TECHNOLOGY AND COUNTER-TERRORISM:
Mapping the impact of biometric surveillance and social media platforms on civic space

CASE STUDY
JORDAN

Notable uses of biometric technology

In 2016, the Ministry of Interior and the Ministry of ICT mandated the use of a smart national ID card to replace obsolete national identity cards.[1] The ID card incorporates biometric data, such as the ID holder's iris scan and fingerprints, and will be linked to health insurance, social security numbers, people's electronic signatures, voting activity, and other topics.[2] The smart national ID contains sensitive personal biometric data of Jordanians.

If the system is hacked or breached, or the information otherwise shared with third parties, affected people will be permanently harmed; with biometric data, individuals cannot change their data in case of a leak to fix the issue, as one can with a password. There is a risk that such a system would not be restricted to its original purpose, and there is no guarantee that the government would not abuse this system to track down citizens. This would significantly diminish the freedom and privacy of law-abiding citizens. Once put in place, it is exceedingly unlikely that such a system would be restricted to its original purpose; and there is no guarantee that the government would not infringe this system to be able to track down citizens. This would significantly diminish the freedom and privacy of law-abiding citizens. The exposure of data could thus be far more difficult to fix if it is ever used for nefarious purposes. In addition, this makes it easy to track activists and key actors of Jordanian civil society, especially if they participated in a protest or expressed their opinion on political events.

The Jordanian police scan fingerprints, photograph people, and use facial recognition technology. Their rationale for using the technology is that they can easily identify a suspect if an individual commits a crime or is planning to commit one (whether it is terrorism, money laundering, etc). Regionally, Jordan and the U.S. government are

---

1   Goussous, S. (2016, April 12). Authorities to begin releasing smart IDs by mid-May'., Jordan Times. https://jordantimes.com/news/local/authorities-begin-releasing-smart-ids-mid-may

2   Anonymous. (2016, October 2). Smart identification cards project second stage.The Official Site of the Jordanian e-Government. https://staging.jordan.gov.jo/wps/portal/Home/MediaCenter/OtherNews/NewsDetails__en/Smart%20identification%20cards%20project%20second%20stage?lang=en

cooperating on a biometric partnership initiative, in which Jordan presented biometric software and proposed the creation of a biometric database for known and suspected terrorists in the region.

Furthermore, Jordan uses a biometric screening system at airports and borders called the Personal Identification Secure Comparison and Evaluation System (PISCES).[3] The same system is used by several other countries and was provided by the US government. For example, PISCES was deployed in the Maldives on 20 August 2013, replacing the border control system developed and installed by NexBiz of Malaysia.[4] In Pakistan , PISCES was installed in 2020 at seven major airports of the country, e.g. Islamabad, Karachi, Lahore, Peshawar, Quetta, Multan and Faisalabad airports. The system can process information on suspects from all law enforcement agencies like Immigration, Police, Narcotics Control, Anti–smuggling, and Intelligence Services.[5] Queen Alia International Airport in Jordan uses biometric technologies of iris/faces scanned to add a layer of security to prevent any leakage from entering Jordan.[6]

Notable uses of online content moderation and social media surveillance

Jordanian authorities sought to limit protests over austerity policies throughout 2019 by targeting protest leaders, participants, and other critics through harassment and arrest. Most of those detained still face charges today related to social media posts that show them participating in protests or criticising the country's leadership. The Jordanian authorities have accused other activists of "undermining the political regime," which is a terrorism offence under the jurisdiction of the State Security Court.[7]

During the protests opposing austerity measures, broadcasting on Facebook Live was stopped on many occasions, notably during rallies.[8] The government denied involvement for the outages, blaming the problems on a Facebook technical glitch.[9] In July 2020, many

3   Diplomatic Note. (2021, June 16). United States Mission Organization for Security and Cooperation in Europe. Account of measures to prevent and combat terrorism. OSCE Secretariat https://www.osce.org/files/f/documents/a/2/490781.pdf

4   Retween Nohamed Nazim. (2013, August 20). Maldives Defense Minister Col. https://twitter.com/nazim7878/status/369669566265188352

5   Malik, R. (2005, March 3) "Personal Identification Secure Comparison and Evaluation System (PISCES)". Federal Investigation Agency: https://www.fia.gov.pk/prj_pisces.htm

6   ECNL. (2022, August). Mapping the Impact of Biometrics and Online Content Moderation on CIVIC SPACE. ECNL Website. https://ecnl.org/sites/default/files/2022-09/ECNL%20Technology%20and%20counter-terrorism%20paper.pdf

7   Human Rights Watch. (2019, November 28). Jordan: New Arrests of Activists (Targeted for Social Media Criticism, Protests) Human Rights Watch Website. https://www.hrw.org/news/2019/11/28/jordan-new-arrests-activists

8   Anonymous. (2020, July 29). Facebook Live streams restricted in Jordan during Teachers' Syndicate protests - NETBLOCKS: https://netblocks.org/reports/facebook-live-streams-restricted-in-jordan-during-teachers-syndicate-protests-XB7K1xB7

9   Anonymous. (2018, December 2 – Updated 2022, October 31). Jordanian gov denies blocking internet from 4th Circle area during weekend protests. Roya News Website. https://en.royanews.tv/news/16118/Jordanian_gov_denies_blocking_

Internet Service Providers (ISPs) in Jordan restricted Facebook Live video streaming functionality.[10] Regarding the deaths of nine patients at a government hospital in As–Salt, Jordan's Facebook Live streaming services were shut down due to continued anti–government protests.[11]

The main Internet service providers, Zain, Orange, and Umniah, all had live–streaming services which were all of a sudden unavailable.[12] Clubhouse, a platform used by activists, was also blocked[13] by the Jordanian Authorities,[14] which is the only entity that can push to restrict Facebook Live, although these claims are denied by the Telecommunications Regulatory Commission.[15] Moreover, a gag order was also enforced, prohibiting local media from reporting on the events and restricting Internet discourse, which further supports the claim that Facebook Live was restricted by the government.[16]

Relevant laws and legal precedents

Jordan is in the process of passing a new Data Privacy and Protection Bill[17] that will include essential policies based on the European Data Protection Law Review.[18] The regulation aims to grant users control over their information; hence, companies would be unable to get any information from users without informing users that their information is being used. Currently, agreeing to terms of service can be problematic because sometimes companies do not mention where biometric data is being used; others would state that the information provided by the user is fit for publication and the company has the right to use it in future services (which is pretty generic). Another issue is that most users do not diligently read, or misunderstand, the terms of service.[19]

10 Mahasneh, I. (2019, June 12). Jordan: Measuring Facebook live-streaming interference during protests. OONI Online. https://ooni.org/post/jordan-measuring-facebook-interference/

11 Freedom House. (2021). Freedom on the Net 2021. Freedom House Online. https://freedomhouse.org/country/jordan/freedom-net/2021

12 The New Arab Staff (2021, March 16). Facebook Live restricted in Jordan amid protests. The New Arab. https://english.alaraby.co.uk/news/facebook-live-restricted-jordan-amid-protests

13   Freedom House. (2021). Freedom on the Net 2021. Freedom House Online. https://freedomhouse.org/country/jordan/freedom-net/2021

14 Anonymous. (2021, March 25). Jordan bans Clubhouse application. Roya News. https://en.royanews.tv/news/26508/2021-03-25

15 Anonymous. (2019, August 29). Al-Gharaybeh: Banning Facebook is Impossible. New Net. https://new.sahafahn.net/news6126995.html

16   Freedom House. (2021). Freedom on the Net 2021. Freedom House Online. https://freedomhouse.org/country/jordan/freedom-net/2021

17 Jordan News Agency. (2021, December 29). Cabinet approves protection of personal data draft law (2021). Petra News Website. https://petra.gov.jo/Include/InnerPage.jsp?ID=39927&lang=en&name=en_news

18 Van Der Sloot, B. (2022). European Data Protection Law Review EDPL. Lexicon ONLINE, https://edpl.lexxion.eu/

19 Sandle, T. (2020, January 29). Report finds only 1 percent reads 'Terms & Conditions.) Digital Journal. https://www.digitaljournal.com/business/report-finds-only-1-percent-reads-terms-conditions/article/566127

Article 13-2 of the Jordanian Data Privacy and Protection Bill poses strict measures required to protect personal data.[20] Among other rights, the data owner is entitled to compensation in the event of data damage due to the negligence of the party collecting or processing the data (article 21.)

In certain cases, such as personal data, data processed to obtain official statistical data, or in the application of an independent legislative text relating to judicial investigations, terrorism cases, and organised crime, the party responsible for investigations shall notify the personal data protection authority of the purpose of their treatment, and their importance in investigations.[21] If the security authorities use any of the biometric techniques without judicial permission, they cannot rely on these techniques as evidence.[22] In our research, we have not seen that biometric measures have been used as evidence in the Jordanian courts at this time.

Data-sharing between private companies and the state

The Ministry of Transportation collects behavioural biometric data due to a recent regulatory amendment obligating ride-sharing apps like Uber and Careem to share their users' data, trip details, and geolocation.[23] Moreover, judicial and security services have access to the firms' computers and databases, potentially facilitating widespread monitoring of Jordanian residents. In May 2018, the Ministry of Public Transportation published new licensing regulations for "smart transportation applications" (including Uber and Careem).[24] These regulations grant "the Ministry, the security and judicial apparatus full access to the computers, servers and clients data of these companies, as well as a requirement to store the data for three years."[25]

Unique aspects of the local surveillance landscape

Content in Arabic can be unfairly considered as terrorist content and thus removed by social media platforms such as Facebook.[26] Due to an insufficient number of moderators who speak Arabic – despite the fact that is the third most widely spoken language on

20 Jordan News Agency. (2021, December 29). Cabinet approves protection of personal data draft law (2021). Petra News Website. https://petra.gov.jo/Include/InnerPage.jsp?ID=39927&lang=en&name=en_news

21 Jordan Ministry of Digital Economy and Entrepreneurship. The Personal Data Protection Law of 2021. (Article 21). bit.ly/41KgW1N

22 Jordan Ministry of Digital Economy and Entrepreneurship. The Personal Data Protection Law of 2021. (Article 6). bit.ly/41KgW1N

23 Freedom House. (2021). Freedom on the Net 2021. Freedom House Online. https://freedomhouse.org/country/jordan/freedom-net/2021

24 Privacy International. (2019, January 26). State of Privacy Jordan (Transport) - Privacy International: https://privacyinternational.org/state-privacy/1004/state-privacy-jordan

25 Land Transport Organizing Committee. (2017, December 24). Article 5 of the system for organizing passenger transport through the use of smart applications and its modifications. https://www.ltrc.gov.jo/?q=ar/node/224883

26 Sissons, M. (2022, September 22). An Independent Due Diligence Exercise into Meta's Human Rights Impact in Israel and Palestine During the May 2021 Escalation.Meta: https://about.fb.com/news/2022/09human-rights-impact-meta-israel-palestine/

Facebook[27] – there is an over–reliance on automation to flag content that breaches community guidelines[28]

Many Arabic characters have dots. Therefore, to avoid having their content removed, some activists have devised creative strategies like deleting the dots in the Arabic words to avert considering them as blacklisted terms.[29] [30] For example, to avoid content removal of news about the Sheikh Jarrah neighbourhood, activists avoided publishing photographs or videos with blood or dead people; instead, they transformed them into stories from the victims' relatives or videos that recounted the same events but less violently.[31]

27 Anonymous. (2021, October 26). On Facebook, Arabic lost in translation as language gaps sow confusion.The Arab Weekly. https://thearabweekly.com/facebook-arabic-lost-translation-language-gaps-sow-confusion#:~:text=Moreover%2C%20a%20 vast%20vocabulary%20of,with%20millions%20of%20users%20worldwide

28 Gillespie, T. (2020, August 21). Content moderation, AI, and the question of scale. SAGE Journals Online. https://journals. sagepub.com/doi/full/10.1177/2053951720943234

29 Bishara, H. (2021, May 23). People Are Using an Ancient Method of Writing Arabic to Combat AI Censors.Arab America. https://www.arabamerica.com/people-are-using-an-ancient-method-of-writing-arabic-to-combat-ai-censors/

30 Drissner, G. (2021, May 19). Social Media & Palestine: Dotless Arabic outsmarts algorithms. Arabic for Nerds.https://arabic-for-nerds.com/dotless-arabic/

31 Mazahreh, J. (2021, May 31). Arab activists improvise workarounds to sustain their content on social media platforms. Jordan Times. http://jordantimes.com/news/local/arab-activists-improvise-workarounds-sustain-their-content-social-media-platforms