



MENA
Rights
Group

Jordan

List of Issues Prior to Reporting

Report submitted to the United Nations Human Rights Committee in the context of the sixth periodic review of Jordan.

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1 Introduction

This submission focuses on Jordan's obligation to respect the principle of *non-refoulement* in the context of extradition proceedings. These abuses implicate violations of Article 7 the Covenant and touch upon fair trial guarantees enshrined in article 9 and 14 of the ICCPR.

2 Extradition and prohibition of refoulement (article 7)

2.1 Legal framework

2.1.1 Domestic legal framework governing extradition and draft law

At the domestic level, the main legal instrument in force in Jordan is the 1927 extradition law.¹

In 2024, the Jordanian Legislation and Opinion Bureau² introduced a draft law on International Cooperation in Criminal Matters.³ If adopted, the draft law will repeal and replace the 1927 extradition law.⁴

¹ Jordan, *Law on the Extradition of Fugitives No. 160 of 1927*, accessible at: https://menarights.org/sites/default/files/2016-11/JOR_ExtraditionLaw_1927_EN.pdf (in English, accessed 16 December 2024); <https://jordan-lawyer.com/2020/01/19/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%AA%D8%B3%D9%84%D9%8A%D9%85-%D8%A7%D9%84%D9%85%D8%AC%D8%B1%D9%85%D9%8A%D9%86-%D8%A7%D9%84%D9%81%D8%A7%D8%B1%D9%8A%D9%86/> (in Arabic, accessed 16 December 2024).

² The Legislation and Opinion Bureau, established under Bylaw No. (83) for the year 1974, then repealed under Bylaw No. (1) of 1993, is tasked with studying, formulating, proposing and developing draft legislation and providing opinions legal consultations, to ensure consistency, stability and harmony of legislative system in Jordan with State policy in various sectors.

³ See: Jordanian Government website, *The Law of International Cooperation in Criminal Matters*, <https://www.lob.gov.jo/?v=1&lang=ar#!/DraftDetails?DraftID=10744&AddComment=0&PageIndex=4&DraftTitle=%D9%82%D8%A7%D9%86%D9%88%D8%AA%D8%B9%D8%A7%D9%88%D9%86-%D8%A7%D9%84%D8%AF%D9%88%D9%84%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D9%85%D8%B3%D8%A7%D8%A6%D9%84-%D8%A7%D9%84%D8%A7%D9%84%D8%AA%D8%B9%D8%A7%D9%88%D9%86-%D8%A7%D9%84%D8%AF%D9%88%D9%84%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D9%85%D8%B3%D8%A7%D8%A6%D9%84-%D8%A7%D9%84%D8%AC%D8%B2%D8%A7%D8%A6%D9%8A%D8%A9> (accessed 16 December 2024); Tawasal, *The Law of International Cooperation in Criminal Matters*, https://www.tawasal.gov.jo/Consultations/Public/14/%D9%82%D8%A7%D9%86%D9%88%D9%86_%D8%A7%D9%84%D8%AA%D8%B9%D8%A7%D9%88%D9%86_%D8%A7%D9%84%D8%AF%D9%88%D9%84%D9%8A_%D9%81%D9%8A_%D8%A7%D9%84%D9%85%D8%B3%D8%A7%D8%A6%D9%84_%D8%A7%D9%84%D8%AC%D8%B2%D8%A7%D8%A6%D9%8A%D8%A9 (accessed 16 December 2024).

⁴ Draft law on International Cooperation in Criminal Matters, article 61.

According to Mahmoud Ababneh, former president of the Higher Administrative Court and President of the Judicial Council since October 2024, the 1927 extradition law is no longer adequate to regulate current requests for extradition of criminals, and Jordan had therefore mainly relied on bilateral agreements and the 1983 Riyadh Arab Agreement for Judicial Cooperation⁵ (Riyadh Convention).⁶

According to article 30(a)(3) of the draft law, an extradition request shall be rejected if the crime for which extradition is requested is of a political nature. The prohibition of extradition for political offenses is also enshrined in the 1927 extradition law,⁷ as well as in the Riyadh Convention under article 41.

The draft law also introduces a number of new grounds for the prohibition of an extradition, which constitute a positive step towards enhanced safeguards for individuals whose extradition is requested.

For instance, according to article 30(a)(4) of the draft law, an extradition request shall be rejected if it “gives rise to the belief that it has been prepared to prosecute or punish the person on the basis of race, gender, religion, nationality, or for any reason based on discrimination”.

⁵ Council of Arab Ministers of Justice, *Riyadh Arab Agreement for Judicial Cooperation*, 6 April 1983, <https://www.refworld.org/docid/3ae6b38d8.html> (accessed 24 September 2024).

⁶ See: Saraha News, *The “International Criminal Cooperation” law promotes the extradition of criminals and protects the rights of Jordanians*, 8 July 2024, <https://www.sarahanew>

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⁷ According to article 6(a) of the Law on the Extradition of Fugitives No. 160 of 1927, “the fugitive shall not be extradited if the crime requesting his extradition is of a political nature or if proved to the conciliation judge (who brought the criminal thereto), or to the court of appeal or made clear to the Emir that the purpose of the extradition request is to prosecute this criminal or punish him for a political crime”.

Article 30(a)(15) also prohibits the extradition of a person who has been subjected, or may be subjected in the requesting state, to torture, inhuman or degrading treatment, or to harsh punishment disproportionate to the crime.

Regarding the procedure for appeal, according to article 12(1) of the 1927 extradition law, once an extradition request is accepted, the individual can appeal to the Court of Appeal within a period of 15 days, before which he cannot be extradited.

In the 2024 draft law on International Cooperation in Criminal Matters, article 39(a) and (b) foresee that the Public Prosecutor and the person whose extradition is requested have 15 days to appeal the decision issued by the court before the Amman Court of Appeal following the issuance of the decision by the competent court of first instance, and another 15 days following the Court of Appeal's decision to appeal before the Court of Cassation.

Additionally, according to article 13 of the 1927 extradition law, if the arrested individual is not extradited within two months from the date of the arrest, or within two months after the final decision of the court of appeal, the court of appeal can order the arrested individual's release.

In the 2024 draft law on International Cooperation in Criminal Matters, article 38(a) provides that the Public Prosecutor shall issue a decision to refer the extradition request and the person whose extradition is requested to the competent court within one week from the date of the request. Article 38(b) foresees that the court shall consider the extradition request in the presence of the person whose extradition is sought and the representative of the public prosecution, provided that it is decided promptly after hearing the public prosecution and the defense. Article 38(c) provides that if the court decides that the conditions for extradition are met, it shall decide to return the person whose extradition is requested to be arrested if he has been released on bail.

The Human Rights Committee should urge ask the State party to:

- Provide information on the status and legislative process regarding the draft law on International Cooperation in Criminal Matters;
- Could the State party clarify whether a requested person has a right to legal assistance in the current law and in the draft law at each stage of the extradition proceedings, especially if he is subject to extradition proceedings while being deprived of his liberty?
- Could the State party clarify how it intends to articulate the procedural guarantees provided for in the Code of Criminal Procedure and the draft law?
- Under the current legal framework and in the draft law, could the State party clarify whether individuals arrested as part of an extradition proceedings are subject to police custody and, as such, benefit from the applicable provisions of the Code of Criminal Procedure? Are they brought before the public prosecutor before the case is referred to the competent court as provided under the draft law on International Cooperation in Criminal Matters?
- Provide information on the effect of the appeal to an extradition request, both as provided in the 1927 extradition law and as foresees in the draft law on International Cooperation in Criminal Matters, in particular regarding whether it has a suspensive effect;
- Provide clarification on the criteria and procedure for evaluating the “harsh punishment disproportionate to the crime” in the requesting country provided as grounds for the prohibition of an extradition in Article 30(a)(15) of the draft law on International Cooperation in Criminal Matters;

- Provide information on the scope of the notion of torture enshrined in Article 30(a)(15) of the draft law on International Cooperation in Criminal Matters and if the State party intends to add the risk of enforced disappearance as grounds for refusing an extradition request?
- Is the State party considering including the possibility for any wanted individuals to apply for a Pre-Removal Risk Assessment in the draft law on International Cooperation in Criminal Matters.
- Could the State party consider ratifying the first additional protocol opening the way for requests for provisional measures in cases of imminent risk of irreparable harm linked to extradition proceedings?

2.1.2 Regional legal framework

Jordan is a party to the 1983 Riyadh Arab Agreement for Judicial Cooperation⁸ (Riyadh Convention), adopted and endorsed by the Council of Arab Ministers of Justice. This Convention aims to facilitate judicial cooperation between its 18 signatory Arab countries, including Jordan.

The Riyadh Convention contains several exceptions under which extradition cannot be carried out, including if “the crime for which extradition is requested is considered by the laws of the requested party as a crime of a political nature”. Despite this prohibition of extradition for political offences, the assessment of the political nature of the crime is left to the discretion of the requested country.

In addition, the Riyadh Convention excludes a number of offences from being defined as political, notably assaults on kings and presidents as well as robberies committed against individuals or authorities.⁹

Jordan is also a party to the Arab Convention for the Suppression of Terrorism¹⁰ (hereinafter: Arab CT Convention), adopted by the League of Arab States (LAS) in 1998. The definition of terrorism contained in the Arab CT Convention has been criticised for many of its elements being undefined and for generally being too broad.¹¹ It is of notable concern that the simple threat of an act can be constitutive of terrorism.¹² As such, this definition leaves space for wide interpretation and abuse, and can lead to the criminalisation of acts falling under fundamental freedoms protected by international law.¹³

⁸ Council of Arab Ministers of Justice, *Riyadh Arab Agreement for Judicial Cooperation*, 6 April 1983, <https://www.refworld.org/docid/3ae6b38d8.html> (accessed 24 September 2024).

⁹ Article 41 (1) and (3) of the Riyadh Convention.

¹⁰ League of Arab States, *The Arab Convention for the Suppression of Terrorism*, April 1998, <https://www.refworld.org/legal/agreements/las/1998/en/29059> (accessed 23 September 2024).

¹¹ See: MENA Rights Group, *Transnational repression in the MENA: the role of regional organisations engaged in counter-terrorism*, 4 July 2024, <https://menarights.org/en/articles/transnational-repression-mena-role-regional-organisations-engaged-counter-terrorism> (accessed 24 September 2024); Amnesty International, *The Arab Convention for the Suppression of Terrorism: A serious threat to human rights*, 9 January 2002, <https://www.amnesty.org/en/documents/ior51/001/2002/en/> (accessed 24 September 2024).

¹² Article 1 (2) of the Arab CT Convention defines terrorism as “any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeking to sow panic among people, causing fear by harming them, or placing their lives, liberty or security in danger, or seeking to cause damage to the environment or to public or private installations or property or to occupying or seizing them, or seeking to jeopardise a national resource”.

¹³ MENA Rights Group, *Understanding the Arab Interior Ministers' Council and its role in transnational*

Additionally, article 1(3) of the Arab CT Convention defers to LAS Member States' domestic definitions of terrorism to define the scope of terrorism offenses. This is particularly concerning considering the issues arising from Jordan's domestic definition of terrorism,¹⁴ as well as a number of Arab states' domestic CT laws which have been criticised by the former UN Special Rapporteur on CT and human rights for containing similarly problematic definitions of terrorism and for their overall lack of human rights compliance, including in Qatar,¹⁵ Algeria,¹⁶ Saudi Arabia,¹⁷ the UAE,¹⁸ Egypt,¹⁹ Bahrain²⁰ and Tunisia.²¹

Article 5 of the Arab CT Convention foresees the extradition of individuals accused of terrorist offenses to requesting states. Similarly to the Riyadh Convention, article 6(a) of the Arab CT Convention prohibits extradition for political offenses, but article 2(b) excludes attacks on kings, heads of states, crown princes, vice-presidents, heads of government or ministers from being categorised as political offenses.

As such, the restrictive interpretation of political offences found in the Arab CT Convention and the Riyadh Convention allow for transnational repression through the extradition of individuals on political grounds, which is inconsistent with international human rights standards. Of particular concern is that fact that, despite all LAS Member States being parties to the Convention, these Conventions do not refer to the *non-refoulement* obligation enshrined in article 3 of the Convention.

repression, 17 August 2023, <https://menarights.org/en/articles/aimc> (accessed 24 September 2024).

¹⁴ See: MENA Rights Group, Implementing the Convention against Torture: Jordan's fourth periodic review by the CAT, 6 November 2024, <https://menarights.org/en/documents/implementing-convention-against-torture-jordans-fourth-periodic-review-cat> (accessed 19 December 2024), section. 10.1.

¹⁵ Special Procedures, OL QAT 1/2022, 8 February 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27053> (accessed 24 September 2024).

¹⁶ Special Procedures, OL DZA 12/2021, 27 December 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26905> (accessed 24 September 2024).

¹⁷ Special Procedures, OL SAU 12/2020, 17 December 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25726> (accessed 24 September 2024).

¹⁸ Special Procedures, OL ARE 6/2020, 13 November 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25663> (accessed 24 September 2024).

¹⁹ Special Procedures, OL EGY 4/2020, 28 February 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25072%C2%A0%C2%A0> (accessed 24 September 2024).

²⁰ Special Procedures, OL BHR 2/2023, 8 May 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28012> (accessed 24 September 2024).

²¹ Special Procedures, OL TUN 4/2019, 26 August 2019, https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/Legislation/OL_TUN_4_2019.pdf (accessed 24 September 2024).

2.2 The role of the Arab Interior Ministers' Council (AIMC) in facilitating extradition proceedings

2.2.1 The Arab Interior Ministers' Council (AIMC)

The Arab Interior Ministers' Council (AIMC) is a specialised Ministerial Council of the LAS tasked with developing and strengthening cooperation and coordinating efforts between Arab countries in the field of internal security and prevention of crime.²²

Regarding its legal framework, the AIMC finds its legal basis in the Riyadh Convention, which enables the Council to circulate warrants at the request of states parties to the Convention.²³ The AIMC is also charged with monitoring the implementation of the Arab CT Convention.

The AIMC also has Basic Laws, adopted by the LAS in 198. The Basic Laws do not make reference to any human rights standards, nor do they grant individuals the right to file an access request or to demand the removal of arrest warrants diffused against them.²⁴ Similarly, they do not mention standards of procedure regarding the circulation of arrest warrants or human rights standards.

The AIMC can circulate state-requested warrants to LAS Member States, thus facilitating the apprehension and extradition of persons notably wanted on terrorism charges. However, as mentioned above, the domestic CT laws at the basis of these warrants and the regional legal framework governing its operations pose a number of human rights concerns. Targeted individuals do not have the possibility to file access requests or to demand the removal of arrest warrants diffused against them, and there is no oversight mechanism filtering out abuses of its systems.

The responsibility of circulating the warrants lies with the Department of Criminal Prosecution and Data within the General Secretariat.²⁵ In 2016, the Department of Prosecution and

²² MENA Rights Group, *Understanding the Arab Interior Ministers' Council and its role in transnational repression*, 17 August 2023, <https://www.menarights.org/en/articles/aimc> (accessed 25 September 2024).

²³ Article 57 of the Riyadh Convention provides that the contracting parties should “undertake coordination of extradition request procedures” with the “Arab Organisation for Social Defense Against Crime (Arab Criminal Police Bureau), through the liaison offices concerned.” This Arab Bureau of Criminal Police was replaced by the Department of Criminal Prosecution and Data within the General Secretariat of the AIMC through the Resolution No. 667 of the Council dated 13 March 2013.

²⁴ Arab Interior Ministers' Council, *Arab Interior Ministers' Council's Basic Law*, 23 September 1982, <https://www.mohamah.net/law/wp-content/uploads/2017/01/%D9%86%D8%B5-%D9%88-%D9%85%D9%88%D8%A7%D8%A7%D9%84%D8%A3%D8%B3%D8%A7%D8%B3%D9%8A-%D9%84%D9%85%D8%AC%D9%84%D8%B3-%D9%88%D8%B2%D8%B1%D8%A7%D8%A1-%D8%AF%D8%A7%D8%AE%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8.pdf>

(accessed 25 September 2024).

²⁵ This Department is tasked with various counterterrorism functions, including facilitating cooperation

(accessed 25 September 2024).

(accessed 25 September 2024).

(accessed 25 September 2024).

(accessed 25 September 2024).

Criminal Data reportedly issued over a thousand search warrants reported to the AIMC by Member States, including 80 warrants aiming to locate individuals wanted for terrorist acts.²⁶ In 2017, Secretary-General Muhammad bin Ali Koman announced that AIMC had developed a new application introducing an electronic mechanism for generating search warrants in an effort to locate wanted individuals, this streamlined process aiming to minimise the search duration upon data input.²⁷

In order to facilitate the tracking and apprehension of wanted individuals, the General Secretariat reportedly holds a database containing information on individuals wanted for alleged criminal activities across its Member States, including acts of terrorism.²⁸ This database, notably populated with data from Member States, contains wanted individuals' personal information as well as alleged insights into the methodologies employed for acts of terrorism, among other crimes.

The AIMC reportedly established a Legal Committee tasked with reviewing Member States' requests to issue search warrants, assessing their alignment with approved standards and mechanisms, and addressing objections raised against search warrants issued by countries, the individuals being sought, or their legal representatives.²⁹ Although the scope of the Legal Committee's mandate suggests the possibility of an individual's right to challenge an arrest warrant, the actual process for doing so is uncertain and seems to lack accessibility. Further, the composition of this Legal Committee includes representative from Member States, giving rise to apprehensions about the impartiality and independence of its functioning.

While the AIMC's warrant circulation appears similar to the practices of INTERPOL, the Commission for the Control of INTERPOL's Files (CCF) can, at the request of individuals, remove a red notice if found to be in violation of INTERPOL's constitution and rules, it is deleted from the organisation's systems.³⁰ Similarly, the Notices and Diffusions Task Force, an institution established by INTERPOL's Secretary General in 2016, may also unilaterally review red notices on the basis of all available information, including information received from member countries other than the requesting country, and media monitoring.³¹ In the case of the AIMC, should a review mechanism be established, it would be undermined by the lack of reference to human rights standards in the AIMC's basic laws.

among Arab nations to apprehend fugitive terrorists, coordinating the exchange of terrorism-related information between Arab countries, receiving and circulating requests warrants for persons accused or convicted of terrorist offenses, regularly updating and sharing the list of individuals involved in "planning, executing, or financing terrorist acts" with Member States, enriching the General Secretariat's database of terrorist operatives with pertinent data, and making this database accessible to Member States.

²⁶ Okaz, *Secretary of the "Arab Interior Ministers" to "Okaz": A mechanism for issuing "search warrants" against wanted persons soon*, 3 April 2017, <https://www.okaz.com.sa/local/na/1537363> (accessed 24 September 2024).

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ INTERPOL Website, *Commission for the Control of INTERPOL's Files (CCF)*, <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF> (accessed 24 September 2024).

³¹ INTERPOL Website, *Compliance and review*, <https://www.interpol.int/How-we-work/Notices/Compliance-and-review> (accessed 24 September 2024).

In practice, MENA Rights Group has documented the cases of individuals who have faced politically motivated extradition proceedings as a result of the AIMC's circulation of their arrest warrants.³² This documentation demonstrates that the AIMC's systems can be used to put dissidents and persecuted minority members at risk of torture and other human rights violations in the requesting states.

The human rights concerns posed by the AIMC's operations have been highlighted by UN Special Procedures mandate holders in a communication addressed to the LAS,³³ and identified as a key regional issue in the former Special Rapporteur on counter-terrorism and human rights' Global Study on the Impact of counter-terrorism measures on civil society and civic space.³⁴

2.2.2 The role of the AIMC in Jordan

The AIMC, specifically its Department of Criminal Prosecution and Data, can circulate extradition requests through its liaison or communication divisions present in LAS Member States.³⁵ As part of the AIMC's framework, liaison divisions are established within each Member State's Ministry of Interior, to ensure coordination with the AIMC's General Secretariat, specialised offices, and other organs, and cooperation with liaison divisions in other Member States.³⁶

In Jordan, the AIMC liaison division is the Arab and International Police Department, located in Amman.³⁷ This department falls under the Ministry of Interior's Public Security Directorate

³² Among them, Hassan al-Rabea, a member of the Saudi Shi'a religious minority, was deported from Morocco to Saudi Arabia, in violation of the principle of *non-refoulement*. Special Procedures mandate holders have notably highlighted the unlawful character of the extradition proceedings faced by al-Rabea. See: Special Procedures, *UA MAR 1/2023*, 7 February 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27863> (accessed 24 September 2024).

³³ Special Procedures, *OL OTH 71/2023*, 23 June 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28070> (accessed 24 September 2024).

³⁴ Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, *Outcome document of the Middle East And North Africa (MENA) Civil Society Consultation On The Impact Of Counter-Terrorism Measures On Civil Society And Civic Space*, https://defendcivicspace.com/wp-content/uploads/2024/01/SRCT_MENA_OutcomeDocument.pdf (accessed 24 September 2024).

³⁵ Arab Interior Ministers' Council Website, *Organs of the Council of Arab Interior Ministers*, <https://www.aim-council.org/about/council-devices/> (accessed 30 September 2024).

³⁶ See: Ministry of Interior of Saudi Arabia Website, *Contact people of the Council of Arab Interior Ministers*, https://www.moi.gov.sa/wps/portal/departments/moi30!/ut/p/z0/04_Sj9CPykssy0xPLMnMz0vMAfljo8ziDTxNTDwMTYy8_Z2cnQ0cAy1DAnwDwozcXU31gxOL9AuyHRUB1uPJeg!!/p0/IZ7_0i44H142KOBCC0AQ9TPMPV2GU7=CZ6_0i44H142KOBCC0AQ9TPMPV2GE5=MECTX!QCPgeneralQCPgeneralQCAcontentQCAarQCPArabQCAinteriorQCaministersQCAcouncilQCP30thQCAsessionQCPnewsQCParchiveQCPmoiministersnewsws_13-03-2013n_ar=/p0/IZ7_0i44H142KOBCC0AQ9TPMPV2GU5=CZ6_0i44H142KOBCC0AQ9TPMPV2GE5=MECTX!QCPGeneralQCPGeneralQCAContentQCAARQCPArabQCAinteriorQCAMinistersQCACouncilQCP30thQCASessionQCPContactQCADivisionsQCP=// (accessed 18 December 2024).

³⁷ See: Public Security Directorate Website, *Arab and International Police Department / Interpol*, <https://psd.gov.jo/en-us/psd-department-s/arab-and-international-police-department-interpol/> (accessed 25 September 2024).

(PSD).³⁸ Initially, after Jordan became an INTERPOL member country in 1956, the Department was established as the PSD's "Criminal Investigation Department", and served as an INTERPOL National Central Bureau (NCB).³⁹ In 1982, following the establishment of the AIMC, the Criminal Investigation Department was assigned the tasks of Amman Liaison Division of the AIMC, and was renamed "Arab and International Police Department".

The Arab and International Police Department's tasks include circulating warrants and extradition requests issued by the AIMC's Department of Criminal Prosecution and Data.⁴⁰ It is also tasked with circulating INTERPOL red notices.⁴¹

The Arab and International Police Department's role in extradition procedures is codified in the 2024 draft law on International Cooperation in Criminal Matters.⁴²

Specifically, article 36(a) of the draft law provides that if a person's extradition request is circulated by the Arab and International Police Department, before the requested country receives the official file at the basis of the extradition request from the requesting country, the Public Prosecutor may arrest the person whose extradition is requested and place them under a travel for a period not exceeding 30 days starting from the date of arrest. If the requesting country does not provide the relevant file within 30 days, the person shall be released.

According to article 36(b) of the draft law, the Public Prosecutor may also release the person before the end of the 30 day-period while keeping them under a travel ban, and this decision is subject to appeal in accordance with the rules enshrined in the Code of Criminal Procedure.

Article 36(d) allows for the 30-day period to be extended if the requesting party requests an additional period to send the file with reasons justifying the extension, provided that it does not exceed 30 days from the date of its notification.

The Human Rights Committee should urge ask the State party to:

- Provide statistical data on the number of persons extradited on the basis of extradition requests circulated by the Arab and International Police Department;
- Provide statistical data on the number of persons extradited following an extradition request circulated by the AIMC;
- Provide statistical data on the number of appeals that have been introduced to challenge an extradition request circulated by the Arab and International Police Department;
- Provide detailed information on the appeal proceedings that have taken place regarding extradition request circulated by the Arab and International Police Department.

³⁸ See: Public Security Directorate Website, accessible at: <https://psd.gov.jo/en-us/about-us/> (accessed 17 December 2024).

³⁹ See: Interpol Website, *National Central Bureaus (NCBs)*, <https://www.interpol.int/Who-we-are/Member-countries/National-Central-Bureaus-NCBs> (accessed 19 December 2024).

⁴⁰ See: Official website of the Public Security Directorate, *Duties: Arab and International Police Department*, <https://psd.gov.jo/en-us/psd-department-s/arab-and-international-police-department-interpol/duties/> (accessed 25 September 2024).

⁴¹ See: Official website of the Public Security Directorate, *Duties: Arab and International Police Department*, <https://psd.gov.jo/en-us/psd-department-s/arab-and-international-police-department-interpol/duties/> (accessed 25 September 2024).

⁴² This is not the case in the 1927 extradition law, considering that Jordan joined Interpol in 1956 and the AIMC in 1982.

2.3 Extradition in practice: Jordan's *refoulement* of UAE94 member Khalaf al-Romaithi

In May 2023, Jordanian authorities committed a grave violation of the *non-refoulement* principle by extraditing Khalaf Abdul Rahman Abdulla Humaid al-Romaithi, a Turkish and Emirati national and prominent Emirati dissident, to the United Arab Emirates (UAE).⁴³

Khalaf al-Romaithi is a member of the "UAE 94", a group of 94 Emirati scholars, activists, lawyers, doctors, and human rights defenders who were tried in 2013 after signing a petition that asked for democratic reforms in the UAE.⁴⁴

On 2 July 2013, al-Romaithi was convicted *in absentia* to 15 years in prison based on vague national security-related charges by the Federal Supreme Court in Abu Dhabi, following a grossly unfair trial. In 2013, the UN Working Group on Arbitrary Detention issued Opinion No. 60/2013, in which it found that the detention of the 61 individuals convicted in the UAE94 trial was arbitrary.⁴⁵

On 7 May 2023, based on a request by the UAE, he was arrested in Amman airport, Jordan, while he was travelling for a short visit. He was informed that there was an arrest warrant issued by the Arab and International Police Department at the request of the UAE.

The same day, he was brought before a judge, a hearing was set for 21 May 2023, and he was released on bail.

However, the following day, on 8 May 2023, he was arrested in a coffee shop in Amman by four members believed to be from the General Intelligence Directorate who were wearing civilian clothes. They told al-Romaithi that the release decision had been cancelled and that the hearing date had been brought forward to 16 May 2023.

On 9 May 2023, al-Romaithi was able to meet with his lawyer during his court session. The lawyer was surprised that the Public Prosecutor had obtained approval from the judge to cancel the bail, and thus the release decision, hours before his second arrest. On the same day, another session took place and he was transferred to Marka prison immediately after. He was supposed to be detained there until his next session on 16 May 2023.

However, on 10 May 2023, his lawyer discovered that a decision to release al-Romaithi was issued, without any notification. When his lawyer tried to meet with him in Marka prison, the prison's administration asked him to report to the Arab and International Police Department. However, this department refused to give him any information about his whereabouts. The same day, the lawyer was informed by the same judge who issued the release decision that the Public Prosecutor decided to refer al-Romaithi to the governor of Amman, who decided to

⁴³ MENA Rights Group, *Emirati dissident disappears in Jordan, risking forcible return to the UAE*, 16 May 2023, <https://menarights.org/en/case/khalaf-abdul-rahman-abdulla-humaid-al-romaithi> (accessed 24 September 2024).

⁴⁴ MENA Rights Group, *United Arab Emirates: Free members of UAE94 and other prisoners of conscience*, 1 July 2022, <https://menarights.org/en/articles/united-arab-emirates-free-members-uae94-and-other-prisoners-conscience> (accessed 23 September 2024).

⁴⁵ Working Group on Arbitrary Detention, *No. 60/2013 (United Arab Emirates)*, 9 September 2013, UN Doc. A/HRC/WGAD/2013/60, <https://documents.un.org/doc/undoc/gen/g14/131/83/pdf/g1413183.pdf> (accessed 24 September 2024).

deport him outside of the country. He did not specify where he was deported, and whether it was to Turkey or the UAE.

On 12 May 2023, al-Romaithi's family was informed informally by a Turkish official that he had been extradited to the UAE.

Al-Romaithi remains forcibly disappeared since 9 May 2023, when his lawyer last saw him.

Emirati state media claimed al-Romaithi is a 'terrorist' charged with the creation and establishment of a secret organisation affiliated with the terrorist Muslim Brotherhood.⁴⁶

On 15 May 2023, MENA Rights Group submitted an urgent appeal to the UN Working Group on Enforced or Involuntary Disappearances, urging them to intervene with Jordanian and Emirati authorities to clarify al-Romaithi's fate and whereabouts. On 22 June 2023, the Emirati authorities responded saying that al-Romaithi was being detained in a "prison facility in Abu Dhabi".

It was later reported that he was one of the defendants tried in the UAE84 trial, which began in December 2023. Those on trial included prominent activists and dissidents already serving long prison sentences based on abusive charges, including Ahmed Mansoor, a prominent human rights defender, and Nasser bin Ghaith, an academic, as well as those convicted following the aforementioned UAE94 mass trial of 2013.⁴⁷ On 10 July 2024, the Abu Dhabi Federal Appeals Court meted out sentences ranging from between 15 years to life in prison in the UAE's second largest unfair mass trial. It is not clear what sentence was handed down to al-Romaithi.

In light of the above observations, it is clear that al-Romaithi was extradited on the basis of a political offense, in violation of article 41(a) of the Riyadh Convention and 6(a) of the 1927 extradition law.

Al-Romaithi's extradition took place outside any judicial process, and only five days after his arrest, in violation of 1927 extradition law.⁴⁸

The Human Rights Committee should urge ask the State party to:

- Provide information on whether the Jordanian authorities intend to provide remedies, including reparation and guarantees of non-repetition, to individuals such as Khalaf al-Romaithi, who were extradited in violation of the principle of *non-refoulement*.
- Does the State party intend to revise judicial cooperation agreements with States where flagrant human rights violations are committed in order to prevent violations of the principle of non-refoulement and avoid any involvement in acts amounting to transnational repression?

⁴⁶ WAM News, *UAE extradites wanted terrorist from Jordan*, 17 May 2023, <https://www.wam.ae/ar/details/1395303158862> (accessed 24 September 2024).

⁴⁷ Human Rights Watch, *UAE: Unfair Trial of Rights Defenders*, 29 April 2024, <https://www.hrw.org/news/2024/04/29/uae-unfair-trial-rights-defenders> (accessed 30 September 2024).

⁴⁸ See article 12(1) of the 1927 extradition law, which provides that once a conciliation judge orders the arrest of an individual whose extradition has been requested, the individual can appeal to the Court of Appeal within a period of 15 days, before which he cannot be extradited.

MENA Rights Group is a Geneva-based legal advocacy NGO defending and promoting fundamental rights and freedoms in the Middle East and North Africa (MENA) region. Adopting a holistic approach, we work at both the individual and structural level. We represent victims of human rights violations before international law mechanisms. In order to ensure the non-repetition of these violations, we identify patterns and root causes of violations on the ground and bring key issues to the attention of relevant stakeholders to call for legal and policy reform.