

Human Rights Watch

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

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A British appeals court has dealt a serious blow to the governments plan to deport national security suspects in reliance on assurances of humane treatment and fair trial on return.

In two judgments on appeals of decisions from the Special Immigration Appeals Commission (SIAC), the Court of Appeal (Civil Division) cited torture and ill-treatment in Jordan and Libya as grounds for barring the deportation of a Jordanian and two Libyans. It blocked the transfers despite memorandums of understanding from the two governments that promised that suspects would not be tortured and would receive fair trials upon return.

These cases show that the British government should stop trying to deport people to countries whose justice systems are deeply tainted by torture and other abuses, said Julia Hall, senior counsel in Human Rights Watchs terrorism and counterterrorism program. In the Othman case, notably, the court was right to ignore the Jordanian governments fair trial promises, and find that a trial would likely be tainted by torture.

In the case involving Omar Othman (also known as Abu Qatada), a recognized refugee and Muslim cleric accused of ties to al-Qaeda, the court found that Jordans General Intelligence Department (GID) was responsible for extracting confessions by torturing suspects in its custody. A new Human Rights Watch report released on Tuesday, [Double Jeopardy: CIA Renditions to Jordan](#), confirms these conclusions, describing how detainees held by the GID were subjected to brutal beatings and threats of rape, and were concealed from representatives of the International Committee of the Red Cross.

Reversing the SIACs earlier ruling in the Othman case, the court held that if Othman were deported, evidence obtained by the torture of detainees in GID custody would likely be used in his trial. The ruling essentially disregards Jordanian promises that there would be a fair trial, even though the court did not appear to consider it necessary on the facts of the case to assess the reliability of the specific UK-Jordanian memorandum of understanding in question.

Until GID stops torturing, promises of humane treatment and fair trial for a national security suspect are not credible, Hall said. Jordanian assurances are a mere legal nicety.

In another ruling, the court blocked the deportation of two Libyans, known only as DD and AS, by upholding an April 2007 SIAC [ruling](#) that the men would be at risk of torture and a complete denial of a fair trial if returned to Libya. The two are alleged to be members of the Libyan Islamic Fighting Group (LIFG), an armed opposition group whose aim is the overthrow of Libyan leader Muammar al-Qadhafi. The court ruled that the SIAC did not err by determining that Colonel al Qadhafi could not be relied upon to abide by the agreement with the British government to treat the men humanely.

Human Rights Watch has documented torture and other ill-treatment in both Jordan and Libya. Double Jeopardy, the new Human Rights Watch report, documents how the GID served as a proxy jailer and abusive interrogator for the Central Intelligence Agency (CIA) from 2001 until at least 2004. It demonstrates how the assurances that the US claims to receive when it transfers suspects to foreign custody were ineffective. In 2006, Human Rights Watch documented more recent cases of torture in Jordans GID in a report titled [Suspicious Sweeps: The General Intelligence Department and Jordans Rule of Law Problem](#). Human Rights Watch also submitted an expert [affidavit](#) in the Othman SIAC proceedings arguing that the assurances contained in the UK-Jordan memorandum of understanding were not an effective safeguard against torture.

In 2006, Human Rights Watch also released a detailed report on human rights conditions in Libya, [Words to Deeds: The Urgent Need for Human Rights Reform](#), which documented serious allegations of torture. Torture is a crime in Libya, but 15 out of 32 people Human Rights Watch interviewed in Libyas prisons said security authorities had tortured them during interrogations in recent years.

National self-interest will almost always trump human rights protection, Hall said. That is a key reason why brokering unenforceable promises of humane treatment is not an effective way to protect people from torture.

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