

26 July 2017

Dear Special Rapporteur Kaye,

To follow-up on our letter (13 February 2017) on the State of Palestine's draft Law on Cyber Crimes, we want to write to you again in light of the draft becoming law.¹ In our previous communication, we highlighted a few articles which we thought were representative of the overly broad language and penalties in the draft. These articles remain problematic in the new law; accordingly, we focus on the updated text of those articles below. Please note that the below is not an official translation.

Article 16 (draft Article 17): 1. *Anyone who has produced any material that infringes upon public morals, or has arranged, prepared, sent or stored it for the purpose of exploiting, distributing or presenting it to others through the electronic network, an information technology means, or through animated cartoons shall be punished by imprisonment for a period no less than one year, a fine of no less than one thousand Jordanian Dinars and no more than five thousand Jordanian Dinars, or by both penalties.*

2. *Any person who creates a website, an application or an electronic account, or who publishes information on the Internet or on another information technology platform in order to facilitate programs and ideas that infringe upon public morality shall be punished by imprisonment for a period of at least one year or by a fine of no less than one thousand Jordanian Dinars and no more than five thousand Jordanian Dinars or by a combination of both punishments.*

3. *If the act specified in paragraphs 1 and 2 of this Article is directed at a child, this carries a punishment of temporary hard labor for a period of no less than seven years and a fine of no less than five thousand Jordanian Dinars and no more than ten thousand Jordanian Dinars or the equivalent thereof in the legally circulated currency.*

4. *If the content of the act described in paragraph (1) of this article is a child, a child's image, or images simulating a child, the perpetrator shall be punished by temporary hard labor for a period of no less than seven years and by a fine of no less than five thousand Jordanian Dinars and no more than ten thousand Jordanian Dinars or the equivalent in the legally circulated currency.*

Article 20 (draft Article 21): 1. *Anyone who creates or manages a website or an information technology platform that aims to publish news that would endanger the integrity of the Palestinian state, the public order or the internal or external security of the State shall be punished by imprisonment for a period of at least one year or by a fine of no less than one thousand Jordanian Dinars and no more than five thousand Jordanian Dinars or by a combination of both punishments.*

2. *Any person who propagates that news by the any means, including broadcasting or publishing it, shall be sentenced to a maximum of one year in prison, be required to pay a fine of no less than two hundred Jordanian Dinar and no more than one thousand Jordanian Dinars or be subjected to both penalties.*

3. *If the act in paragraphs (1,2) of this article is committed under an emergency status, the prescribed penalty is doubled.*

****Please note that draft Article 21 was on "false news," and the final article is on "news" broadly.**

Article 22 (draft Article 22): *Anyone who creates a website, an application, or an electronic account, or*

publishes information on the Internet or an information technology device with the intent to attack any family principles or values by publishing news, photos, audio or video recordings, whether directly or indirectly, relating to the inviolability of private and family life, even if it is true, in order to defame others and harm them, shall be punished by imprisonment for a period of at least two year or by a fine of no less than three thousand Jordanian Dinars and no more than five thousand Jordanian Dinars or by a combination of both punishments.

****Please note that the penalties are higher in the final article than in draft Article 22.**

Article 21 (draft Article 23): *Anyone who creates a website, an application or an electronic account, or disseminates information on the Internet or an information technology device with the intention to offend or to violate a sacred or religious rite or belief shall be punished by imprisonment for a period of no less than one year or by a fine of no less than two thousand Jordanian Dinars and no more than five thousand Jordanian Dinars or by a combination of both punishments.*

Draft Article 72 was removed.

Article 52 (draft Article 74): *Anyone who participates by way of agreement, incitement, assistance or interference in committing a felony or a misdemeanour punishable under the provisions of this Decree shall be punished by the same penalties as the main perpetrator.*

We also previously highlighted that draft Article 76 appeared to bind the judge to certain penalties. This article became **Article 54** in the law, which states:

1. *Without prejudice to the penalties provided for in this resolution and to the good faith of others, the Court shall issue a decision to confiscate the devices, programs or means used to commit of any of the offenses which fall under the jurisdiction of this resolution at the expense of the owner.*
2. *The court shall issue a decision on how long a business shall remained closed or how long a website shall be blocked that had been involved in a crime.*

Last, although we did not highlight the relevant draft article in our past communication, we would like to highlight **Article 51**, due to its sweeping language. It states: *If any of the offenses set out in this decision by law is committed for the purpose of disturbing public order, endangering the safety and security of the community, endangering the lives of the citizens, preventing or obstructing the exercise of public works by the public authorities or obstructing the provisions of the Constitution, the Basic Law, or with the intention of harming national unity, social peace, contempt of religion or that violate of the rights and freedoms guaranteed by the Constitution or the Basic Law, the penalty shall be hard labor or temporary hard labor.*

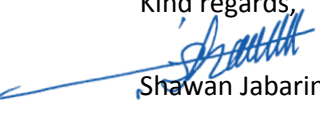
Please note that in June, Al-Haq issued a statement in [English](#) and [Arabic](#) on the blocking of websites which are critical of the Palestinian Authority. These websites remain blocked today. We are including a copy of our February letter on the draft law, and the text of the law (in Arabic).

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Thank you for your time and consideration.

Kind regards,


Shawan Jabarin
General Director