



British Embassy -  
Amman

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British Embassy -  
Amman

**Abdoun**  
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**Jordan**

10 August 2005

HE Mr Awni Yervas  
Minister of Interior  
Amman

Today we have signed a Memorandum of Understanding (MOU) on behalf of our two Governments regulating the provision of undertakings in respect of persons prior to deportation. Signature of the MOU reflects the British Government's strong wish to strengthen co-operation with the Government of Jordan to counter the threat of international terrorism. The content of the MOU also reflects the British Government's intention to respect its international and domestic human rights obligations and responsibilities and Jordanian law and sovereignty.

During our discussions on the MOU we agreed that it would be right to exchange letters on the use of the death penalty on which, for constitutional reasons, the Government of Jordan has been unable to give an undertaking in the MOU itself. This letter, and the Government of Jordan's formal response to it, set out the joint understanding of our two Governments on this issue.

The British Government is opposed to the use of the death penalty in all circumstances. We would not return a person to Jordan if that person faced significant risk of the death penalty on return. If a person returned to Jordan is, at any time after his return, subsequently sentenced to death, the British Government would consider asking the Jordanian Government to commute the sentence.



The Government of Jordan has indicated that it would be open to the Government of Jordan to give a specific assurance in relation to a particular case. Such specific assurances being sought by either Government is recognised in the MOU itself (7<sup>th</sup> paragraph under application and scope). The British Government records here that it may well seek a specific assurance on this issue in relation to particular cases.

In our discussions, both Governments have recognised the vital importance of appointing independent bodies capable of monitoring the execution of the undertakings given under the MOU, including any specific assurances given in particular cases. Our discussions continue on the identity and specific terms of reference of these bodies.

The MOU requires the two Governments to consult closely on the circumstances and identity of those who might be subject to its provisions. The British Government attaches considerable importance to maximum transparency and timely consultation. The MOU also provides for the two Governments to seek assurances specific to individual cases, in addition to the issue of the death penalty described in this letter. The British Government considers this provision an important means of meeting the counter-terrorism and human rights objectives which underpin the MOU.

Pat Phillips  
Chargé d'Affaires a.i.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE HASHEMITE KINGDOM OF JORDAN REGULATING THE PROVISION OF UNDERTAKINGS IN RESPECT OF SPECIFIED PERSONS PRIOR TO DEPORTATION**

**Application and Scope**

This arrangement will apply to any person accepted by the receiving state for admission to its territory following a written request by the sending state under the terms of this arrangement.

Such a request may be made in respect of any citizen of the receiving state who is to be returned to that country by the sending state on the grounds that he is not entitled, or is no longer entitled, to remain in the sending state according to the immigration laws of that state.

Requests under this arrangement will be submitted in writing either by the British Embassy in Amman to the Ministry of the Interior or by the Jordanian Embassy in London to the Home Office. Where a request is made under the terms of this arrangement, the department to which it is made will acknowledge receipt of the request within 5 working days.

A response to a request under the terms of this arrangement may be given verbally, but must be confirmed in writing within 14 days by the Home Secretary, in the case of a request made to the United Kingdom, or by the Minister of Interior in the case of a request made to the Hashemite Kingdom of Jordan before any return can take place.

To enable a decision to be made on whether or not to return a person under this arrangement, the receiving state will inform the sending state of any penalties outstanding against the subject of a request, and of any outstanding convictions or criminal charges pending against him and the penalties which could be imposed.

Requests under this arrangement may include requests for further specific assurances by the receiving state if appropriate in an individual case.

**Understandings**

It is understood that the authorities of the United Kingdom and of Jordan will comply with their human rights obligations under international law regarding a person returned under this arrangement. Where someone has been accepted under the terms of this arrangement, the conditions set out in the following paragraphs (numbered 1-8) will apply, together with any further specific assurances provided by the receiving state.



1. If arrested, detained or imprisoned following his return, a returned person will be afforded adequate accommodation, nourishment, and medical treatment, and will be treated in a humane and proper manner, in accordance with internationally accepted standards.

2. A returned person who is arrested or detained will be brought promptly before a judge or other officer authorised by law to exercise judicial power in order that the lawfulness of his detention may be decided.

3. A returned person who is arrested or detained will be informed promptly by the authorities of the receiving state of the reasons for his arrest or detention, and of any charge against him.

4. If the returned person is arrested, detained or imprisoned within 3 years of the date of his return, he will be entitled to contact, and then have prompt and regular visits from the representative of an independent body nominated jointly by the UK and Jordanian authorities. Such visits will be permitted at least once a fortnight, and whether or not the returned person has been convicted, and will include the opportunity for private interviews with the returned person. The nominated body will give a report of its visits to the authorities of the sending state.

5. Except where the returned person is arrested, detained or imprisoned, the receiving state will not impede, limit, restrict or otherwise prevent access by a returned person to the consular posts of the sending state during normal working hours. However, the receiving state is not obliged to facilitate such access by providing transport free of charge or at discounted rates.

6. A returned person will be allowed to follow his religious observance following his return, including while under arrest, or while detained or imprisoned.

7. A returned person who is charged with an offence following his return will receive a fair and public hearing without undue delay by a competent, independent and impartial tribunal established by law. Judgment will be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

8. A returned person who is charged with an offence following his return will be allowed adequate time and facilities to prepare his defence, and will be permitted to examine or have examined the witnesses against him and to call and have examined witnesses on his behalf. He will be allowed to defend himself in person or through legal assistance of his own choosing, or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require.

**Withdrawal**

Either government may withdraw from this arrangement by giving 6 months notice in writing to the Embassy of the other government.

Where one or other government withdraws from the arrangement, the terms of this arrangement will continue to apply to anyone who has been returned in accordance with its provisions.

**Signature**

This Memorandum of Understanding represents the understandings reached between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Hashemite Kingdom of Jordan upon the matters referred to therein.

Signed in duplicate at Amman on 10 August 2005 in the English and Arabic languages, both texts having equal validity

Pat Phillips

**For the Government of the  
United Kingdom of Great Britain  
and Northern Ireland**

10 August 2005

**For the Government of the  
Hashemite Kingdom of Jordan**



Handwritten signature in Arabic script, likely belonging to a representative of the Hashemite Kingdom of Jordan.