



## JORDAN WHISTLEBLOWING OVERVIEW

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This overview on whistleblowing in Jordan gives a first insight into the situation of whistleblowing in the country and aims to start a discussion on improved protection of whistleblowers.

Transparency International's 2014 Corruption index placed Jordan 55 out of 175 in the world. Despite the presence of efforts to improve the situation for whistle-blowers, there are still risks involved in denouncing corruption.

The fact that abstaining from reporting corruption is criminalized, alongside the need for a more effective implementation of the existing provisions and policies to protect whistle-blowers creates a soft spot, which harms anti-corruption investigations.

A properly enforced legal framework and policies to protect whistle-blowers are a priority, as denoted in the *National Anti-Corruption Strategy (2013-2017)*. The document illustrates the importance of protecting whistle-blowers and the positive effect this would have on detecting corruption, gathering evidence, punishing perpetrators, and recovering the illicit gains of corruption.

## THE RISKS WHISTLEBLOWERS FACE

Despite the attempts of the Jordanian government to protect whistle-blowers, they are still vulnerable to pressure or even physical harm. For example, in 2011 the office of a journalist and one of his staff were physically attacked after having published a news report concerning the referral of an influential individual to a legal investigation of a case of corruption.<sup>1</sup> Another high profile case of retaliation against whistle-blowers and one that has had a lasting effect on the Jordanian population is the “Phosphates” case. Following the testimony of the prosecutor’s two witnesses, the company transferred the company’s fertilizer marketing director and the marketing research director to different job positions within the company. The media spoke out to protect the two employees, but the government failed to address the issue and protect them,<sup>2</sup> and the situation remains as is to this day.

Another alarming trend is the intimidation of whistle-blowers through the media. This is in striking contrast with the penalties foreseen by the law (pecuniary fines and imprisonment) for those who exert pressure or use physical force or any other means of material coercion is used<sup>3</sup>. Penalties are foreseen<sup>4</sup> also for those who reveal information on the identity or location of whistle-blowers, witnesses, informants, or experts.

Nevertheless, whistle-blowers still receive threats of bearing a degree of civil or penal responsibility if they denounce a corruption case. “Pens for hire” can write about the consequences of whistleblowing during an investigation on a case of corruption, putting pressure on potential whistle-blowers and preventing them from going through with their testimonies. The threat is, for example, that they would themselves be prosecuted for covering up the corruption case, and that blowing the whistle would expose them to legal accountability for having covered up the act of corruption from the moment they discovered it in the past.<sup>5</sup>

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<sup>1</sup> [www.sahafi.io/files/29def35492c0582e573fc2adb7355bda53857dde.html](http://www.sahafi.io/files/29def35492c0582e573fc2adb7355bda53857dde.html), <http://hawajordan.net/print.php?nid=7553>, <http://ar.ammannet.net/news/103991/comment-page-1>. The links cover the case in which a number of unknown persons broke into the office of journalist, Jihad Abu Baidar, and attacked an employee there. They threatened to burn the office and shoot the employee if he did not delete the news piece published on his website that reported the beginning of the Anti-Corruption Authority’s investigation into corruption committed by an influential individual.

<sup>2</sup> See links: [www.gerasanews.com/print.php?id=103625](http://www.gerasanews.com/print.php?id=103625), [www.ammonnews.net/article.aspx?articleno=149088](http://www.ammonnews.net/article.aspx?articleno=149088)  
After reporting the actions committed by Phosphate Company, one of the largest companies partially owned by the state, Phosphate sought revenge from its former chairperson of the board of directors, a fugitive from justice, by transferring two of the company’s employees who had helped blow the whistle on the act of corruption. Company management decided to transfer the fertilizer marketing director, Sami Al-Najdawi to the transportation department, while the marketing research director, Nasser Abu Aleem, was transferred to the studies department.

<sup>3</sup> Article (25) of the amended Anti-Corruption Commission Law stipulates the following: *Without prejudice to any harsher penalties stipulated in any other law, whoever assaults a whistle-blower, witness, informant, or expert in retaliation for having reported a corrupt act, or who mistreats, singles out, or prevents that person from reporting the corruption or testifying, is to be punished by imprisonment for a period not to exceed one year. If force or threat of use of weapons or any other means of material coercion is used, the penalty is to be imprisonment of no less than two years, in addition to a fine of no more than ten thousand dinars.*

<sup>4</sup> Article (24) of the amended Anti-Corruption Commission Law stipulates the following: *Anyone who reveals information on the identity or location of whistle-blowers, witnesses, informants, or experts is to be punished by imprisonment for a period of no less than six months and no more than one year along with a fine of no more than ten thousand dinars.*

<sup>5</sup> [www.ammonnews.net/article.aspx?articleno=143960](http://www.ammonnews.net/article.aspx?articleno=143960)

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## CURRENT LEGAL CONTEXT

In 2012, Jordan began to incorporate fundamental modifications to the Anti-Corruption Commission Law to try to comply with international standards, including a number of legal articles to grant protection to witnesses, whistle-blowers, and experts in corruption cases.

As an additional step, Jordan issued the “Law on protecting whistle-blowers, witnesses, informants, corruption case experts, and their relatives and close associates, number (62) of the year 2014”. Based on this law, a special unit was established to enable the protection of whistle-blowers, witnesses, and informants, and to receive requests for protection and evaluate the actual threat and related risks. The unit was designed to handle the requests of whistle-blowers and informants who wish to remain incognito.

Within Jordanian law, there are provisions to protect people up to the fourth degree of kinship to the person requesting protection as a whistle-blower. Other individuals who are closely affiliated with the requester of protection are also covered by law, pending a decision by the Anti-Corruption Commission Board to consider them as such. As for the repentant perpetrator<sup>6</sup>, Jordanian law indicates the importance of providing incentives to contribute to encouraging the perpetrators and partners in corruption to report and reveal acts of corruption. The Anti-Corruption Commission Law stipulates that the perpetrator, partner, intervener, or instigator who presents information, evidence, or data that leads to the recovery of funds gained through corruption is to be exempted from two-thirds of the punishment. The law goes even further to prohibit the prosecution of the aforementioned persons if the information is presented prior to detecting the corrupt act.

Jordanian legislation granted the Anti-Corruption Commission the relevant powers to investigate corruption cases, as well as the authority to disburse cash assistance to whistle-blowers, witnesses, and informants in accordance with a law issued for this purpose. Nevertheless, this law has not yet been issued so execution of this article is suspended for the time being until it is published.<sup>7</sup>

The laws mentioned above also provide compensation for victims for damages incurred as a result of detecting the corrupt act or testifying in a corruption case. If any person who is granted a protection decision is attacked, the Cabinet shall decide, based on the recommendation of the Anti-Corruption Commission Board, the assistance that could be provided to this person and the person's family.<sup>8</sup>

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## DOES THE LAW PROVIDE FOR THE PHYSICAL SECURITY OF WHISTLEBLOWERS?

Yes, Jordan has insitutionalised the physical protection of whistleblowers. The law, ratified in 2014, established a governmental unit that oversees the protection of whistlerblowers and their families.

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<sup>6</sup> Article 27, which was added per Law No. (10) of 2012 to amend the Anti-Corruption Commission and published in Vol. (5151) of the Official Gazette, stipulates the following:

- A. Any person who is a perpetrator, partner, intervener, or instigator in an act of corruption and presents information, evidence, or data that leads to the recovery of funds gained through corruption is to be exempted from two-thirds of the prescribed punishment.
- B. If the information is presented prior to detecting the corrupt act, the persons indicated in paragraph A. of this article are not to be prosecuted.

<sup>7</sup> Article (23-d) of the amended Anti-Corruption Commission Law stipulates the following:

- d. Notwithstanding the contents of any other legislation, the Board may disburse cash assistance to whistle-blowers, witnesses, informants in accordance with the law issued for this purpose.

<sup>8</sup> Article 12 of the Law to protect witnesses and whistle-blowers, mentioned above, stipulates the following:  
If any person who has been granted protection in accordance with the provisions of this regulation is attacked, the Cabinet shall decide, based on the recommendation of the Anti-Corruption Commission Board, the assistance that could be provided to this person and the person's family.

## INSTITUTIONAL FRAMEWORK

Jordanian law outlines the methods that could be used to provide protection, as follows:<sup>9</sup>

1. Provision of protection at their places of residence.
2. Not disclosing any information regarding their identities or locations.
3. Enabling making statements or testifying using modern communication technologies that ensure their safety.
4. Provision of protection in their place of work and guarding them from discrimination or mistreatment.
5. Provision of places of shelter when necessary.
6. Taking any measures or pursuing any action necessary to ensure their safety.

In addition, the law to protect witnesses and whistle-blowers has stipulated the provision of a bodyguard for a whistle-blower who has been granted official protection. This is in cooperation with the Directorate of General Security and related bodies, by:<sup>10</sup>

- a. Concealing his/her name and all personal data, including anything that might indicate his identity, and replace that with symbols or an unidentifiable nickname.
- b. Change his telephone numbers or monitor it if requested.
- c. Change his place of residence or work or both, temporarily or permanently, and provide suitable alternatives according to the circumstances and surrounding conditions.
- d. Take the measures necessary to ensure his safe movement, including attending court hearings and investigations.
- e. Protection of residence and property from any attack.
- f. Provide a 24-hour emergency number that handles requests for help.
- g. Any action or measure approved by the Board.

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<sup>9</sup> See Article (23) of the Anti-Corruption Commission Law, which was added per Law No. (10) of 2012 to amend the Anti-Corruption Commission and published in Vol. (5151) of the Official Gazette.

<sup>10</sup> See Article (10) of the Regulation No. (62) of 2014 to protect whistle-blowers, witnesses, informants, and experts in corruption cases, as well as their relatives and close affiliates.

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## CONCLUSIONS AND RECOMMENDATIONS

- Intensive training of the relevant personnel who receive and examine the protection requests of whistle-blowers. This training will focus on the prevention of the illegal exploitation of protection systems, therefore increasing public trust in institutions.
- Creating an awareness campaign that focuses on the protections provided to whistle-blowers. Highlighting the Jordanian state's continued commitment to providing protection should be central to the campaign. This would contribute to strengthening the bond of confidence between the whistle-blower and the state and encourage others to report acts of corruption and detect the perpetrators.
- Brochures should be prepared regarding the protection of whistle-blowers. They should clearly and simply detail the mechanism for submitting requests and how to handle them. This will ensure the confidentiality of the reporters' personal information and prevent any harm being inflicted on them, their relatives, or close affiliates
- Action should be taken to formulate the regulatory processes for providing cash assistance to whistle-blowers. This will define the mechanism to be used and the conditions necessary for providing cash support to whistle-blowers.

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