

GLOBAL NETWORK
I N I T I A T I V E

ABOUT THE GNI PRINCIPLES ISSUES MEDIA
CONTACT 

JORDAN

PROVISION OF REAL-TIME LAWFUL INTERCEPTION ASSISTANCE

JORDANIAN CONSTITUTION OF 1952



Under article 18 of the Jordanian Constitution of 1952 (as amended), “all postal and telegraphic correspondence, telephonic communications and the other communications means” are regarded as confidential. They may not be lawfully intercepted unless a judicial order has been granted to allow the interception.

Under the Jordanian Constitution, the General Prosecutors of Jordan (who are officials of the Attorney-General’s office) investigate criminal law matters and present the government’s case at court. Their powers relate principally to the investigation and prevention of crime, but also extend to national security matters. All decisions of the General Prosecutors are considered to be judicial orders and as such they have the legal authority to order lawful interceptions.

JORDANIAN CODE OF CRIMINAL PROCEDURE NO. 9 OF 1961 (THE “CRIMINAL PROCEDURE CODE”)

Article 88 of the Criminal Procedure Code sets out the legal grounds on which a General Prosecutor may order the interception of communications. A General Prosecutor has the right to seize letters, control telegraph messages and monitor telephone conversations ‘where it is necessary to reveal the truth’. Although article 88 has not been updated in relation to electronic communications, in Jordan it is generally regarded as also applying to electronic communications.

As part of the investigation of any crime or for the purposes of national security, a law enforcement agency may apply to a General Prosecutor for sanction to intercept communications for the purposes of gaining evi-

dence. There is, however, no specific law setting out the procedure for any application to the General Prosecutor.

TELECOMMUNICATIONS LAW (NO. 13) OF 1995 AS AMENDED (THE “TELECOMMUNICATIONS LAW”)

Under article 12 of the Telecommunications Law, an operator of a public telecommunications network or a provider of public telecommunications services (“Network Operator”) must obtain a licence from the Telecommunications Regulatory Commission (the “Commission”) in order to operate such a network or provide such services (and also to use any radio spectrum frequency required for such operation or use).

Before the licence is granted, a Network Operator must enter into a standard-form licence agreement with the Commission. Article 29 (g) states that this licence agreement must oblige the licensee to offer the necessary facilities to competent parties to implement judicial orders related to the tracing of telecommunications specified in those orders.

Pursuant to article 29(g) of the Telecommunications Law, the standard form licence agreement made available by the Commission contains an obligation on the Network Operator to make its telecommunications facilities reasonably capable and available for competent authorities to implement judicial orders in respect of judicial and national security requirements. Therefore, the facilities for intercepting communications must be in place to allow a law enforcement agency to make the interception if a judicial order permitting it is made by a General Prosecutor.

DISCLOSURE OF COMMUNICATIONS DATA

Although communications data is not explicitly referred to, it is generally accepted in Jordan that the procedure described in paragraphs 1.1 to 1.3 above also allows for a General Prosecutor to make a judicial order for the disclosure of metadata relating to customers’ communications by the operator of a telecommunications network or provider of a public telecommunications service in Jordan.

EMERGENCY POWERS AND NATIONAL SECURITY

As stated in paragraph 1.1, the General Prosecutor has the power to investigate matters which relate to national security. Therefore, the procedures set out in paragraphs 1.1 and 1.2 above are also relevant in relation to national security.

CENSORSHIP RELATED POWERS

POWER TO SHUT DOWN NETWORKS

TELECOMMUNICATIONS LAW (NO. 13) OF 1995 AS AMENDED (THE “TELECOMMUNICATIONS LAW”)

As stated in paragraph 1.3 above, an operator of a public telecommunications network (“Network Operator”) must be licensed by the Telecommunications Regulatory Commission. Clause 9(c) of the standard subscription contract for telecommunications services provides that the Commission may suspend or terminate a Network Operator’s service upon receipt of written notice from the Jordanian security services or a court, the Attorney-General or a General Prosecutor.

BLOCKING OF WEB PAGES OR IP ADDRESSES

PRESS AND PUBLICATIONS LAW NO. 32 OF 1998, AMENDED IN 2012 (THE “PRESS AND PUBLICATIONS LAW”)

There is no specific law providing for the blocking of web pages or IP addresses. However, under articles 12-15 of the Press and Publications Law, news websites must be registered with the Jordanian Press and Publications department (a department of the Jordanian Ministry of Information). The law also states that news websites will be held accountable for any online comments made by their readers, and all online comments must be archived for six months.

In 2013 the Press and Publications department made an order to the Telecommunications Regulatory Commission banning over 300 news websites which had not been registered.



OVERSIGHT OF THESE PROCEDURES

JORDANIAN CODE OF CRIMINAL PROCEDURE NO. 9 OF 1961 (THE “CRIMINAL PROCEDURE CODE”)

Where a General Prosecutor has made a judicial order permitting an interception or providing access to communications data, there is no specific oversight or appeal process available.

However, generally speaking any decision of a General Prosecutor to formally initiate a process of indictment and trial under criminal law must be checked and approved by the Attorney-General, who will decide whether to approve the decision, cancel it or order further investigation to take place to gather more evidence.

Additionally, there is an appeals procedure for some decisions made by General Prosecutors, which may also apply to judicial orders from a General Prosecutor relating to interception or other lawful access to communications. Under article 124 of the Criminal Procedure Code, appeals to decisions by a General Prosecutor may be made within three days of the decision being issued and within three days of the defendant being notified.

PUBLICATION OF LAWS AND AGGREGATE DATA RELATING TO LAWFUL INTERCEPT AND COMMUNICATIONS DATA REQUESTS

Publication of laws

There is no law in Jordan preventing the publication of the laws governing the operators of public telecommunications network or providers of public telecommunications services.

Publication of Aggregate Data

There is no law in Jordan that explicitly prevents the publication of aggregate data in relation to government requests for lawful intercepts and for communications data.

Law stated as at 5 March 2015

This information was originally published by the Telecommunications Industry Dialogue in June of 2015.

OCTOBER 6, 2018 | CATEGORIES: LEGAL FRAMEWORKS

ABOUT THE GLOBAL NETWORK INITIATIVE

LAUNCHED IN 2008, THE GLOBAL NETWORK INITIATIVE OCCUPIES A UNIQUE PLACE IN THE GLOBAL CONVERSATION ABOUT FREEDOM OF EXPRESSION AND PRIVACY IN THE INFORMATION AND COMMUNICATIONS TECHNOLOGY SECTOR. THE GNI IS A MULTI-STAKEHOLDER FORUM THAT BRINGS TOGETHER COMPANIES, CIVIL SOCIETY (INCLUDING HUMAN RIGHTS AND PRESS FREEDOM GROUPS), ACADEMICS AND INVESTORS FROM AROUND THE WORLD TO PROTECT AND ADVANCE FREEDOM OF EXPRESSION AND PRIVACY.

A FULL LIST OF GNI MEMBERS AND OBSERVERS CAN BE FOUND [HERE](#).



Contact • Privacy • Opt-out

Content on this site is licensed under a Creative Commons Attribution-ShareAlike 3.0 License (BY-SA), which allows for sharing and remixing, providing that the work is attributed to the Global Network Initiative. If the content is altered, transformed, or built upon, resulting work must be distributed under the same, similar, or compatible license. The license allows commercial use.

- From time to time, the Global Network Initiative (“GNI”) provides information on this website. In providing any such information, GNI undertakes no obligation to update or otherwise modify that information to ensure that it is complete, up-to-date, or otherwise accurate. No statements, information, or communications on this website are intended to provide, nor should they be construed as GNI providing, any legal advice or legal opinions. GNI specifically notes that the information on this website may not necessarily reflect the current state of the law, or a complete statement of the law, in any particular jurisdiction. Furthermore, the factual information on this website may not be accurate, up-to-date, or complete. You should independently verify relevant facts and legal standards (including by seeking the advice of counsel) before taking any action or refraining to taking