

Human Rights Watch

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

<https://www.hrw.org/news/2008/04/07/legal-niceties-torture>

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Even as the UK was negotiating its assurances with Jordan, the United States was knowingly sending terrorism suspects to Jordan for purposes of interrogation under torture.

The evidence of US complicity in the torture of terrorism suspects in Jordan also serves to undermine even further the flimsy arguments of the British government that diplomatic assurances it has obtained on the treatment of terrorism suspects it wants to deport to Jordan and elsewhere will actually prevent them from being tortured on return.

At least 14 non-Jordanian prisoners were delivered by the US government into Jordanian custody in the three years after 9/11.

The true figure is likely to be much higher. Five of these men are now in Guantanamo Bay, Cuba, while another is believed to be detained in Saudi Arabia. The whereabouts of the others are unknown, although it is likely that they were returned to their countries of origin, which include Syria, Algeria, and Iraq.

According to testimonies obtained from some of these men through their lawyers, and from former fellow-inmates of the facility where they were incarcerated in Jordan, almost all suffered serious mistreatment or torture under interrogation.

One of the detainees, Ali Al-Hajj Al-Sharqawi, a Yemeni, noticed that his Jordanian interrogators very keen to provide information to the CIA. In a note that was later smuggled out of prison he wrote: Every time the interrogator asks me about a certain piece of information, and I talk, he asks me if I told this to the Americans. And if I say no he jumps for joy and he leaves me and goes to report it to his superiors and they rejoice.

The United States categorically denies that it has handed over anyone to a third government for purposes of torture. Secretary of State Condoleezza Rice acknowledged in December 2005 that rendition was a vital tool in combating international terrorism. But she insisted that her government seeks assurances that transferred persons will not be tortured.

However Michael Scheuer, a former CIA officer who says he initiated the terrorist rendition programme during the Clinton administration, describes as legal niceties the assurances on torture which Rice and other senior officials say they obtained from Jordan and other friendly Middle Eastern states.

The evidence collected by HRW and others suggest that Scheuer is right to infer that, whatever the protestations of innocence from Rice and others, the United States knowingly sent detainees to places where they would be abused.

Besides providing further grim evidence of the complicity of the US in the torture of terrorism suspects by one of its allies in the Middle East, the HRW report also provides useful context and background that help to inform and clarify the debate in the UK about the British governments own efforts to deport terrorism suspects to Jordan.

For several years now the UK has been trying to get rid of terrorism suspects it does not want to put on trial here by deporting them to their countries of origin.

To do so while seeking to appear compliant with the letter of the international prohibition against torture (which forbids the return of persons to countries where they face a risk of torture), the UK has agreed memoranda of understanding (MoUs) with Jordan, Libya and Lebanon.

These MoUs contain diplomatic assurances that deportees who are suspected of involvement in terrorism will not be mistreated when they are deported to those countries. London is actively seeking such assurances from other Middle Eastern and North African states which routinely practice torture.

HRW has long argued that such assurances are worthless. Why should states which routinely flout their solemn and binding obligations

under international law, honour non-binding diplomatic agreements with the UK? And how would such agreements be monitored when torture is generally practiced in secret, often using techniques which leave no physical marks?

It is significant that some of those handed over to the Jordanians by the US government between 2001 and 2004 were hidden away in secret cells whenever officials from the International Committee of the Red Cross came to inspect the prisons. The local groups selected by the UK to monitor its MoUs lack the status and independence of the ICRC, and have little influence with repressive governments in places like Jordan and Libya.

Now, on top of these arguments, we have good evidence that even as the UK was negotiating its assurances with Jordan, the United States, Britains principle ally and the senior partner in most of its Middle East and counterterrorism policies, was knowingly sending terrorism suspects to Jordan for purposes of interrogation under torture. Not only that, but it appears likely that the United States was quite cynically using diplomatic assurances as a cover for this scandalous practice.

To be sure the motivations of the British for seeking diplomatic assurances from states like Jordan are different from those of the United States. Furthermore British officials seem to be sincere in their efforts to ensure that those they deport to Jordan and elsewhere are not tortured. But sincerity is not enough.

The UKs MoU with Jordan is no less of a legal nicety than the diplomatic assurances obtained by the State Department that suspects handed over to Jordanian security services by the CIA for abusive interrogation would not in fact be abused. It will be seen as just such a legal nicety by members of Jordans General Intelligence Department. And, the results are likely to be the same: tortured bodies and minds.

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