

# Human Rights Watch

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

<https://www.hrw.org/news/2012/02/20/abu-qatada-no-more-paper-promises>

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If Theresa May is serious about protecting Abu Qatada, she must press for real change in Jordan

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Torture occupies a special place in international law it is banned at all times and in all places, no exceptions. Most countries, including the UK and Jordan, have signed up to the UN Convention Against Torture, which means they agree not only to the [absolute ban on torture, and inhuman and degrading treatment](#), but also to refrain from any complicity in the crime. They cannot send people to a country where there is a real risk of torture, or use evidence in court obtained through torture.

The home secretary, Theresa May, has announced that she will visit [Jordan](#) in order to obtain more promises that in the case of Abu Qatada, who was released on bail last week, such evidence will not be used against him if he is deported for retrial there. But without fundamental change in Jordan the real risks will remain.

[Torture](#) is rife in Jordan, and torturers rarely face punishment. Human Rights Watch has [documented torture](#) by intelligence agencies and in prisons in Jordan since 2006, and we have found it to be common and widespread. Despite promises even orders from King Abdullah and senior officials to end torture, it continues. Jordan tries civilians in its flawed state security court. In 2011, at a mass trial of Islamists on terrorism charges before that court, many defendants [claimed they had been tortured but their allegations were not investigated](#).

Qatada has been twice convicted in absentia by Jordan's state security court: as long as there is a real risk that he could be tortured, or face a trial with the use of evidence obtained by torture, the [UK](#) should not send him to Jordan.

British governments have faced a similar problem for years: they wish to expel people to countries that routinely use torture. But instead of pressing allies such as Jordan for clear steps to end torture and bring those responsible to justice, Britain tried to change the rules. Tony Blair's government sought to end the ban on deportation to countries where the risk of torture was real, an effort rejected by the European court of human rights. Britain came up with another policy, of obtaining "diplomatic assurances" it asked countries with a record of torture to promise not to brutalise those deported by Britain. Such promises cannot work. No country admits to torture, so governments will readily promise not to abuse anyone, even when torture is commonplace.

But British involvement in torture abroad almost certainly went much further. Human Rights Watch discovered [evidence of Britain helping to send people to Gaddafi's Libya](#), where they were tortured, and of [involvement in interrogations in Pakistan](#) where torture took place. The extent of this practice remains unclear, as David Cameron's government has abandoned the important, but flawed, inquiry it set up to investigate British complicity in torture abroad.

Until last month the European court had treated state assurances as providing no protection against torture. Alarming, in Qatada's case, it said that promises by Jordan, which would include monitoring of his welfare by an organisation that has little experience of such a role, would protect against his being tortured.

If the British government is serious on this, it should be pressing Jordan to take effective measures to end all torture, such as allowing independent inspection of all detention centres and ensuring that those responsible for torture, especially at the highest level, are prosecuted. To ensure fair trials, Jordan should abolish any power that the state security court and intelligence agencies have over civilians. Given Britain's less than honourable involvement in torture abroad this century, it should focus on real change in Jordan, not more paper promises.

*Clive Baldwin is Senior Legal Adviser at Human Rights Watch*

Bahrain Death Sentences Follow Torture, Sham Trials

Suspicious Killings and Extrajudicial Executions by Egyptian Security Forces

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