

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Risk of Torture Too Serious to Permit Abu Qatadas Return

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(London, October 27, 2008) - The British government should drop its efforts to deport a Jordanian terrorism suspect who risks torture and an unfair trial if returned to Jordan, Human Rights Watch said today. The Jordanian government's promises of humane treatment and a fair trial on return cannot be trusted, Human Rights Watch said.

The House of Lords will hear an appeal in the case of Omar Othman, known as Abu Qatada, starting on October 28, 2008. A central issue in the appeal is whether these promises, contained in an unenforceable "memorandum of understanding" between the UK and Jordan, can remove the risk of his being abused if he is returned to Jordan.

"Mere assurances can't protect Othman from torture in Jordan," said Julia Hall, senior counterterrorism counsel at Human Rights Watch. "We've documented a range of brutal practices by the Jordanian intelligence services, including beatings and threats of rape."

Human Rights Watch was also concerned that Othman would face abuse once he was transferred into the regular prison system, where torture and other forms of abusive treatment are frequent. In general, security detainees in Jordan are transferred to regular prisons after a few weeks or months, depending on the assessment of the intelligence service.

Human Rights Watch emphasized that fair criminal prosecutions are the right approach to fighting terrorism, not sending people to places where they risk being tortured.

"If Abu Qatada is suspected of criminal activity, he should be given a fair trial in a British court," Hall said.

In April 2008 the UK Court of Appeal ruled that Othman, a radical Muslim cleric alleged to have ties to al Qaeda, could not be sent back to Jordan because any trial there would probably involve the use of evidence obtained under torture from detainees in the custody of Jordan's General Intelligence Department (GID). The government appealed that ruling and the House of Lords, Britain's highest court, will hear the case on October 28-29.

Human Rights Watch and Justice, the London affiliate of the International Commission of Jurists, submitted an [amicus brief](#) to the House of Lords arguing that Jordan's diplomatic assurances of fair treatment for Othman in detention and at trial were unreliable, particularly given the country's well-documented problem of torture.

In a new report, ["Not the Way Forward: The UK's Dangerous Reliance on Diplomatic Assurances"](#), Human Rights Watch criticized the Court of Appeal's earlier ruling in the Othman case for failing to fully analyze the deficiencies in the UK-Jordan "memorandum of understanding" that could leave Othman at risk upon return.

The GID has a history of engaging in torture, although fewer cases have come to light since 2006. Human Rights Watch documented the GID's use of torture in a September 2006 report, ["Suspicious Sweeps: The General Intelligence Department and Jordan's Rule of Law Problem"](#). In an April 2008 report, ["Double Jeopardy: CIA Renditions to Jordan"](#), Human Rights Watch documented how the GID served as a proxy jailer and abusive interrogator for the Central Intelligence Agency (CIA) from 2001 until at least 2004.

Human Rights Watch noted that the Othman case is one of a series of cases in which the UK government has tried to deport people to countries whose justice systems are deeply tainted by torture and other abuses.

"The British government needs to take a different approach, and stop trying to deport people to these abusive countries," Hall said.

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