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THE INTERNET AND CORRUPTION
Transparency and accountability online



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Valeria Betancourt

Editor

Alan Finlay

Assistant editor

Lori Nordstrom

Publication production

Mallory Knodel

Proofreading

Valerie Dee
Lori Nordstrom

Graphic design

Monocromo
info@monocromo.com.uy
Phone: +598 2 400 1685

Cover illustration

Matías Bervejillo

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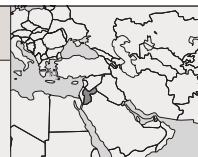
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JORDAN

THE INTERNET: A CRITICAL TOOL IN EXPOSING CORRUPTION



Alarab Alyawm

Yahia Shukkeir

www.alarabalyawm.net

Introduction

Jordan is a small kingdom with less than seven million people in a turbulent region – the Middle East. It is surrounded by big states: Syria to the north, Saudi Arabia to the south, Israel and Occupied Palestine to the west, and Iraq to the east. Jordan allocates more than 25% of its annual budget to security. In such a turbulent region, the executive branch of government has relied on the General Intelligence Directorate (GID), best known by many foreigners as the CIA of Jordan. The GID has been a major player in everything that occurs in the country.

In such a situation ex-GID General Sameeh Bateekhi used to describe himself as the second man in the country (the first being the King). Bateekhi was prosecuted by a military committee at the GID and was convicted of corruption in 1994. He was put under house arrest for four years, and ordered to compensate the government in the amount of USD 24 million.¹ His story was made public by the traditional media – but since the dawn of the internet, how has it been used in the battle against corruption?

Policy and political background

Jordan scores high levels of corruption in Transparency International's annual reports. Many donors, creditors and investors know from their experience and from other countries that corruption is a major hindrance to their goals. Political activists, legislators and young demonstrators who want jobs believe that corruption is a big problem in Jordan. Even the King himself has often emphasised in his speeches the importance of fighting and reducing corruption. In these circumstances, and as a political gesture, Jordan signed the United Nations Convention against Corruption (UNCAC) on 9 December 2003 and ratified it on 24 February 2005. In the same year, it stepped up the fight against

corruption and adopted, in 2006, the Anti-Corruption Commission Law² which criminalises, *inter alia*, bribery.

As far as the investigation of corruption-related offences is concerned, the Anti-Corruption Commission (ACC) may investigate any corruption case on its own accord or based on information from any party. The ACC also has the right to seize property, impose travel bans, and suspend suspects from work without pay. While the ACC is a new agency that only became operational in 2008, it is noteworthy that in the first ten months of 2008 it examined 465 cases and transferred 82 cases to the courts or other relevant institutions. In 2009, it examined 834 cases and in 2010, 890 cases.³ The New Amendment of the Anti-Corruption Commission Law protects whistleblowers.⁴

Mandated by this new law, ACC developed a National Anti-Corruption Strategy for 2008-2012 to combat corruption and pursue its perpetrators. The main pillars of the Jordanian legal framework to address corruption are the Penal/Criminal Code, the Anti-Corruption Act, and the Anti-Money Laundering Act.

Jordan confirmed the criminalisation of the conduct of illicit enrichment through the Financial Disclosure Law of 2006, which prescribes criteria for declaration of assets and sanctions for failure to declare assets. However, the law applies only to high-ranking officials.

Corruption and the battle with online news

Several years after the Bateekhi case, history repeated itself. General Muhammad Dahabi, who served as GID director from 2005 to 2008, during the time his brother Nader Dahabi was the prime minister of Jordan (2007-2009), was accused of money laundering, embezzlement and exploitation of public office.⁵ General Dahabi is implicated in a case involving between JOD 30 million and JOD 50 million (USD 42 million to 70 million) during his service, and the General Prosecutor ordered his assets to be frozen.

1 www.aawsat.com/details.asp?section=4&issueNo=8991&article=181201&feature=/details.asp

2 www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006

3 www.unodc.org/documents/treaties/UNCAC/COSP/session4/V1186371e.pdf

4 www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006

5 en.ammonnews.net/article.aspx?articleNO=15657

The probe into the allegations in the Dahabi case is part of a wider anti-corruption campaign, an effort that has gained momentum lately under pressure from hundreds of pro-reform protests that have been calling for an end to corruption in the administration, and a reopening of old cases where graft is suspected. In most protests in Jordan the common slogan was “fighting corruption”, and Dahabi is widely accused of candidacy fraud in the last parliamentary election.

Another high-ranking official who was targeted by online political news outlets is former Chief of the Royal Court Basem Awadallah, who came back to Jordan in the early 1990s after his graduation from a university in the US.

He had quickly ascended to high positions from director of an economic department at the Royal Court, to a minister, then to Chief of the Royal Court itself. Awadallah is seen as a symbol of corruption. Most of the accusations were based on his role as an ex-minister of planning and he supervised the privatisation process in Jordan.⁶

Whistleblower site WikiLeaks released a cable sent from US Ambassador R. Stephen Beecroft in Amman to Washington in 2008, which states: “Royal Court Chief Basem Awadallah, long an object of anti-Palestinian, anti-reformist anger and resentment, is facing yet another round of malicious gossip and slander designed to compel his ouster. This time, the allegations focused on a guilt-by-association link between Awadallah and a human trafficking case. Despite the fact that Awadallah’s links to the company named in the case are tenuous at best, the East Banker tribal conservative campaign of character assassination continues.”⁷

Awadallah was accused by a sub-parliamentarian committee of corruption⁸ and he is now under investigation.

A famous Jordanian poet, Habeeb Azzyouidi, recently published a poem⁹ accusing Awadallah of “selling Jordanian assets and gathering all the evils of the world early at dawn as he led them in a collective prayer.”

Political news websites are flourishing in Jordan because the “old media” are considered less free in reporting corruption and wrongdoing by the government. There are more than 200 political news websites, 40 of which have formed a union.

The government is still manoeuvring to control news websites. Officials use the “carrot and stick”

approach to interfere in web news content. One of the “carrots” is government advertising, and there are many examples of how the government and private sectors use “soft containment” to control the press.¹⁰

When the government fails in convincing web news outlets to register to be able to secure a share of government advertisements, it uses the “stick” (such as bringing charges against them).

Another corruption case raised by web news outlets involved the president of the Aqaba Special Economic Zone Authority, Hosni Abu Ghaida, who granted several contracts worth millions of dollars to an engineering office owned by his wife. An ex-prime minister suspended a development project in Aqaba as it violated the law.¹¹ Abu Ghaida later resigned from his post and has yet to be prosecuted. Parliament formed a committee to investigate the accusation, but finally the committee found that there were not enough grounds to prosecute Abu Ghaida.¹²

In April 2011, six men raided the office of Al-Muharrir.net in Amman, beating one employee and destroying a computer. The men stormed the office of editor-in-chief Jihad Abu Baidar, threatening to kill him and burn down the workplace if he did not withdraw an article on an anti-corruption commission investigation of former chief of staff, General Khaled Jamil al-Saraira.¹³ Saraira’s family admitted its responsibility and asked Abu Baidar for pardon, in accordance with local tribal tradition, and Abu Baidar subsequently dropped the case.

The latest corruption case which is still under investigation involves Waleed Kurdi, the former board director of Phosphate Company, the biggest public company in Jordan. Kurdi is the ex-husband of the King’s aunt, Princess Basma. Kurdi, who fled to the UK, had paid money to some web news outlets in order to silence them. The published list of journalists who received the money through advertising contracts includes a paragraph that gives the company the right to inspect any news related to the company that will be published on those websites.

Bribing journalists is a well-known phenomenon in many developing countries, including Jordan. General Dahabi was also said to be bribing journalists so that they attacked his opponents and spiked stories. The General Prosecutor in Amman is investigating these rumours following a request from the Jordanian Press association (JPA).¹⁴

10 www.alarrabnews.com/newsView.php?id=1170

11 www.alraimedia.com/Alrai/ArticlePrint.aspx?id=68317

12 www.alrai.com/article/504835.html

13 cpj.org/2011/04/cpj-condemns-attack-on-office-of-website.php

14 www.watnnews.net/NewsDetails.aspx?PageID=32&NewsID=42866

6 www.alarabalyawm.net/pages.php?articles_id=16860

7 wikileaks.org/cable/2008/09/08AMMAN2673.html#

8 www.alarabalyawm.net/pages.php?news_id=360474

9 www.sarayanews.com/object-article/view/id/132606/title

Another case which needs more investigation because it involves a member of the royal family concerns the Jordan Media Institute (JMI). JMI is a private company¹⁵ owned by Princess Reem Ali, the wife of the King's brother. In 2009 it rented a government building, the former location of the Higher Media Council, for the sum of JOD 100 (roughly USD 140) annually. When a journalist revealed this, the lease was raised to USD 300,000 per year, but JMI asked the government to waive this amount.

A number of influential persons have established what is known as a GONGO (government-organised non-government organisation) to absorb foreign funds that flow into Jordan. JMI had received million of euros, US dollars and donations from these sources. No one has the right to ask where this money goes. GONGOs are not accountable to any governmental body, even though a GONGO might be initiated by a government employee.

The government thinks that exposing corruption on web news outlets may negatively affect Jordan's image abroad, as well as foreign investment. In response to the new media influence, it has tried to pass new laws to control the internet. Under pressure to curb websites which publish reports on corruption, an amendment was introduced to the Anti-Corruption Law. Article 23 states: "Anyone who (...) attributes to another person without a reason acts of corruption set forth in article (5)¹⁶ of this law which leads to the abuse of his reputation or his dignity or assassination of his personality shall be liable to a fine of no less than 30,000 JDs and no more than 60,000 JDs [USD 42,000-88,000]."

Many journalists feel that this article aims to suppress the freedom of expression and has a chilling effect on the media.¹⁷ It is worth mentioning that the elected Lower House of Parliament has proposed a stiffening of the penalty in the law, but the Upper House of Parliament, appointed by the King, has fortunately rejected the amendments.

When the government lost this battle it tried another technique. It drafted a law called "Web News Regulations" to control the content of political news online. The news outlets attacked the proposed law, which it considered a "test balloon" released by the government to measure the reaction of media outlets. Fortunately, a few days later, the government denied that it was intending to introduce such a law – but still it did not surrender. It recently secured a

decision by the Office of the Interpretation of Laws which declared that web news outlets were "periodical publications" and need to be licensed and registered.¹⁸ Members of Jordan's online community immediately became concerned that they would have to comply with the registration requirements and rules of liability for journalists and traditional news outlets. (The Press and Publication Law constitutes the principal tool used by the Jordanian government to control the press.)

Access to information, the internet, and corruption

Fighting corruption is best handled with the participation of all concerned citizens – but citizens cannot fight corruption without having access to information and effective access to the courts for redress and remedy. The internet has a big impact on corruption by making information accessible. US Secretary of State Hillary Clinton highlighted that the internet has become the public space of the 21st century – the world's town square. She said the spread of information networks is forming a new nervous system for our planet.¹⁹

One of the most important functions of the media is to keep watch on the abuse of public office and public money. This watchdog role is still valid when it comes to new media – but the media can only contribute to the fight against corruption when they are free and have the right to access information.

The most recent survey on ICT use showed that 7.48 million Jordanians – equivalent to 108% of the population – had mobile access in 2011, and 38% had access to the internet.²⁰ The internet gives citizens a huge opportunity to access the other side of stories, and to participate in a counter-public sphere. It also gives people the opportunity to become "citizen journalists" and "newsmakers".

People's right to know and to access information are of fundamental importance to any democratic society, and to an effective free press. In Jordan, the Right to Access Information Law No. 47 of 2007 (FOI) was enacted on 17 June 2007 – the first of its kind in the Arab region. The reasons given for this law were due to the government "realising that freedom to access information is the cornerstone to public and press freedoms. ... [I]n order to implement transparency and encourage a public contribution in decision making, it was important to take executive and legislative steps toward facilitating the process

15 www.albaladnews.info/jordannews/showthread.php?t=44976

16 Article 5 mentions the attribution of corruption to public officials. A similar law existed in the US 222 years ago: the Contempt Act of 1789.

17 alarabalyawm.batelco.jo/pages.php?articles_id=17077

18 alarabalyawm.net/pages.php?news_id=367647

19 www.state.gov/secretary/rm/2010/01/135519.htm

20 www.trc.gov.jo/index.php?option=com_content&task=view&id=2014&Itemid=978

TABLE 1

Press freedom and corruption in Jordan

Year	2007	2008	2009	2010	2011
RSF Press Freedom Index ¹	122	128	112	120	128
Transparency International Corruption Perceptions Index ²	53	47	49	50	56

1. en.rsf.org/press-freedom-index-2011-2012,1043.html

2. www.transparency.org/policy_research/surveys_indices/cpi

of access to information, for citizens and journalists as well.²¹ This means that Jordan is committed to adhere to the principles of transparency and rule of law.

Despite this, Jordan has a long tradition of secrecy when it comes to accessing information. The Law on the Protection of State Secrets and Documents (PSSD) (Provisional Law No. 50 of 1971) is considered the main law that suppresses and curbs access to information in the country.²² The civil society organisation Article 19 described this law as “an octopus-like law [that] actually turns all information in the possession of the State into confidential information unless publication thereof is authorised.”²³

After five years of Jordan’s FOI law, there remains a need to improve it through several amendments, to raise public awareness of it and to encourage people to “test the limits” of the government to see how it reacts. It will also be a great step forward if the Kingdom reforms the PSSD law, which violates internationally recognised principles on access to information. Without amending this law, FOI will remain an insignificant initiative.

The benefits of free media in fighting corruption are appreciated by many scholars and specialised NGOs. Transparency International showed in a 1999 study that there is a direct correlation between the level of press freedom and the level of corruption. The more press freedom, the less corruption. A global study on IT and corruption conducted in 2011 indicates that an increase in access to the internet by 20% in any country lowers corruption by 0.60 points. This very clearly supports the argument that the greater the internet penetration, the lower the corruption levels. Internet and social networking sites like Facebook and Twitter are powerful weapons that can curb the menace of corruption and lead to greater transparency in public life.

21 www.alarabalyawm.net/Public_News/NewsDetails.aspx?NewsID=8310&Lang=1&Site_ID=

22 Article 19 has issued a memorandum on the “Jordanian Draft Law on Guarantee of Access to Information”, December 2005: www.article19.org/pdfs/analysis/jordan-foi.pdf

23 Article 19 (1997) *Blaming the Press: The Crisis of Democracy in Jordan*, London, p. 107.

According to the annual press freedom indices by Reporters without Borders (RSF)²⁴ and Freedom House,²⁵ Jordan is not free. If journalists and “citizen journalists” are threatened by penalties they will not be able to perform their role properly in exposing the wrongdoings of officials, influential businesspeople and other corrupt individuals.

Table 1 illustrates Jordan’s scores in the Press Freedom Index by Reporters Without Borders and the Corruption Perceptions Index by Transparency International in the last five years.

Conclusions

The radical change in the Arab world is a triumph for new media. The old media did not do their job as a watchdog properly – unlike new media journalists who are braver in tackling issues related to corruption. In some cases web news outlets are less professional than the old media and the owners think that defamation laws do not apply to the internet, which is not the case in Jordan.

Newspapers generally have a system for checking facts to avoid legal liability. If internet news outlets want to be credible they ought to be trained in the practice of good journalism, as well as investigative journalism, so that they can handle corruption stories – after all, corrupt officials know how to be corrupt without leaving a visiting card behind.

While it seems that Jordan’s government will not stop trying to transform the media from watchdog to lapdog, it seems equally clear that a free press and the internet can play a vital role in fighting corruption. It is therefore critical to protect both.

Action steps:

- The internet can be a vital tool in fighting corruption – the Anti-Corruption Commission cannot fight corruption alone. Because of this the internet needs to be protected.

24 en.rsf.org/press-freedom-index-2011-2012,1043.html

25 www.freedomhouse.org/template.cfm?page=668

- Improve infrastructure to facilitate internet access and to reduce the cost of subscribing to internet service.
- Abolish the Law on the Protection of State Secrets and Documents, or at least amend it to meet international standards and to complement Jordan's FOI act.
- Amend existing legislation and develop new laws to ensure that the right to know is secured. This includes passing laws to ensure the right to access online information.
- Shift defamation laws from criminal defamation to civil defamation. Governmental executive, legislative or judicial institutions should not be protected by criminal laws in the case of defamatory statements related to corruption.
- Lobby against the licensing of online news outlets. This is not in line with international standards and best practices.
- ICT activists need more training in good journalistic practice, especially investigative reporting. Corrupt individuals may win the battle when "citizen journalists" without knowledge of the law fail to back up their accusations with proof. This means that the internet could give corrupt people a window of opportunity to clear themselves of allegations of corruption. ■