

From: s22(1)(a)(ii)
To: s22(1)(a)(ii)
Subject: Draft Estimates brief - Tamimi [SEC=OFFICIAL]
Date: Thursday, 25 February 2021 4:40:42 PM
Attachments: [Ahlam Tamimi - FAS MAD brief Estimates - Mar 2021.docx](#)

OFFICIAL

Hi s22(1)(a)(ii)

Hope you're both well. I've drafted an Estimates brief for Angela on Ahlam Tamimi.

Would you be able to have a look at the table of Post's engagement with US Embassy/Jordanian Govt – to ensure the meetings and dates are accurately reflected?

If you could review by OOB Tuesday 2 Feb (Canberra time), that would be great but let me know if this isn't possible.

Thanks
s22(1)(a)(ii)

Policy Officer | Levant Section
Middle East and Africa Division
Phone s22(1)(a)(ii)

Ahlam Tamimi: US extradition request to Jordan

Timeline of key events

Date	Event
9 August 2001	Suicide bombing at Sbarro restaurant in Jerusalem
October 2011	Tamimi released from Israeli prison in Gilad Schalit prisoner exchange with Hamas, after serving 8 years
15 July 2013	US court issues (sealed) indictment against Tamimi
4 December 2016	Amman Court of Appeal rules that Tamimi is not extraditable due to the absence of an enforceable extradition treaty between Jordan and the US
14 March 2017	US Government unsealed its indictment against Tamimi and sought her extradition
20 March 2017	Jordan Court of Cassation upheld Amman Court of Appeals decision

Australia's position and representations

- . The Australian Government is appalled by all acts of terrorism, including the 2001 suicide bombing that killed an Australian citizen, Malki Roth, and 14 other civilians in Jerusalem.
- . DFAT is aware that the US is seeking to extradite from Jordan Ms Ahlam Tamimi, who was convicted, and served time in prison in Israel, for assisting and instructing the perpetrator of the 2001 bombing.
- . Australian officials, including our Ambassador to Jordan, have raised on numerous occasions with both the US Embassy in Amman and the Jordanian Government our desire to see justice served for Ms Roth's murder
 - DFAT will continue to monitor the case closely.
- . The extradition request is a matter between the governments of Jordan and the United States.

s33(a)(iii)

s33(a)(iii)

Australia-Jordan Extradition Treaty

- . Australia and Jordan signed the Extradition Treaty on 24 April 2017
 - Jordan advised Australia in February 2018 that it had completed its domestic requirements to bring the Extradition Treaty into force
 - the Australian Government is progressing domestic implementation.

Refer to the Attorney-General's Department on any further questions.

Background

Ms Ahlam Aref Ahmad al-Tamimi (Tamimi), a Palestinian-Jordanian, was sentenced in Israel to 16 consecutive life sentences for assisting and instructing the perpetrator of a 2001 terrorist attack in Jerusalem that killed Australian/Israeli/US citizen, Malki Roth. Tamimi was released as part of the 2011 Gilat Shalit prisoner exchange (an agreement between Israel and Hamas to release Israeli soldier Gilat Shalit in exchange for over 1,000 prisoners). She now resides in Jordan and has maintained a public profile as a journalist.

s22(1)(a)(ii)

s22(1)(a)(ii)

. On 8 January 2021 Foreign Minister Payne
, s33(a)(iii) + s47E(d)

The US and Jordan signed an extradition treaty in 1995. The US views this treaty as in force but Jordan's Court of Cassation (its highest court) found that the treaty had not been ratified by the Jordanian Parliament and therefore could not be relied upon for the extradition. s33(a)(iii) + 33(b)

s22(1)(a)(ii)

From: s22(1)(a)(ii) @dfat.gov.au>
Sent: Thursday, 24 September 2020 10:52 AM
To: s22(1)(a)(ii) @dfat.gov.au>; s22(1)(a)(ii) @dfat.gov.au>
Cc: s22(1)(a)(ii) @dfat.gov.au>
Subject: For comment: Malki Roth case s22(1)(a)(ii) [REDACTED]

[REDACTED]

Hi s22(1)(a)(ii)

As foreshadowed, we'd appreciate your comments on the attached documents regarding the Malki Roth case (LGD has been consulted)

- 1) Draft minsub outlining the key issues and positions on the US extradition request
- 2) s22(1)(a)(ii)
- 3) Draft FM letter to the Jordanian FM

Grateful for your comments **overnight** if possible, so we can clear it through AS MEB tomorrow.

Thanks very much
s22(1)(a)(ii)

Policy Officer | Levant Section
Middle East and Africa Division
Phone s22(1)(a)(ii)

s22(1)(a)(ii)

From: Bernard Lynch <Bernard.Lynch@dfat.gov.au>
Sent: Tuesday, 19 January 2021 3:06 AM
To: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Cc: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Subject: RE: Ahlam Tamimi/US extradition request - representations [REDACTED]

s22(1)(a)(ii)

We have a request in for me to meet the Justice Minister.

s22(1)(a)(ii)

Bernard

From: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Sent: Friday, 15 January 2021 6:18 AM
To: Bernard Lynch <Bernard.Lynch@dfat.gov.au>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Cc: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Subject: Ahlam Tamimi/US extradition request - representations [REDACTED]

Hi Bernard s22(1)(a)(ii)

s22(1)(a)(ii)

The FM has signed our minsub regarding Ahlam Tamimi and the US extradition request to Jordan – please see attached. The QoN on the same issue was also approved earlier this week – I’ve attached this for your awareness.

s33(a)(iii) + s47E(d)

FYI, we’ve seen a small uptick in attention on this issue, including a media inquiry last week, some corro and this article from December if you haven’t already seen it: [Australia has a role to play in seeking justice for murdered teen | The Canberra Times | Canberra, ACT](#)

Kind regards
s22(1)(a)(ii)

s22(1)(a)(ii)

Policy Officer | Levant Section
Middle East and Africa Division
Phone s22(1)(a)(ii)

From: s22(1)(a)(ii)
To: s22(1)(a)(ii)
Cc: s22(1)(a)(ii); [Miles Armitage](#)
Subject: RE: For comment: Malki Roth case correspondence [REDACTED]
Date: Friday, 25 September 2020 1:01:47 AM

[REDACTED]

s22(1)(a)(ii)

thank you for seeking our views on the draft minsub and recommended correspondence about the Malki Roth case and the Tamimi extradition request.

s47E(d) + s47C

. s33(b)

s47C + s47E(d)

s33(b)

Post has some views about the broader context within which your recommended approach sits. HOM will likely discuss these with Benjamin Hayes.

Best,

s22(1)(a)(ii)

s22(1)(a)(ii) - duplicate

s22(1)(a)(ii) - duplicate

s22(1)(a)(ii)

From: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Sent: Wednesday, 25 November 2020 6:56 PM
To: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Cc: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Subject: RE: For comment: mincorr on Tamimi [SEC=OFFICIAL]

OFFICIAL

Hi s22(1)(a)(ii) ,

thanks for consulting post. Your draft response looks fine, s22(1)(a)(ii)

s22(1)(a)(ii)

Cheers,
s22(1)(a)(ii)

From: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Sent: Wednesday, 25 November 2020 7:35 AM
To: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Cc: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Subject: For comment: mincorr on Tamimi [SEC=OFFICIAL]

OFFICIAL

Hi s22(1)(a)(ii)

We have some mincorr on the Malki Roth/Tamimi issue, s22(1)(a)(ii)
We wanted to give you the opportunity to have a look at
our draft departmental response.

We'd be grateful for any comments/suggestions by OOB Monday 30 Nov.

Thank you!
s22(1)(a)(ii)

Policy Officer | Levant Section
Middle East and Africa Division
Phone s22(1)(a)(ii)

From: [Miles Armitage](#)
To: s22(1)(a)(ii)
Cc: s22(1)(a)(ii)
Subject: RE: For comment: revised Malki Roth minsub s22(1)(a)(ii) [REDACTED]
Date: Wednesday, 30 September 2020 2:10:15 AM
Attachments: [Draft minsub on Roth case - US extradition request to Jordan \(ASMEB\).docx](#)
s22(1)(a)(ii)

[REDACTED]

Dear s22(1)(a)(ii)

Many thanks for the opportunity to have a final look at the draft minsub s22(1)(a)(ii) We have done so s22(1)(a)(ii) has had further conversations with s33(b)

I have made some further comments and suggestions, which as ever I am happy to discuss.

Kind regards

Miles

From: s22(1)(a)(ii) @dfat.gov.au>
Sent: Monday, 28 September 2020 10:20 AM
To: Armitage, Miles <Miles.Armitage@dfat.gov.au>; s22(1)(a)(ii) s22(1)(a)(ii) @dfat.gov.au>; s22(1)(a)(ii) @dfat.gov.au>
Cc: s22(1)(a)(ii) @dfat.gov.au>
Subject: For comment: revised Malki Roth minsub s22(1)(a)(ii) [REDACTED]

[REDACTED]

Hi all

Many thanks for your input into our minsub on the US extradition request to Jordan s22(1)(a)(ii) s22(1)(a)(ii) . Attached is a revised version cleared by AS MEB, incorporating Post's additional comments.

Would welcome any further feedback by Wednesday if possible s47E(d)

Let me know if you have any questions.

Kind regards
s22(1)(a)(ii)

Policy Officer | Levant Section
Middle East and Africa Division
Phone s22(1)(a)(ii)

From: s22(1)(a)(ii)
To: s22(1)(a)(ii)
Cc: s22(1)(a)(ii)
Subject: Re: Ministerial correspondence - s22(1)(a)(ii) re Tamimi [REDACTED]
Date: Tuesday, 15 September 2020 5:44:57 PM

Thanks s22(1)(a)(ii) [REDACTED]

Nothing further from me s47E(d)

s22(1)(a)(ii)

From: s22(1)(a)(ii) <[\[REDACTED\]@dfat.gov.au](mailto:[REDACTED]@dfat.gov.au)>
Date: Tuesday, September 15, 2020 at 10:36:31 AM
To: "s22(1)(a)(ii)" <[\[REDACTED\]@dfat.gov.au](mailto:[REDACTED]@dfat.gov.au)>
Cc: "s22(1)(a)(ii)" <[\[REDACTED\]@dfat.gov.au](mailto:[REDACTED]@dfat.gov.au)>
Subject: RE: Ministerial correspondence - s22(1)(a)(ii) re Tamimi [REDACTED]

Thanks s22(1)(a)(ii) [REDACTED]. Just to confirm – s22(1)(a)(ii)
no other specific amendments from you?

Thanks
s22(1)(a)(ii)

From: s22(1)(a)(ii) <[\[REDACTED\]@dfat.gov.au](mailto:[REDACTED]@dfat.gov.au)>
Sent: Tuesday, 15 September 2020 5:15 PM
To: s22(1)(a)(ii) <[\[REDACTED\]@dfat.gov.au](mailto:[REDACTED]@dfat.gov.au)>
Cc: s22(1)(a)(ii) <[\[REDACTED\]@dfat.gov.au](mailto:[REDACTED]@dfat.gov.au)>
Subject: RE: Ministerial correspondence - s22(1)(a)(ii) re Tamimi [REDACTED]

Hi s22(1)(a)(ii) [REDACTED]

thanks for your email.

We've had a look at the incoming correspondence and draft response. s22(1)(a)(ii)

s33(a)(iii) + s33(b)

s33(a)(iii) + s33(b)

s22(1)(a)(ii)

Best,
s22(1)(a)(ii)

s22(1)(a)(ii)

From: s22(1)(a)(ii)
To:
Subject: RE: PQ20-000052 [SEC=OFFICIAL]
Date: Thursday, 12 November 2020 11:10:20 AM

s22(1)(a)(ii)
Thanks

OFFICIAL

From: s22(1)(a)(ii) @dfat.gov.au>
Sent: Wednesday, 11 November 2020 8:22 PM
To: s22(1)(a)(ii) @dfat.gov.au>
Subject: RE: PQ20-000052 [SEC=OFFICIAL]

s22(1)(a)(ii)
Hi

OFFICIAL

I think the original court documents might be publically available, but the documents I sent were translations done s33(a)(iii) .

Cheers,
s22(1)(a)(ii)

From: s22(1)(a)(ii) @dfat.gov.au>
Sent: Wednesday, 11 November 2020 4:53 PM
To: s22(1)(a)(ii) @dfat.gov.au>
Subject: RE: PQ20-000052 [SEC=OFFICIAL]

Thanks s22(1)(a)(ii)

OFFICIAL

A quick question. Are the court documents you sent through publically available?

Regards
s22(1)(a)(ii)

s33(b)

s33(b)

From: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Date: Tuesday, November 10, 2020 at 12:10:55 AM
To: "s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>, s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Cc: "Armitage, Miles" <Miles.Armitage@dfat.gov.au>, s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Subject: RE: PQ20-000052 [SEC=OFFICIAL]

OFFICIAL

Morning s22(1)(a)(ii) ,

Many thanks for your speedy work on the PQ, much appreciated.

I will confirm some of these responses with LGD/AGD.

s47C

Cheers
s22(1)(a)(ii)

Levant Section | Middle East Branch
Department of Foreign Affairs and Trade
Phone s22(1)(a)(ii)

From: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Sent: Tuesday, 10 November 2020 6:17 AM
To: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Cc: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; Miles Armitage <Miles.Armitage@dfat.gov.au>
Subject: Re: PQ20-000052 [SEC=OFFICIAL]

OFFICIAL

s22(1)(a)(ii)

s22(1)(a)(ii) has done some digging, see attached records of court decisions and see also s47E(d)

We provide the highlighted comments below against your draft answers. With regard to the response to question 7, s33(b)

s33(b)

Senator the Hon. Eric Abetz: asked the Minister for Foreign Affairs on 5 November 2020

1. Is the Department of Foreign Affairs and Trade (DFAT) aware that an individual, Ahlam Tamimi, who organized the killing of an Australian national, Malki Roth, is living in freedom in Jordan and this individual regularly boasts about her role in this act.

- DFAT is aware of Ahlam Tamimi, who was convicted and served time in prison in Israel for assisting and instructing the perpetrator of a 2001 terrorist attack in Jerusalem that killed Malki Roth

2. In its contacts with Jordanian officials, do Australian officials regularly note our concern that Ahlam Tamimi is feted in Jordan because of her role in killing 15 people in Jerusalem, including an Australian national.

- Australian officials have raised the case with Jordanian officials

3. Has DFAT ever noted our concern with Jordan; if not, why not and will it do so in the future.

- Australian officials have raised the case with Jordanian officials

4. With reference to Jordan and extradition treaties:

a. in April 2017, Australia and Jordan signed an extradition treaty, has it been ratified by Jordan;

s47C

b. has Jordan claimed that it had not ratified its extradition treaty with the United States of America (US) and refuses to extradite the killer of a US citizen;

s47C

c. has Jordan ratified its extradition treaty with the US;

s47C

d. when does the US claim it received the instrument of ratification from Jordan; and

s47C

e. what is Australia's interpretation of the efficacy of the extradition treaty.

s47C

5. The US has requested the extradition of Ahlam Tamimi, a woman who is on America's most wanted list:

a. does DFAT support the extradition request of Ahlam Tamimi who orchestrated the killing of an Australian national;

- Australia is not a party to the legal process (confirm LGD)

b. has it expressed its views to its US colleagues; if so, when; and

- Australian officials have raised the case with US officials, most recently in September 2020.

c. if not, will it do so in the future.

s47C

6. Can DFAT confirm that on 20 March 2017, Jordan's Court of Cassation upheld an earlier decision by the Amman Court of Appeals, that Ahlam Tamimi should not be extradited to the US.

- Yes.

7. Can DFAT report the date of the Amman Court of Appeals decision, and the reason in that decision, that it wouldn't extradite Ahlam Tamimi to the US.

- s47C

s22(1)(a)(ii) - duplicate

s22(1)(a)(ii) - duplicate

Jordanian Cassation Court

Capacity: Penal

Case Number: 757/2017

The Hashemite Kingdom of Jordan

Ministry of Justice

The Decision

Issued by the Court of Cassation authorized to carry out the trial and issue a verdict on behalf of the King of the Hashemite Kingdom of Jordan, **His Majesty Abdallah Bin-al-Husayn II**

The ruling body headed by Judge Mr. Muhammad Ibrahim and the member judges, sirs Naji al-Zu'bi, Yasin al-'Abd-al-Lat, Dr. Muhammad al-Tarawnah, Basim al-Mabyadayn

Appellant:

Assistant Public Prosecutor / Amman

Appellee:

Ahlam 'Arif Ahmad al-Tamimi

On the date of 15 February 2017, the appellant presented this cassation to contest the decision issued by Amman Court of Appeal in the case numbered 48587/2016 and dated 4 December 2016 consisting of: (overturning the appeal and supporting the appealed decision).

Requesting the acceptance of the cassation in form and in substance and the revocation of the contested decision for the following reason:-

((The decision was issued in violation of the law and due process given that the extradition request is in accordance with the extradition law and the agreement is applicable)).

The assistant of the public prosecution presented a written notice in which he requested the acceptance of the cassation in form and in substance and the revocation of the contested decision.

A.S.G 17-757

Continued

- 2 -

The Decision

After examination and deliberation, we find that the fact of the request is summarized in the fact that the magistrate of Amman Penal Mediation Court was handed a document number 6736/3297/94 issued by the Arab and International Criminal Police Department on the date of 6 September 2016, requesting the extradition of the Jordanian citizen Ahlam 'Arif Ahmad al-Tamimi to the United States authorities on the charges of using weapons of mass destruction against an American citizen and that an international red notice was issued against her.

Amman Penal Mediation Court has determined in its decision number (16685/2016) regarding a fugitive offender on the date of 23 October 2016 considering that the conditions of extradition relating to the recipient of the request of extradition, Ahlam 'Arif Ahmad, are not available.

The Assistant Public Prosecutor did not accept this decision and contested it through an appeal. Hence, Amman Court of Appeal issued its decision number (48587/2016) dated 4 December 2016, dismissed the appeal, and supported the appealed decision.

The decision referred to has not been accepted by the Assistant Public Prosecutor, who contested it for the two reasons on the list of cassation submitted on the date of 12 February 2017 within the legal period.

On the date of 15 March 2017, the Assistant Public Prosecutor presented a written notice in which he made a request to accept the cassation in form and in substance, revoke the appealed decision, and apply the legal requirement.

And about the two reasons for cassation: -

They seek to raise that the Court of Appeal has made a mistake in the conclusion it had reached and to investigate whether the conditions of extradition are available against the appellee or not.

And in this, we find that the recipient of the extradition-the appellee- is a Jordanian citizen, that the party requesting the extradition is the United States of America, and that the two countries, the Hashemite Kingdom of Jordan and the United States, have signed a mutual treaty on 28 March 1995 regarding the extradition of fugitive offenders. **In addition, despite the fact that this treaty has been signed, it has not been approved by the Jordanian Parliament as mandated by the constitution.**

A.S.G 17-757

Continued

- 3 -

Hence, the treaty is not enforceable and its application is not authorized. As a result, extradition requests are not accepted because extradition requests sent to the designated authorities in the Hashemite Kingdom of Jordan from foreign countries are not accepted if they are not the result of a treaty or an agreement entered into regarding the extradition of offenders. And this is the conclusion of the judicial interpretation (cassation decisions numbers 961/2004 and 202/99 and number 424/97 and number 282/98). And where the Court of Appeal has reached the same result, hence its cassation decision is to remain unchanged and is in conformity with the law. And for this reason, it is irreversible.

Therefore, and on the basis of the above, we decide to revoke the cassation, support the appealed judgment, and return the papers to their source.

Decision issued on the date of 22 Jumaddah al-Akhira of the year 1438 [Hijri] corresponding to 21 March 2017.

Member: Deputy President

[Signature]

Member: Deputy President

[Signature]

Headed by the Magistrate: Deputy President

[Signature]

Member: [Blank]

[Signature]

Member: Deputy President

[Signature]

Chief of Cabinet

Verified

S.A

A.S.G 17-757

Penal Mediation Court

The Hashemite Kingdom of Jordan

Amman

Ministry of Justice

Case number 16685/2016

Decision issued by Magistrate Muhammad al-Tarawnah

Authorized to carry out the trial and issue a verdict on behalf of His Majesty, the King of the Hashemite Kingdom of Jordan

On the date of 6 September 2016, correspondence number 6736/3297/94 was issued by the Arab and International Police Department of Interpol and in which it is stated that a Jordanian citizen (**Ahlam 'Arif Ahmad al-Tamimi**) is wanted for extradition to the American authorities on the charge of colluding to use weapons of mass destruction against an American citizen outside America and that an international red notice was issued against her.

During the trial held publicly, in the presence of the recipient of the extradition request, a correspondence issued by the Arab and the International Police Department of Interpol was presented, the recipient of the extradition request was asked whether she was the subject of the request for extradition and she responded that she is the subject of the request. At that point, the court decided to detain the recipient of the extradition request for a period of fifteen days at the Juweideh Correctional and Rehabilitation Center for Women. At the same time, it [the court] wrote a correspondence to the attention of His Excellency, the Minister of Justice, to mediate with the American authorities in order to lodge a reclamation claim and clarify whether there is a mutual agreement in the field of extraditing offenders between the Hashemite Kingdom of Jordan and the United States of America. **The correspondence of His Excellency, the Minister of Justice, number 11372/520/A/16 was presented on 5 October 2016 and it stated that there is no presence of an enforceable mutual agreement in the field of extraditing fugitive offenders between the Hashemite Kingdom of Jordan and the United States of America.** The lawyer of the recipient of the extradition request, and in light of the absence of an enforceable mutual agreement between the Hashemite Kingdom of Jordan and the United States of America, requested disregarding the extradition file. In light of the correspondence of His excellency, the Minister of Justice, the court decided to disregard supplying the extradition file. The lawyer of the recipient of the extradition request sought a verdict on the basis of the absence of the conditions of extradition, and after examination, the conclusion of the trial was announced.

The Magistrate

Penal Mediation Court

The Hashemite Kingdom of Jordan

Amman

Ministry of Justice

Case number 16685/2016

Decision issued by Magistrate Muhammad al-Tarawnah

Authorized to carry out the trial and issue a verdict on behalf of His Majesty, the King of the Hashemite Kingdom of Jordan

Upon examination... the court finds that the Jordanian citizen, the recipient of the extradition request (Ahlam 'Arif Ahmad al-Tamimi) who is wanted for extradition to the American authorities on charges on colluding to use weapons of mass destruction against an American citizen outside the United States of America, and against whom an international red notice was issued.

And upon looking into the applicability of the conditions for extradition, the court finds that Article 33 of the Jordanian Constitution states that the treaties and agreements that result in an infringement upon the Jordanian public and private rights do not go into effect unless they are approved by parliament. The painstaking efforts of the honorable Court of Cassation have concluded that the extradition treaties of fugitive offenders are among the treaties that infringe upon the Jordanian public and private rights and must be approved by the parliament in order to go into effect, as publishing them in the official newspaper is not sufficient for the purposes of going into effect without the issuance of a constitutional law whose provisions are put into effect **(Please review Penal Cassation [Article] number 2185/2009 dated 21 June 2010, the Center of Justice and Penal Cassation Publications number 1726/2014 dated 13 October 2014, not published)**

The Magistrate

Penal Mediation Court

The Hashemite Kingdom of Jordan

Amman

Ministry of Justice

Case number 16685/2016

Decision issued by Magistrate Muhammad al-Tarawnah

Authorized to carry out the trial and issue a verdict on behalf of His Majesty, the King of the Hashemite Kingdom of Jordan

And whereas the recipient of the extradition request is a Jordanian citizen, and is the bearer of the national identification number (9802016105), and the party requesting the extradition is the United States of America, and whereas the two states, the Hashemite Kingdom of Jordan and the United States of America, have signed an agreement to extradite fugitive offenders in the year 1995, and despite it was signed, it has not been approved by the Jordanian Parliament in order to fulfill its constitutionality requirement. Therefore, the provisions of this agreement are not enforceable between the two states, the one requesting the extradition and the one from whom the extradition is requested, a matter based on which the extradition request is rejected.

Therefore, and based on the aforementioned, the court decided:

- **Rejecting the extradition request against the Jordanian citizen (Ahlam 'Arif Ahmad al-Tamimi) in light of the absence of an enforceable treaty or an agreement with regards to the extradition of fugitive offenders between the two states, the one requesting the extradition and the one from whom the extradition is requested, and handing over the documents to the Honorable, the Public Prosecutor, to take the necessary legal action.**

A contradictory verdict subject to appeal was issued and I understand publicly, on behalf of His Majesty, King Abdallah Bin-al-Husayn, "may God protect him"

On the date of 23 October 2016

The Magistrate

Amman Court of Appeal

Number: 48587/2016

Penal Mediation Court

The Hashemite Kingdom of Jordan

Ministry of Justice

Notification issued by the Court of Appeal authorized to carry out trials and issue verdicts on behalf of the King of the Hashemite Kingdom of Jordan, His Majesty Abdallah Bin-al-Husayn II.

Chaired by the Magistrate Judge Dr. Farhan Abu-'Awidah and member judges Muhammad al-Fasfus and Sutam al-Hawamidah

Appellant: Assistant Public Prosecutor – Amman

Appellee: Ahlam 'Arif Ahmad al-Tamimi

On the date of 10 June 2016, the appellant presented this appeal to contest the decision of the Amman Penal Mediation Court number 16685/2016 dated 23 October 2016, and which **contained** the withholding of the conditions of extradition.

The reasons of the appeal

1. The Court has made a mistake in the conclusion it has reached and its decision lacked adequate legal reasoning.
2. The Court has made a mistake and has contradicted the law of extradition of fugitive offenders and it ought to persevere in supplying a reclamation file [claim] regarding the appellee.

Through examination:

In form: An appeal decision was issued on 13 October 2016 and an appeal was presented on 25 October 2016. The appellee was informed on 8 November 2016 and she submitted her response on 16 November 2016. And for the purpose of presenting the regulations within the legal period, we decide to accept it in form.

In substance: We, and after reviewing the case papers and examining its records, we find that the summary of events pertaining to it consist of the correspondence of the Arab and International Criminal Police Department number 6736/3297/94 dated 6 September 2016 and consisting of the extradition of Ahlam 'Arif Ahmad al-Tamimi to the American authorities on the criminal charges of collusion to use weapons of mass destruction against an American citizen outside the United States of America. The correspondence of His Excellency, the Minister of Justice, number [...]

Munirah

Continued

11372/529/A/16 dated 5 October 2016, highlighting the absence of an enforceable mutual treaty in the field of extradition of fugitive offenders between the Hashemite Kingdom of Jordan and the United States of America.

As a result of the trial, the Amman Penal Mediation Court issued its decision to rule that the request to extradite the Jordanian citizen Ahlam 'Arif Ahmad al-Tamimi is not accepted in light of the absence of a treaty or an agreement in force regarding the extradition of offenders between the two countries requesting the extradition and the one from whom the extradition is requested.

The appellant, the Assistant Public Prosecutor, did not approve of this decision, which he contested through appeal on the basis of the reasons presented in the appeal document referred to at the beginning of this decision.

On responding to the reasons of the appeal: The outcome that has been reached by the Court of First Instance, the violations of the international agreements, and the law of extraditing offenders were disapproved.

And regarding that, we find that Article (21/2) of the Jordanian Constitution and Articles (6-7-8) of the law of extraditing fugitive offenders require the presence of an agreement with the state requesting the extradition and the one from whom the extradition is requested . And where, the state requesting the extradition (America) is not bound to the Hashemite Kingdom of Jordan by any enforceable judicial assistance agreement or treaty regarding the extradition of fugitive offenders as it is established in the correspondence of the Minister of Justice, and which is filed in the arrest file, and which references the absence of an active agreement to extradite offenders.

Based on that, the presence of a reclamation file has no effect on the result of the request and looking into it is futile and unwarranted in the judicial procedures, a matter which makes the decision of the Mediation Court which calls for the rejection of the request for the reason aforementioned is in its place and agreed upon, and the rules of law and the reasons for the appeal do not apply to it and should be overturned.

Based on what was preceded, we decide pursuant to the provisions of Article (267) of the code of criminal procedure to dismiss the appeal in substance and support the appealed judgement and return the documents to their source.

This decision was thoroughly promulgated on behalf of His Majesty King Abdullah Bin-al-Husayn II, on the date of 4 December 2016

Member

Member

Head Magistrate

Munirah

Ahlam Tamimi: US extradition request to Jordan

- . The Australian Government is appalled by all acts of terrorism, including the 2001 suicide bombing that killed an Australian citizen, Malki Roth, and 14 other civilians in Jerusalem
 - Australia seeks for all perpetrators of acts of terrorism to be brought to justice.
- . Tamimi was convicted and imprisoned in Israel and the Government of Israel subsequently released Tamimi from prison in 2011
 - Tamimi's release from Israel's prison system is a matter for Israel.
- . Australian officials, including our Ambassador to Jordan, have raised the case with Jordanian officials and continue to liaise with the US Embassy in Amman
 - DFAT will continue to monitor the case closely.
- . Australia is not a party to the extradition treaty between the Jordan and the US
 - the extradition request is a matter between the governments of Jordan and the US.

Australia-Jordan Extradition Treaty

- . Australia and Jordan signed the Extradition Treaty on 24 April 2017
 - Jordan advised Australia in February 2018 that it had completed its domestic requirements to bring the Extradition Treaty into force
 - the Australian Government is progressing domestic implementation.

[Refer to the Attorney-General's Department on any further questions]

s33(a)(iii)

Timeline of key events

Date	Event
20 March 2017	Jordan Court of Cassation upheld Amman Court of Appeals decision
14 March 2017	US Government unsealed its indictment against Tamimi and sought her extradition
4 December 2016	Amman Court of Appeal ruled that Tamimi was not extraditable due to the absence of an enforceable extradition treaty between Jordan and the US
15 July 2013	US court issued (sealed) indictment against Tamimi
October 2011	After serving 8 years, Tamimi, together with other prisoners, was released from Israeli prison by the Israeli Government as part of an agreement with Hamas in exchange for Israeli soldier, Gilad Schalit
9 August 2001	Suicide bombing at Sbarro restaurant in Jerusalem

s22(1)(a)(ii)



s47E(d)

Title: Jordan: US extradition request for Ahlam Tamimi: representations
MRN: s47E(d)
To: Amman
Cc: RR : Middle East Posts, Washington
From: Canberra
(CHCH/DFAT/MAD/MEB)
From File: s47E(d)
EDRMS
Files:
References: s47E(d)
Response: Routine, Information Only

Summary

s47E(d)

Following Minister Payne's consideration of MS20-001080 (emails s22(1)(a)(ii) refer),
s33(a)(iii) + s47E(d) s47E(d)

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

From: s22(1)(a)(ii) @dfat.gov.au>
Sent: Tuesday, 1 June 2021 5:02 PM
To: Bernard Lynch <Bernard.Lynch@dfat.gov.au>
Cc: s22(1)(a)(ii) @dfat.gov.au>; s22(1)(a)(ii) @dfat.gov.au>;
s22(1)(a)(ii) @dfat.gov.au>; Benjamin Hayes
<Benjamin.Hayes@dfat.gov.au>; Alison Chartres <Alison.Chartres@dfat.gov.au>; s22(1)(a)(ii)
s22(1)(a)(ii) @dfat.gov.au>
Subject: RE: 1. Reps on Tamimi s22(1)(a)(ii) [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Bernard

Thanks very much for the update s33(a)(iii)

s22(1)(a)(ii)

Look forward to the readout of the meeting, s22(1)(a)(ii)

Thanks
s22(1)(a)(ii)

Policy Officer | Levant Section
Middle East and Africa Division
Phone s22(1)(a)(ii)

From: Bernard Lynch <Bernard.Lynch@dfat.gov.au>
Sent: Tuesday, 1 June 2021 12:37 AM
To: s22(1)(a)(ii) @dfat.gov.au>
Cc: s22(1)(a)(ii) @dfat.gov.au>; s22(1)(a)(ii) @dfat.gov.au>;
s22(1)(a)(ii) @dfat.gov.au>; Benjamin Hayes
<Benjamin.Hayes@dfat.gov.au>; Alison Chartres <Alison.Chartres@dfat.gov.au>
Subject: 1. Reps on Tamimi s22(1)(a)(ii) [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi s22(1)(a)(ii)

I will see the new Justice Minister, Dr Ahmad Ziadat at 0930 (Amman time) on Wed 2 June. s33(a)(iii)
+ s47E(d)

s22(1)(a)(ii)

s22(1)(a)(ii)

Regards
Bernard

Bernard Lynch
Australian Ambassador to the Hashemite Kingdom of Jordan

E: bernard.lynch@dfat.gov.au

T: s22(1)(a)(ii)

M: s22(1)(a)(ii)

From: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Sent: Friday, 28 May 2021 2:33 AM
To: Bernard Lynch <Bernard.Lynch@dfat.gov.au>
Cc: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>;
s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Subject: RE: Reps on Tamimi [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Bernard

I wanted to check whether you had any luck in securing a meeting with the new Justice Minister to raise Tamimi?

s47C

s47C

Many thanks
s22(1)(a)(ii)

Policy Officer | Levant Section
Middle East and Africa Division
Phone s22(1)(a)(ii)

From: Bernard Lynch <Bernard.Lynch@dfat.gov.au>
Sent: Thursday, 13 May 2021 3:21 PM
To: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Cc: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Subject: Re: Reps on Tamimi [SEC=OFFICIAL:Sensitive]

s22(1)(a)(ii)

OFFICIAL:Sensitive

Thanks

I am seeking a call on the new Justice Minister (we made reps to his predecessor). s47E(d)
FYI, the government is shut down for the rest of this week as it is the Eid
al- Fitr holiday

Bernard

From: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Date: Wednesday, 12 May 2021 at 7:28:52 AM
To: "Bernard Lynch" <Bernard.Lynch@dfat.gov.au>
Cc: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>
Subject: Reps on Tamimi [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi xacBernard

We received a QoN on the Ahlam Tamimi issue from Senator Abetz following the last Estimates. **s47C**

s47E(d)

Happy to discuss.

Thanks
s22(1)(a)(ii)

Policy Officer | Levant Section
Middle East and Africa Division
Phone **s22(1)(a)(ii)**

OFFICIAL:Sensitive

s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Wednesday, 2 June 2021 6:05 PM
To: Bernard Lynch <Bernard.Lynch@dfat.gov.au>; s22(1)(a)(ii)
s22(1)(a)(ii) @dfat.gov.au
Cc: s22(1)(a)(ii) @dfat.gov.au; s22(1)(a)(ii) @dfat.gov.au;
s22(1)(a)(ii) @dfat.gov.au; s22(1)(a)(ii) @dfat.gov.au
Subject: RE: 2 June representations on Ahlam Tamini extradition [REDACTED]

[REDACTED]

Thanks Bernard, very helpful.

s22(1)(a)(ii)

From: Bernard Lynch <Bernard.Lynch@dfat.gov.au>
Sent: Wednesday, 2 June 2021 5:37 PM
To: s22(1)(a)(ii) @dfat.gov.au; s22(1)(a)(ii) @dfat.gov.au
Cc: s22(1)(a)(ii) @dfat.gov.au; s22(1)(a)(ii) @dfat.gov.au;
s22(1)(a)(ii) @dfat.gov.au
Subject: 2 June representations on Ahlam Tamini extradition [REDACTED]

[REDACTED]

Benjamin s22(1)(a)(ii)

As foreshadowed, I raised with the recently appointed new Justice Minister, Dr Ahmad Ziadat, this morning, the Ahlam Tamimi case. s33(a)(iii) + s47E(d)

s33(a)(iii) + s33(b)

s33(a)(iii) + s47E(d)

s22(1)(a)(ii)

Bernard

Bernard Lynch
Australian Ambassador to the Hashemite Kingdom of Jordan

E: bernard.lynch@dfat.gov.au

T: s22(1)(a)(ii)

M: s22(1)(a)(ii)

s33(a)(iii) + s47C + s47E(d)

s22(1)(a)(ii)

From: Benjamin Hayes <Benjamin.Hayes@dfat.gov.au>

Sent: Thursday, 15 October 2020 1:31 PM

To: s22(1)(a)(ii) @dfat.gov.au>

Cc: s22(1)(a)(ii) @dfat.gov.au>

Subject: RE: Malki Roth minsub - FMO questions [REDACTED]

[REDACTED]

Thanks Monica. Happy for this to be sent to FMO as amended below.

B

From: s22(1)(a)(ii) @dfat.gov.au>

Sent: Thursday, 15 October 2020 12:27 PM

To: Benjamin Hayes <Benjamin.Hayes@dfat.gov.au>

Cc: s22(1)(a)(ii) @dfat.gov.au>

Subject: Malki Roth minsub - FMO questions [REDACTED]

[REDACTED]

Hi Benjamin

I've drafted answers for FMO about the Tamimi minsub/letter based on LGD's advice – would you be happy for s22(1)(a)(ii) with these answers?

1. What were the grounds for the US extradition request?

The US charged Tamimi for '*Conspiring to Use and Using a Weapon of Mass Destruction Against a United States National Outside the United States Resulting in Death and Aiding and Abetting and Causing an Act to be Done.*' Attached is an affidavit in support of the criminal complaint and arrest warrant. The US Department of Justice also published a [media release](#) in relation to the charges.

2. Is this double jeopardy?

The US and Jordan signed an extradition treaty in 1995 (publicly available [here](#)). The US views this treaty as in force since 1995 but Jordan's Court of Cassation (its highest court) found that the treaty had not been ratified and therefore could not be relied upon for the extradition. s47E

(d) +
s47C

s47E(d) + s47C

s33(a)(iii) + s47C + s47E(d)

s22(1)(a)(ii)

Policy Officer | Levant Section
Middle East and Africa Division
Phone s22(1)(a)(ii)

s22(1)(a)(ii)

s33(a)(iii) + s33(b)

s33(a)(iii) + s33(b)

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Monday, 12 October 2020 9:09 AM
To: s22(1)(a)(ii) @dfat.gov.au>
Cc: s22(1)(a)(ii) @dfat.gov.au>; Rosemary Morris-Castico <Rosemary.Morris-Castico@dfat.gov.au>; s22(1)(a)(ii) @dfat.gov.au>
Subject: RE: Tamimi - developments of sorts [REDACTED]

[REDACTED]

Thanks s22(1)(a)(ii) that's an interesting development.

s22(1)(a)(ii)

Thanks
s22(1)(a)(ii)

From: s22(1)(a)(ii) @dfat.gov.au>
Sent: Monday, 12 October 2020 12:09 AM
To: s22(1)(a)(ii) @dfat.gov.au>
Cc: s22(1)(a)(ii) @dfat.gov.au>; Rosemary Morris-Castico <Rosemary.Morris-Castico@dfat.gov.au>
Subject: Tamimi - developments of sorts [REDACTED]

[REDACTED]

s22(1)(a)(ii)
Hi

you'll see from the linked article that the Jordanian Government has refused to renew Ahlam Tamimi's husband's residency and he is now residing in Qatar. s33(a)(iii) + s47E(d)

- Under US pressure, Jordan hit by furore over Palestinian ex-prisoner's deportation <https://www.middleeasteye.net/news/jordan-tamimi-palestinian-ex-prisoner-deportation>

s47C + s47E(d)

Best,
s22(1)(a)(ii)

s22(1)(a)(ii)

Deputy Head of Mission
Embassy of Australia | Amman
P:^s
2 | M: s22(1)(a)(ii)

Website <http://jordan.embassy.gov.au/>

FB Page [@AusEmbJO](#)

The Embassy's working week is Sunday to Thursday.