



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
12 December 2024

Original: English

Committee against Torture Eighty-first session

Summary record of the 2150th meeting*

Held at the Palais Wilson, Geneva, on Wednesday, 6 November 2024, at 10 a.m.

Chair: Mr. Heller

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* No summary record was issued for the 2149th meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Fourth periodic report of Jordan (CAT/C/JOR/4; CAT/C/JOR/QPR/4)

1. *At the invitation of the Chair, the delegation of Jordan joined the meeting.*
2. **A representative of Jordan** said that the country's fourth periodic report (CAT/C/JOR/4) had been drafted in full consultation with civil society stakeholders and took due account of the Committee's concluding observations on the third periodic report (CAT/C/JOR/CO/3). Since that report had been submitted, the Government had been working to analyse progress and identify shortcomings in the implementation of the Convention. In coordination with non-governmental organizations (NGOs) from Jordan and abroad, it had taken a raft of legislative and other measures aimed at promoting and protecting human rights, reinforcing the rule of law and facilitating access to justice. Additional funding had been allocated to the National Centre for Human Rights. Thanks to those efforts, Jordan currently ranked second among States in the Middle East and North Africa region on the World Justice Project Rule of Law Index.
3. The Constitution explicitly prohibited torture and enjoined the humane treatment of persons in detention. Also under the Constitution, any statement or confession shown to have been extracted under torture or threat of torture was invalid. Persons convicted of torture faced a minimum prison term of 1 year and, in cases where their actions occasioned serious injury, could face up to 20 years' hard labour. Those provisions were consistent with article 4 of the Convention. Recommendations made by the Royal Committee for Developing the Judiciary and Enhancing the Rule of Law had led to changes in the system of legal aid. All persons accused of an offence punishable by a term of imprisonment of 10 years or more now had automatic access to a lawyer during the investigation and the trial. Further amendments to the Legal Aid Regulations had been introduced in 2022. Also in 2022, the Criminal Code had been amended to allow greater scope for the use of non-custodial penalties. Thanks to that change, 4,193 non-custodial sentences had been handed down by the courts in 2023. Legislators had also acted to reduce the use of pretrial detention.
4. A manual on investigations into cases of torture had been issued, and law enforcement officials had received training in that regard. A mechanism for conducting visits to places of deprivation of liberty had been developed and a complaints system had been put in place to help the authorities identify potential instances of torture. Apart from periodic monitoring of prisons by prosecutors and judges, regular and unannounced inspections were conducted by the National Centre for Human Rights, the International Committee of the Red Cross, parliamentary human rights committees and other bodies. In partnership with civil society groups, the Public Security Directorate made every effort to protect the health and psychosocial well-being of persons deprived of their liberty. Units to promote transparency and protect human rights had been set up as part of the Directorate, and posters explaining inmates' rights and duties were on display in detention facilities. The lack of resources remained a persistent challenge in the management of prisons and detention facilities, which the Government was seeking to tackle to the best of its ability.
5. The promotion and empowerment of women was a priority for Jordan. The Government had established a ministerial committee on women's empowerment, and the Constitution had been amended in 2022 to reinforce gender equality and non-discrimination. In 2024, amendments had been made to several laws with a view to combating and prohibiting all forms of violence against women and other vulnerable groups, and the Labour Code had been amended to include a definition of sexual harassment and to protect against violence, harassment and discrimination in the workplace. An employers' guide on how to ensure a safe and secure working environment had been issued. Standard national operating procedures for dealing with violent situations had been produced in 2018, while a plan of action on gender-based and domestic violence, covering the period 2021–2023, had led to the establishment of an automated online system for handling such cases. The National Framework for the Protection of Families from Violence defined the respective roles and responsibilities of schools, healthcare institutions, the police, the courts and the

administrative authorities in that regard. The comprehensive National Human Rights Plan 2016–2025 included specific provision to protect the rights of women, children, persons with disabilities and other vulnerable groups.

6. The Children’s Rights Act was consistent with the Convention on the Rights of the Child. Rules against child labour had been issued in 2024 and law enforcement officials who worked with children were trained to comply with the highest international standards. A juvenile justice strategy for the period 2024–2028 included provisions intended to rehabilitate juvenile offenders, combat drug use and prevent child exploitation. Instructions regarding aftercare for juveniles in conflict with the law had been issued in 2021 and new technologies were being used for the testimony and cross-examination of witnesses in cases involving offences against children.

7. The constitutional amendments of 2022 had also addressed the right of persons with disabilities to equality and integration and to live their lives free from abuse and exploitation. Under the Rights of Persons with Disabilities Act, disability had been identified as an aggravating factor in numerous criminal offences including assault, sexual assault, fraud and neglect. A national strategy for 2019–2029 had been launched with the aim of providing alternatives to State-run care homes for persons with disabilities.

8. A national strategy to combat trafficking in persons, covering the period 2024–2027, had been adopted, while recent amendments to the Human Trafficking Act envisaged specialized courts and more severe penalties for perpetrators, as well as the establishment of a victim support fund. Shelters were open not only to trafficking victims but also to potential victims, who could thus remain in a secure environment while investigations and trial proceedings were under way. Under a memorandum of understanding with the Bar Association, victims of human trafficking were provided with free legal assistance. First responders and other officials who dealt with victims received appropriate training.

9. Lastly, it was important to recall that unprecedented regional conflicts and instability were having a profound effect on the internal security of Jordan. It was vital to find prompt political solutions to those crises. Most notably, the presence of 1.35 million Syrian refugees on national territory was placing an enormous burden on the country’s economy and resources. Despite those challenges, the Government was in no way contemplating forced returns. Rather, it was working with international partners to create conditions appropriate for voluntary return, and it had taken action to meet the refugees’ needs, particularly in the areas of education, healthcare and accommodation. However, responsibility for caring for refugees had to be shared between host States and the international community, and it was possible that – if the international community and United Nations organizations failed to meet their obligations – Jordan might no longer be able to fulfil its own obligations towards the refugees. In fact, Jordanian funding of the humanitarian response plan to the Syrian crisis had not exceeded 30 per cent in 2023, and it stood at just 7 per cent in 2024. At the same time, for example, the World Food Programme still required \$55 million to meet the needs of more than 400,000 refugees over the coming six months.

10. **The Chair** (Country Rapporteur) said that, since his fellow Country Rapporteur, Mr. Tuzmukhamedov, could not be present at the meeting, his remarks would be delivered by Mr. Iscan. Turning to his own remarks as Country Rapporteur, he said that the Committee had persistent concerns about certain issues it had raised in its previous concluding observations, notably with regard to fundamental legal safeguards, continuous recourse to administrative detention, the need to transfer jurisdiction for offences committed by law enforcement personnel to the regular courts and the admission of coerced confessions as evidence.

11. Despite having been amended on three occasions, in 2007, 2014 and 2018, the definition of torture in the Criminal Code remained inconsistent with the Convention. He was particularly concerned about the fact that torture continued to be treated as a minor offence and did not always incur penalties commensurate with its gravity. In fact, while the latest amendments had raised the minimum penalty for torture from 3 months to 1 year in prison, the maximum penalty remained just 3 years. Although he welcomed the provision whereby a person convicted of torture could face a term of imprisonment of up to 20 years if the victim suffered a serious injury, the law still did not contain an explicit prohibition on torture that

was absolute and non-derogable. He was concerned, moreover, that the amendments to the Criminal Code did not include a provision expressly stating that acts of torture were not to be subject to an amnesty or statute of limitations. In that connection, it was interesting to note that, as recently as its last universal periodic review, in 2024, Jordan had received recommendations to amend its Criminal Code to align the definition of torture with article 2 of the Convention and to criminalize torture in accordance with article 1 of the Convention so that it carried an appropriate sanction. He hoped that the delegation could inform the Committee about any progress made in that regard. Furthermore, he was curious to hear to what extent article 208 of the Criminal Code on the prohibition of torture, read in conjunction with article 61, was in line with article 2 of the Convention.

12. With reference to the information provided in paragraphs 12 and 13 of the State party report, he wished to point out that respect for the right of arrested persons to communicate with any person of their choosing, including a lawyer, should be enshrined in law and not left to the discretion of the authorities. He would like to better understand the provision of the Code of Criminal Procedure under which, in urgent situations, public prosecutors could question suspects without their lawyer present. It would be helpful to know whether staff of the Public Security Directorate were trained in assessing detainees' state of health. In general, he wondered how the State party ensured, in law and in practice, that all detainees enjoyed fundamental legal safeguards, including access to a lawyer and an independent medical examination and the right to notify a loved one of their arrest and to be brought promptly before a judge, from the time of arrest.

13. He would also like to hear about the results of the work of the ministerial committee tasked with considering possible amendments to the provisions of the Crime Prevention Act relating to administrative detention. In that regard, the delegation might explain what was meant by the term "considered a danger to society" which, although vague and potentially arbitrary in its application, was used to justify placement in administrative detention. The delegation might also comment on reports that administrative detention was being used against political opponents, activists, journalists, teachers and other participants in anti-Government protests and, more recently, participants in pro-Palestinian protests.

14. Prisons in the State party were overcrowded, partly owing to the overuse of administrative detention and to the imposition of custodial sentences for failure to pay a debt. While the Committee welcomed the 2022 amendments to the Criminal Code concerning alternatives to detention, introduced in response to recommendations arising from the universal periodic review, it was interested in hearing about the impact of those changes.

15. Contrary to the Constitution, governors had the power to impose restrictions on the freedom of individuals without independent judicial review or possibility of appeal. Moreover, they could exercise their discretionary power to order the deportation of foreign nationals, including refugees and asylum-seekers, for alleged violations of residency and foreign affairs laws. The situation of refugees and asylum-seekers was also within the purview of the General Intelligence Directorate, thus heightening their vulnerability. He was interested to learn about any plans to address those issues.

16. He welcomed the fact that, after initial hesitations in relation to the independence of the National Centre for Human Rights and the procedure for the nomination of its board of trustees, the Global Alliance of National Human Rights Institutions, following a special review conducted in 2023, had renewed the National Centre's category A accreditation status. The National Centre was empowered to conduct visits to correctional and rehabilitation centres, which, as he understood it, were observed by the Office for Transparency and Human Rights. He wished to learn more about the Office, specifically what its role was, whether it conducted investigations into complaints and how its work dovetailed with that of the National Centre. He also wished to receive information on the number of complaints of alleged misconduct by officials since 2019 and the outcome of any investigations into those incidents, including, where applicable, the penalties handed down.

17. In the light of concerns that the Anti-Terrorism Act was open to abuse, given its broad interpretation, it would be useful to know how many people had been prosecuted on terrorism charges and what type of penalties had been imposed. Further details about the cases of the

76 individuals convicted of terrorism by the State Security Court in 2019 would also be appreciated.

18. He wished to point out that the lack of complaints of torture or ill-treatment received from persons detained in facilities run by the Public Security Directorate was not necessarily indicative of the actual situation, given that the investigations conducted in such cases were deficient. Rather, it demonstrated the importance of having impartial investigative bodies that were independent from the Directorate.

19. He wondered why Jordan did not intend to adopt a comprehensive asylum law or ratify the 1951 Convention relating to the Status of Refugees, given the large refugee population it hosted and its apparent respect for the principle of non-refoulement. He also wondered how many individuals had been expelled from the State party during the reporting period for having obtained a visa under false pretences then claiming international protection or for reasons of national security, particularly since it did not accept or provide diplomatic assurances. Deportation decisions should be appealable and subject to independent judicial review.

20. Amid conflicting reports about the enforcement and suspension of the regulations for administrative and legal disengagement from the West Bank, he was curious to know how many Palestinians from the West Bank had had their Jordanian citizenship revoked, as the measure left the individuals concerned without access to healthcare, education and employment opportunities. He was concerned about the fact that migrant workers were subject to the *kafalah* sponsorship system, meaning that their residency permit was tied to their visa, which could be cancelled by their employer. He would welcome the delegation's comments on the case of Khalaf al-Romaithi, a national of the United Arab Emirates who had been living in exile in Türkiye after his conviction in absentia in his home country, along with some 90 other dissidents, and whom the State party's authorities had had arrested during a stay in Jordan and secretly extradited to the United Arab Emirates.

21. The Committee was concerned that cases of torture continued to be investigated by the General Intelligence Directorate, which remained under military jurisdiction. He would welcome the delegation's comments on the provisions of the legislation regulating the State Security Court that permitted the Directorate to detain suspects for up to seven days before bringing them before a judicial authority. Between 2018 and 2021, three activists who had been arrested by officers from the Directorate had reportedly been placed in solitary confinement. In addition, an activist named Sameer Nemrawi had allegedly been violently arrested for actively supporting the State of Palestine in online forums, sentenced to 12 months' imprisonment and prohibited from receiving visits from family members. The delegation might provide an update on those cases.

22. It would be helpful to receive more in-depth information on the background to the State party's decision not to ratify the Optional Protocol to the Convention on the basis that human rights violations could be reported to the relevant authorities. That reasoning ran counter to the basic principles that monitoring mechanisms must be independent and that there must be no hierarchical or institutional relationship between any alleged perpetrators of torture and the officials assigned to investigate them.

23. He would be grateful for a response to the Committee's previous request, as contained in paragraph 35 of the list of issues prior to reporting (CAT/C/JOR/QPR/4), for updated information on the reported cases of arrest and detention of journalists and destruction or confiscation of their equipment during the parliamentary elections on 20 September 2015. In the light of reports that dozens of lawyers, journalists and human rights activists had been subjected to surveillance using the Pegasus spyware, he would welcome details of the number of journalists and media professionals who had been arrested under a judicial warrant, alongside examples of such cases. He would appreciate any information that the delegation could provide on cases brought under the Cybercrime Act, adopted in August 2023, as well as on cases brought before the State Security Court relating to charges of undermining the regime or inciting religious or sectarian conflict. The delegation might also comment on the case of three individuals who had appeared before the Court in January 2023 on charges of having publicly criticized the King's annual address, as well as on the case of the journalist Ahmad Hassan al-Zu'bi, who had been sentenced to 12 months' imprisonment for a

Facebook post in which he had criticized a public official, and that of three individuals who had been arrested for expressing their opinion on the conflict in Gaza in online forums.

24. The Committee recognized the financial and other challenges that the State party faced owing to the large number of refugees hosted within its borders and the complex geopolitical situation in the wider region, including the question of the State of Palestine. More robust data-gathering was necessary in order to strengthen the State party's institutional capacity and permit better analysis of human rights issues on the basis of more precise statistics.

25. **Mr. Iscan** said that, given that almost four years had elapsed since the submission of the State party's periodic report, the Committee would welcome updates on any forced returns, extraditions and expulsions that had been carried out on the basis of diplomatic assurances and on any requests for the extradition of individuals suspected of having committed torture that had been rejected by the State party. It would also welcome more details of the National Human Rights Plan, including its timeline and expected outcomes, as well as of any initiatives inspired by the revised Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). In addition, the delegation might provide a more detailed response to the questions raised in paragraph 15 of the list of issues prior to reporting, which arguably did not fall outside the scope of article 3 of the Convention as the State party had asserted in its periodic report. It would be helpful to hear more about the memorandum of understanding that the State party had concluded with the Office of the United Nations High Commissioner for Refugees (UNHCR) in lieu of ratifying the Convention relating to the Status of Refugees and the Protocol thereto.

26. The Committee was concerned that the State party, in the absence of what it termed, in paragraph 35 of its periodic report, an "international consensus on the definition of terrorism", had drawn from a regional agreement reached within the framework of the League of Arab States when defining terrorism in its Anti-Terrorism Act, in apparent disregard of Security Council resolution 1566 (2004) and the International Convention for the Suppression of the Financing of Terrorism. In that connection, clarification would be welcome as to whether, in the State party, a regional treaty took precedence over a global one and whether national legislation prevailed over both, and more specifically, as to whether the Convention would take precedence over national legislation or regional treaties in a situation involving non-refoulement. It would be helpful to know whether the jurisprudence of the Constitutional Court offered any guidance on the matter, as well as whether that Court, or any other in the State party, had ever cited the Convention in its rulings. Examples would be welcome. The delegation might also comment on how judges were selected, what educational background was required of them, whether they possessed the appropriate expertise to be able to adjudicate on cases concerning the State party's international obligations and whether they underwent in-service training. It would be useful to learn whether legislators had taken the Convention into account when drafting the amendments to article 8 of the Constitution and to article 208 of the Criminal Code.

27. In 2017, the then President of the Sudan, Omar al-Bashir, had attended a summit of the League of Arab States hosted by the State party. Despite the International Criminal Court's having issued two warrants for his arrest, including on charges of torture as defined under the Rome Statute, the authorities had allowed him to leave the country. The Committee would appreciate an account of the reasons for the State party's non-compliance with the warrants, which enjoyed the political support of the Security Council.

28. It was unclear whether the constitutional provision granting sharia courts exclusive competence to decide on so-called blood money cases might lead to situations in which perpetrators of torture could escape punishment by offering payment to victims or their family members. The Committee would welcome an explanation of the balance that was struck between international law, including the Convention, and sharia in the State party's constitutional system. It would be helpful to receive clarification of which authority had the power to decide whether the provisions of the Convention were compatible with sharia.

29. The Committee would be grateful for information on cases of revocation of citizenship from Jordanians of Palestinian origin, as well as on appeals against administrative decisions and the outcomes thereof. It would like to know why the State party had not ratified

the Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness. The Committee also wished to better understand the State party's decision not to ratify the majority of optional protocols to the core universal human rights treaties.

30. With regard to the death penalty, the delegation might indicate how many offences were punishable by death, whether those offences were set out in legislation other than the Criminal Code and how they were distributed among the categories of violent crimes against life and physical integrity and crimes against the Government and State security, including terrorism-related offences. The Committee would welcome details regarding how frequently the State party's courts imposed the death penalty, how many such sentences were commuted on appeal, how long convicted persons spent on death row and how many appeals were filed, granted and rejected. It was unclear whether the family members of persons sentenced to death were properly notified of the planned time and location of the execution and whether they were permitted to dispose of their loved ones' remains in the manner of their choosing. The delegation might clarify whether pregnant women could be sentenced to death. It would be useful to learn how many death sentences had been carried out during the reporting period and how many times the King had granted appeals for clemency during that period. It would be helpful to gain a better understanding of the societal attitudes to the death penalty that prevailed in the State party. It would be interesting to know whether the fact that the State party had voted in favour of the two most recent General Assembly resolutions on a moratorium on the use of the death penalty, namely resolution 75/183 and resolution 77/222, marked a shift in its attitude towards capital punishment after many years of abstaining from voting on similar resolutions.

31. The Committee would appreciate up-to-date information about training programmes on the Convention and the consequences of violating its provisions for law enforcement officers, prison staff and border guards, any methodology developed to assess the effectiveness of such training and the conclusions of any such assessments. It also wished to have detailed information about training programmes on the detection and documentation of signs of torture for judges, prosecutors, forensic doctors and medical personnel treating detainees, including in the context of irregular migration, and to know whether the programmes covered the revised Istanbul Protocol. Lastly, it would like to know about measures taken to train military personnel, including those deployed in United Nations peacekeeping operations, on the Convention and other relevant international legal standards and to guarantee accountability if they committed torture.

32. **Ms. Racu** said that it would be useful to receive statistics on the number of complaints of gender-based violence and domestic violence and updated information on access to medical care and rehabilitation services for survivors. She would like to hear about efforts to combat the discriminatory stereotypes that caused gender-based violence and the stigma associated with reporting it. She would welcome information about steps taken to improve the situation of victims or potential victims of trafficking in persons, especially persons from South and South-East Asia, East Africa, Egypt and the Syrian Arab Republic. She would like to know more about efforts to prevent juvenile delinquency and the functioning of the juvenile justice system, particularly the protection system for children at risk, including offenders, witnesses and victims. It would also be helpful to have more information about detention conditions for children, including with regard to healthcare, especially mental healthcare, in view of the reported increase in suicides among detained minors. She would appreciate updated statistics on the number of children in pretrial detention and information about efforts to promote non-custodial sentences and non-judicial measures such as diversion, mediation and counselling for children in conflict with the law. She would be interested to hear the delegation's views on the minimum age of criminal responsibility.

33. **Mr. Kessing** said that he would like to hear the delegation's response to allegations that juveniles detained on terrorism charges had no access to legal aid and were not visited by independent monitoring bodies. He wished to know how many persons had been extradited on the basis of a red notice from the Council of Arab Ministers of the Interior over the previous three years and whether legal and procedural safeguards, including access to a lawyer and the possibility of challenging the legality of the detention, applied to persons detained pending extradition.

34. **Mr. Rouwane** said that he would like to know whether the national mechanism for implementation, reporting and follow-up would be provided with legal and financial support to reinforce its work on coordination with the Committee and other international human rights bodies.

The meeting was suspended at 12.15 p.m. and resumed at 12.35 p.m.

35. **A representative of Jordan** said that the definition of torture in article 208 of the Criminal Code was fully in line with that set out in the Convention, bearing in mind that each clause was to be read in conjunction with all the others. No mitigating circumstances could be invoked in cases of torture and no suspended sentences could be handed down for torture, which was considered a serious offence under the Criminal Code.

36. Article 114 of the Code of Criminal Procedure provided that no one could be held in police custody without proper justification. The maximum custody period for minor offences was seven days, renewable every seven days for up to one month, whereas, for serious offences, there was no upper limit on the total custody period. The Code specified that liberty was the rule and detention the exception. Custody periods were tracked in an electronic system. Legislative amendments and guidance for prosecutors had laid the way for greater use of alternatives to detention, which were now more frequently used by the courts than custodial sentences; that was reducing prison overcrowding and the propagation of infectious diseases.

37. **A representative of Jordan** said that the instruments adopted to combat trafficking in persons included a law on transnational crime, intended to comply with the United Nations Convention against Transnational Organized Crime, the Human Trafficking Act, amended in 2021, and a national trafficking strategy. Article 12 of the Act provided that victims, potential victims and witnesses of trafficking must receive protection and support, including interpretation services. All relevant government agencies were working to implement the Act and the national strategy, in cooperation with civil society.

38. Harsher penalties were applicable if the act of trafficking constituted a serious offence. Witnesses could testify remotely if they were under the age of 18 years. Trafficking cases were heard in a specialized court and handled by a special judicial commission. Prosecutors and judges underwent training on trafficking. Trafficking cases must be prosecuted even if victims did not wish to press charges. A specialized police unit investigated trafficking, in cooperation with the Ministry of Labour. The unit received information from police officers and healthcare workers and from witnesses in the workplaces of potential victims.

39. A shelter for trafficking victims had been established in 2018. Shelters had been opened in all parts of the country. Victim services had been established in cooperation with civil society, including the Jordanian Women's Union. An identification and referral system for victims had been launched in 2022, with the aim of early detection of victims, especially children exploited for begging. A fund had been established to compensate victims and pay for their voluntary return to their countries of origin. The Government funded the accommodation of victims in shelters from the outset of trafficking investigations until the completion of proceedings.

40. **A representative of Jordan** said that the concept of blood money was enshrined in the Constitution and applied by the national courts. It did not allow for impunity but constituted a mechanism for victims and their beneficiaries to be compensated for any offence, including torture, in line with both sharia law and human rights standards. A victim's acceptance of blood money had no bearing on the penalty imposed on the perpetrator.

41. **A representative of Jordan** said that no one had lost their Jordanian citizenship under the regulations for administrative and legal disengagement from the West Bank since 2021. Detention by the General Intelligence Directorate took place in accordance with the law, on the basis of an arrest warrant and under the supervision of the Office of the Public Prosecution. Detainees were examined by a doctor upon request. Psychiatric treatment was provided when necessary. Detainees could make telephone calls and their families were promptly informed of their arrest. For foreign nationals, the relevant consulate was informed. The Directorate reported to the Prime Minister and, accordingly, was subject to parliamentary supervision. Mr. al-Romaithi had arrived in Jordan using a Turkish passport on 7 May 2023.

He had been arrested and extradited to the United Arab Emirates on 10 May 2023 on the basis of an International Criminal Police Organization (INTERPOL) Notice relating to a judicial decision of the United Arab Emirates of 9 January 2014.

The meeting rose at 1 p.m.