmark.

Jordanian courts have not issued an indictment, but lawyers are hoping the case will help establish an international law against slandering religion, according to Danish reports.

Abdullat has summoned Kurt Westergaard, a cartoonist facing death threats for his depiction of the Prophet Muhammad wearing a turban in the shape of a bomb.

Abdullat also subpoenaed the editors of ten newspapers that reprinted the infamous cartoon in March, the paper reported.

The summons came just one day after the Danish embassy in Pakistan was destroyed in a bombing that killed 6, apparently a reprisal for the reprinting of the cartoons.

3. Two Jordan editors arrested

February 4, 2006

http://news.bbc.co.uk/2/hi/middle_east/4680948.stm

Jihad Momani and Hisham Khalidi are accused of insulting religion under Jordan's press and publications law.

Mr Momani was fired from the weekly Shihan after reproducing the cartoons - originally printed in Denmark - which have caused a global storm of protest.

One of the cartoons depicts Muhammad as a terrorist. Any images of the Prophet are banned under Islamic tradition.

'Abuse of freedom'

Mr Momani's arrest came earlier on Saturday, a day after Jordanian King Abdullah condemned the cartoons as an unnecessary abuse of freedom of speech.

Mr Momani's paper, Shihan, had printed three of the cartoons, alongside an editorial questioning whether the angry reaction to them in the Muslim world was justified.

"Muslims of the world be reasonable," wrote Mr Momani.

"What brings more prejudice against Islam, these caricatures or pictures of a hostage-taker slashing the throat of his victim in front of the cameras or a suicide bomber who blows himself up during a wedding ceremony in Amman?"

Mr Khalidi, whose al-Mehwar newspaper had also reprinted the cartoons, was detained late on Saturday. Al-Mehwar had reproduced the cartoons over a week ago to accompany an article on the condemnation they had sparked.

Apology

In a public letter of apology after his sacking, Mr Momani said he did not mean to cause offence, Reuters news agency reported.

Arab Printers Company, the publisher of Shihan, also withdrew copies of the popular tabloid from news stands across the country and promised tough moves against those involved.

The drawings have sparked protests in countries including Indonesia, Iraq, Turkey and Egypt.

A number of European newspapers have printed the cartoons, but the Jordanian paper was believed to be the first in a Muslim country to do so.

4. Arab Journalists' Blasphemy Trial Points to Jordan's Predicament

February 4, 2003

<http://articles.latimes.com/2003/feb/04/world/fg-jordansex4>

AMMAN, Jordan – Handcuffed, their oversize prison uniforms dragging on the floor, three Arab men were led through a bare courtroom to an iron cage. Only when they were locked inside did the day's proceedings begin. Have they been charged with terrorism, kidnapping, murder? No. They are on trial for publishing an article about the sex life of the prophet Muhammad's wife Aisha.

The three Jordanian journalists at Al Hilal, or the Crescent, a weekly newspaper with a circulation of 7,000, are accused of "harming the reputation of the government," "harming the dignity of Muslims" and, perhaps most significant, "destabilizing society by publishing perversity and false news." They were arrested Jan. 16, are being held without bail and could receive a maximum sentence of three years. Their newspaper was shut down.

The trial is taking place in State Security Court, usually the venue for crimes associated with potential physical threats to society. For offenses such as those the three men are accused of – technically misdemeanors – the verdicts and sentences of the court are final; only the decisions in serious crimes can be appealed.

The flap caused by the article in this Islamic country, which is generally described as moderate, suggests how vulnerable the Jordanian government perceives itself to be on the eve of a possible U.S.-led war on Iraq, which many believe could ignite fundamentalist forces here.

The tough prosecution appears to be the government's effort to show its respect for the sensibilities of Jordan's conservative majority and to provide a counterweight to controversial pro-American policies. "The government thinks they'd better do something about it so they don't face commotion, riots. It's like insulting the flag," said Kamal Salibi, director of the Royal Institute for Inter-Faith Studies in Amman.

Jamil abu Baker, a spokesman for the Muslim Brotherhood, a pan-Arab Islamic movement and a leading Jordanian opposition group, has similar sentiments. “The government must put an end to these practices; otherwise, things will not be in control,” he said “We believe in freedom of expression, but for things that have to do with the secular world, not the holy world of religion,” he added.

On the opening day of the trial, the military prosecutor, Lt. Col. Mahmoud Obeidat, said the newspaper article “deformed the image of the prophecy” of Islam’s founder by exposing Muhammad’s active sex life.

Religious scholars in the Islamic Action Front – the political arm of the Muslim Brotherhood – lost little time making their position known. In a fatwa, or religious edict, released Jan. 21, Muslim scholars affiliated with the opposition movement wrote, “The article comes amid a Western crusade and Jewish attack against the standing of the prophet Muhammad and against Islam and amid American mobilization on Islamic lands.” The fatwa called the writer and editors of the article “apostates” and “infidels,” among the strongest pejoratives that can be leveled at a Muslim.

Sex is a sensitive subject in Arab society; in some countries, the punishments for illicit sexual liaisons include flogging, stoning and death. “Sex, Islam and politics, these are the three taboo subjects in Arab society,” said Nidal Mansour, executive director of the Amman-based Center for Defending Freedom of Journalists, the only Jordanian organization to offer support to the three defendants.

It is politics for which most journalists here have gone to prison. And with that in mind, Nasser Qamash, Al Hilal’s editor in chief, carefully checked every political article for paragraphs or even phrases that might be read as subversive. “He didn’t think of this as anything other than a cultural article to put on a local page, so he didn’t read it,” said Nashwa Qamash, his wife, who sat quiet and pale outside the courtroom. His fellow defendants are Managing Editor Roman Haddad and writer Muhanad Mbaidhin.

The article describes Aisha, one of the prophet’s several wives. It claims that Muhammad married her when she was a child and began to have sex with her when she was 8 or 9, “gaining the sexual potency of 40 men.” Aisha claimed that Muhammad had divine revelations in which the word of God was conveyed by the angel Gabriel when she was in bed with him, the article says. Aisha’s observations seem to have come down primarily as legend, and the article mentions several writers who have described her story. There is little more to the piece, although it also discusses Aisha’s relationship with Muhammad’s other wives.

Most striking is how much the words mattered to people here. “The freedom of the press is not yet stable.” “Those who have pushed the government to detain these journalists are the parties of the Muslim Brotherhood,” he added. “And those who gave them the authority to speak is the society who says: ‘Oh, they are right. These journalists have harmed the prophet.’ Yet 90% of people hadn’t read the article.”

Notably, even intellectuals, while saying readily that the three journalists should not have been jailed, are quick to say that the article was unnecessary. "In the current situation, it's not important to know about the sexual activities of Muhammad and his wife," said George Haddad, an analyst on religious issues and a columnist for Al Dustur, a major newspaper here.

Salibi, of the Royal Institute, agrees. "Why should you make the community angry – it's irrelevant to modern society." But Salibi tried to put the incident in historical perspective. "In the West, at one time you could not insult Jesus or Paul or denigrate the Gospels," he noted. "Then, in time, Western society became so secularized that doing this became possible because social loyalties to religion diminished."

5. Jordan: Sentence against Toujan al-Faisal a blow to freedom of expression

May 16, 2002

<http://www.amnesty.org/en/library/asset/MDE16/008/2002/en/dom-MDE160082002en.html>

Amnesty International condemned the 18-months prison term imposed today on Toujan al-Faisal, former member of the Jordanian Parliament. "This is a sad day for freedom of expression in Jordan. Toujan al-Faisal has been imprisoned solely for exercising her fundamental right to express her opinion," the organization said.

Toujan al-Faisal was arrested in March following her public criticism of the Jordanian government. She was convicted by the State Security Court on charges of "tarnishing the Jordanian state", defamation of the judiciary, "uttering words" before another deemed to be "detrimental to his religious feeling", "publishing and broadcasting false information abroad which could be detrimental to the reputation of the state", and inciting "disturbances and killings." She has received the harshest sentence allowed on such charges.

Toujan al-Faisal was held in detention for some 11 days until being released on bail on 27 March and was re-arrested three days later and has remained in prison ever since. Currently she is in Jweidah Prison and will be moved to Swaqa Prison, in the desert, 80 kilometres from Amman. She has no right of appeal against the sentence.

"Sentencing Toujan al-Faisal has breached international human rights treaties which Jordan has ratified," said Amnesty International. "As we feared, the Jordanian courts are using new measures supposedly introduced to fight 'terrorism' to clamp down on the individual's exercise of the right to criticize government policy."

Background

Toujan al-Faisal was sentenced under a law promulgated through a provisional royal decree two weeks after the 11 September 2001 attacks. The law not only expanded the definition of "terrorism" but also further restricted freedom of expression in Jordan. Offences committed under the law were transferred to the State Security Courts, which almost invariably use military judges and do not provide the same guarantees of independence and impartiality provided by the ordinary courts.

6. Poem accused of 'violating' Koran sent to prosecutor

<http://www.jordanembassyus.org/03262000008.htm>

March 26, 2000

AMMAN (AFP) — Jordanian poet Musa Hawamdeh “clearly contradicted” the Koran in a recent poem, which has been sent to the state prosecutor for a fuller investigation, officials said in statements published on Friday. Hawamdeh told AFP that the anthology containing the offending poem had also been confiscated, and reiterated that he did not defile the Koran.

“The poem contains a clear attack on one of the prophets and a denial of what was contained in the Holy Koran about the story of Youssef (Joseph),” Religious Affairs Minister Abdul Salam Abbadi told Al Dustour newspaper. Abbadi said he had asked the state-run press and publications department “to take the necessary legal measures including banning the sale of the book” that contains the offensive poem, Al Dustour reported.

The head of the department, Hussein Abu Orabi, told the daily “a decision to confiscate the book has been taken” and the case was handed over to the state prosecutor who would decide any further steps.

Jordanian Islamists have called for the death penalty for Hawamdeh, who confirmed to AFP on Friday that the collection entitled Shajari Atwal (My Trees Are Taller) had been seized.

He had said Thursday that he believes in Islam, adding, “I wasn't trying in this poem to deny the Koran's version, but as a poet I have the right to use historical symbols to criticise the current situation.”

Islamist and former MP Abdul Mun'em Abu Zant said Thursday the poem “deforms the divine words on the prophet Joseph's life in Egypt.” “He is an apostate and must repent. If he refuses, the relevant authorities must, under law, end his marriage and implement Islamic law, which calls for death” for Muslims who reject their faith, Abu Zant said.

Jordan is governed by civil, not Islamic law. The Koran says that an Egyptian pharaoh's wife tried to seduce Joseph, but in his poem, entitled “Joseph,” Hawamdeh asserts that the prophet only “imagined that the queen adored him.”

The anthology was published last year in Lebanon but it was only after it appeared more recently in Jordan that Islamists took notice and cried foul.

Information Minister Saleh Qallab said on Thursday that if the poet was found guilty of wrongdoing he could be jailed for up to three months under Jordanian law.

B. Anti- and Forced Conversion

1. Jordan: Court annuls Christian convert's marriage

June 9, 2008

<http://compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5420&backpage=summaries&critere=&countryname=&rowcur=>

A Jordanian Islamic law court has annulled the marriage of a former Muslim because of his conversion to Christianity.

The North Amman Sharia Court in April dissolved the marriage of Mohammad Abbad, on trial for apostasy, or leaving Islam.

The 40-year-old convert fled Jordan with his wife and two young children in March after another Christian convert's relatives attacked Abbad's family in their home and his father demanded custody of Abbad's children.

"Marriage depends on the creed [religion], and the apostate has no creed," a May 22 court document stated, detailing reasons for the April 22 annulment. According to the document, Judge Faysal Khreisat had "proven the veracity of [Abbad's] apostasy."

Jordan's penal code does not outlaw apostasy, and the country's constitution guarantees freedom of religion, as does the International Covenant on Civil and Political Rights that was given force of law in the country in June 2006.

But Islam, Jordan's official religion, forbids conversion to another faith. Jordanian *sharia* (Islamic law) courts that rule on family law have convicted converts of apostasy, stripping them of all legal rights.

"I can't win this case as long as I insist that I converted to Christianity," Abbad wrote after arriving in a European country where he has applied for asylum.

Abbad and his 10-year-old son were violently attacked in their home on March 23, when relatives of another convert, staying with Abbad, stormed the house. Abbad suffered injuries to his head and chest and bleeding in his right eye, according to medical reports from Jordan University Hospital.

When Abbad went to the police station the same day to file a complaint he found his father there, demanding custody of Abbad's son and 11-year-old daughter.

Testifying before Khreisat the next day (March 24), Abbad refused to convert back to Islam. According to court records, Khreisat ordered Abbad to be jailed in Amman's Jweideh Prison for one week for "contempt of court."

Due to his injuries Abbad fainted while on his way to the jail, prompting police to send him to a hospital where he spent the night handcuffed to his bed.

After a relative posted bail for him on March 25, lawyers advised Abbad to leave Jordan, saying he had no hope of winning the case and could lose custody of his children.

In November 2006 an Amman sharia court convicted a Muslim convert to Christianity of apostasy, stripping him of his legal rights, annulling his marriage and opening the way for

someone else to be given legal care of his children. The convert and his family received refugee status and were resettled in the U.S.

According to advocacy group Middle East Concern, at least three other converts to Christianity have been charged with apostasy in Jordan since then.

Jordan's historical Christian community – Orthodox, Catholics and a smaller number of Protestants – make up around 4 percent of the population.

The exact number of Muslim converts to Christianity in Jordan is unknown. Many choose to maintain a low profile in order to avoid harassment.

2. Jordan: Ex-Muslim Tried for Converting to Christianity Relatives attack convert family for deserting Islam.

April 24, 2008

<http://compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5345>

On trial for converting from Islam to Christianity, a Jordanian man may lose legal custody of his children and have his marriage annulled if found guilty of “apostasy.”

Mohammad Abbad, 40, fled Jordan last month after Muslims violently attacked him and his 10-year-old son in their home and his father sued him on charges of apostasy, or leaving Islam.

“I can't win this case as long as I insist that I converted from Islam to Christianity,” Abbad wrote from the safety of a nearby country.

“The court will annul my marriage, I will be deprived of my kids, I will be with no ID or passport, and my properties will be confiscated,” said the father of two, referring to a previous Jordanian apostasy verdict.

In a separate November 2004 ruling, an Amman Sharia Court headed by Judge Suleiman Abdullah Abu Yahya convicted a Muslim convert to Christianity of apostasy. Stripped of all his legal rights, the convert and his family fled Jordan to escape the verdict.

One of only a few Jordanians to leave Islam for Christianity, Abbad said he became a Christian as a young man in Jordan and grew in his faith while working abroad in 1993.

“I had an encounter with the Lord Jesus who changed my life, filled my heart with love and gave me the grace of enjoying life,” the convert said.

In 1994, Abbad married a Jordanian from a Christian family, and together they had two children. When Abbad returned to Jordan in 2000, his father began criticizing him in front of his mother and siblings, claiming that “suspicious organizations” were paying Abbad to remain Christian. Abbad's father encouraged the rest of the family to shun the convert, who was otherwise able to quietly practice his faith free of overt harassment.

Last month a married couple who had been raised Muslim but had converted to Christianity moved into Abbad's home for several days to escape death threats from relatives. The wife's brothers discovered the couple's location and visited Abbad's house on the evening of March 23. While the visitors were talking with their sister, three other family members broke into the room and began attacking Abbad and the convert husband.

“My 10-year-old son tried to help me when he saw me fall down, but he was hit on the face near his eye,” Abbad said. The brothers struck Abbad several times on his head and body, wounding his chest and his right eye. They also beat his wife’s face and neck before forcibly abducting their sister.

“My chest was bleeding and I was so dizzy, my wife and kids were hysterical, especially when they saw that I could not breath,” Abbad said.

Father Demands Custody, Judge Mocks

Having received an initial medical examination, Abbad went to a local police station where he found his father registering a complaint against him for his conversion. The Muslim father, who had been in touch with Abbad’s attackers, demanded custody of Abbad’s children.

Police registered Abbad’s complaint and asked him to come back the next morning for follow-up. But the next day, officials brought Abbad before Judge Faysal Khreisat of Sweileh’s *sharia* (Islamic law) court on a charge of apostasy. According to Abbad, Khreisat ridiculed him for his conversion. “He mocked me and said I was crazy,” the convert said. “When he saw how persistent I was, he accused me of contempt of court and ordered that I be imprisoned for a week, although I told him that I had been attacked and needed medication according to the [medical] reports.”

Still recovering from his injuries, Abbad fainted on his way to jail from the court. Police refused to provide him any treatment but called an ambulance when he again fainted three hours later.

“The paramedics began mocking me when they found out I was a convert,” the Christian said. Once at the hospital, Abbad waited for an hour and a half because he had no money to pay the initial \$30 treatment fee. Eventually his wife discovered his location and took him to a private hospital, where he received medical tests for his head, eye and chest. He spent the night in the hospital handcuffed to his bed.

“I felt that animals in other countries are treated better [than I was],” Abbad said.

Though the Islamic court judge initially refused to allow Abbad to post bail, threatening to blacklist the Christian from leaving the country, an in-law eventually freed Abbad for \$14,000 on March 25. The couple left Jordan with their two children three days later.

The Christian convert whose wife’s relatives had attacked Abbad also appeared before Khreisat on March 24. The Muslim judge threatened to legally dissolve the convert’s marriage and became furious when he found out the man’s wife had also become a Christian.

“[He] was under huge pressure that day from his in-laws, so when [he and his wife] stood in front of the judge the next day [March 25], they denied being Christians,” Abbad said. By declaring the Muslim creed three times before the court, the couple officially re-converted to Islam.

The five attackers were arrested on March 26 and charged with assault. But when the convert woman's family threatened to forcibly separate her from her husband, he dropped all charges and the attackers were released.

At a subsequent court hearing in Abbad's apostasy trial on March 30, the absence of Abbad and his wife prompted the judge to issue warrants for the couple's arrest. During a third hearing the following week, Khreisat ordered Abbad's father to produce his son's marriage certificate by Tuesday (April 22) in order to annul the Christian couple's marriage. Tuesday's hearing saw no new developments, only a request from the judge for further documentation, Abbad said.

'Freedom of Religion'

Writing from a nearby country where he has temporarily settled with his wife, son and 11-year-old daughter, Abbad said that he was happy to be safe and united with his family.

"I hope and pray that I will be able to help other believers in Jordan not to be treated in a bad way," the convert said.

The exact number of Muslim converts to Christianity in Jordan is unknown. Many choose to maintain a low profile in order to avoid harassment.

Jordan's constitution guarantees freedom of religion, as does the International Covenant on Civil and Political Rights that was made law in July 2006. But Muslim conversion to another faith is forbidden by the country's official religion, Islam.

According to one Jordanian publication this month, there are even "unwritten rules" against evangelism.

An article in English-language Jordan Business stated that any religious practice is legally required to be consistent with "public order and morality."

"This rather broad definition leaves quite some room for the state to impose some restrictions on freedom of religion, officials say," wrote Rana Sabbagh-Gargour.

Like Abbad's father, many Jordanians, including government officials, believe that foreign Christians pay Muslims to convert.

Officials told Jordan Business that foreign missionaries had targeted Iraqi refugees with promises of U.S. passports.

"They are abusing people's poverty and desperation," one official said.

The government worker also implied that missionaries were at fault for inciting violent attacks against themselves by Muslims.

"They are endangering themselves, because any jealous Muslim can react by attacking them," the government worker said.

Jordan's historical Christian community – Orthodox, Catholics and a smaller number of Protestants – make up around 4 percent of the population.

One of the largest recipients of U.S. foreign aid, Jordan is to receive \$663.5 million in economic support and military financing this year. Since 2004 the U.S. Agency for International Development has invested in streamlining Jordan's judicial system and educating society on good governance and human rights.

3. Jordan: Christian widow wins guardianship battle

April 12, 2005

<http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=3769>

An Amman court of Islamic law ruled in favor of Christian widow Siham Qandah today, revoking the legal guardianship of her children's Muslim uncle and ordering him to repay misspent funds withdrawn from their orphan trust accounts.

Judge Mahmud Zghl handed down his verdict in Amman's Al-Abdali Sharia Court against Abdullah al-Muhtadi, who has been fighting a seven-year legal battle to wrest custody of his minor niece and nephew from their Christian mother.

But in the pending appeals case concluded today, al-Muhtadi was the defendant, facing allegations of mishandling the finances of his Christian sister's two children. Hearings on the case have dragged on since last August, when the Supreme Islamic Court of Jordan ordered a final review of the case.

After the guardian's repeated failure to appear for scheduled court sessions over the past eight months, he was reportedly forced to answer the judge's summons after normal court hours ended this afternoon.

Brother Unable to Document Expenditures

Al-Muhtadi proved unable to provide the court with documented evidence of his claimed expenditure of 750 Jordanian dinars (\$1,100) to buy the children a refrigerator. Accordingly, Judge Zghl removed him from his court-designated guardianship, and ordered him to pay back this amount to his wards' trust fund.

The former guardian has the right to appeal the judgment within 30 days.

"I still can't believe it!" Qandah told Compass today, laughing and crying. "I am so happy, I am just speechless. I can't even describe my emotions." Although she had already called her children from Amman, she said she could not wait to travel back home to Husn and tell them in person.

Struggle since Husband's Death

Now 16 and 15, Qandah's daughter Rawan and son Fadi lost their father 11 years ago, when he died as a soldier in the U.N. peacekeeping forces in Kosovo. But when their mother went to claim their army orphan benefits, a local court produced an unsigned "conversion" certificate, claiming that her Christian husband had secretly converted to Islam three years before his death. The certificate could not be contested under Islamic law, so Qandah was forced to find a Muslim to handle financial matters for the children. Despite their baptism as Christians, both were automatically declared Muslims under the dictums of Islamic law. Al-Muhtadi, the widow's estranged brother who had converted to Islam as a teenager, agreed to serve as their legal Muslim guardian.

But over the next few years, he began pocketing some of the children's monthly benefits, and later withdrew nearly half of their U.N.-allocated trust funds by obtaining signed approvals from highly placed Islamic court judges.

Custody Battle

Then in 1998, he filed suit to take custody of the children away from their Christian mother in order to raise them as Muslims. After a four-year court wrangle, Jordan's Supreme Islamic Court ruled in his favor, ordering Qandah to give her children over to al-Muhtadi's custody.

Over the past three years, Qandah has been forced into hiding several times to avoid possible arrest and separation from her children, who had been blacklisted from leaving Jordan during the custody wrangle.

But after Qandah's dilemma attracted international press coverage, King Abdullah II and other members of the Jordanian royal family began to monitor judicial handling of the case, pledging that the children would not be taken away from their mother.

Qandah and her children live in northern Jordan in the city of Husn, where they attend the Husn Baptist Church. Under Jordanian law, once the children turn 18, they are allowed to choose whether their official identity will be Muslim or Christian.