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## **European Court stops deportation of Omar Othman (aka Abu Qatada)**

The European Court of Human Rights' decision made public today halts the UK's planned deportation of Abu Qatada, a Jordanian national to Jordan on grounds of national security. The Court found that if the UK deported Abu Qatada to Jordan it would violate his right to a fair trial.

However, Amnesty International is alarmed about the possible consequences of the Court's decision that deporting Abu Qatada based on diplomatic assurances negotiated between the Jordanian and UK governments would not violate his right not to be tortured or otherwise ill-treated.

"The European Court has firmly declared that a person cannot be deported to stand trial in a proceeding where evidence gained through torture is likely to be admitted," said Julia Hall, Amnesty International's expert on human rights and counter-terrorism. "The Court concluded that the use of torture evidence is illegal, immoral, and nullifies the right to a fair trial. "

"This positive development is eclipsed by the Court's conclusion that diplomatic assurances can, under certain circumstances, be sufficient to reduce the risk of torture. This is an alarming setback for human rights" said Julia Hall, Amnesty International's expert on human rights and counter-terrorism.

"Diplomatic assurances are no substitute for respect for the legal obligation not to send a person to a place where he is at real risk of torture. People have been and will continue to be harmed by such attempts to avoid binding legal obligations by securing inherently unreliable and unenforceable promises."

"In the last decade, especially in the counter-terrorism context, we have seen governments chip away at the ban on torture. Unfortunately this decision will further contribute to the erosion of the prohibition on torture by giving governments a 'green light' to secure unreliable diplomatic assurances to justify sending people to places where they are at risk of torture."

Abu Qatada appealed to the European Court of Human Rights in February 2009 after UK's then highest court, the Appellate Committee of the House of Lords, gave the go-ahead for his deportation to Jordan on diplomatic assurances that he will not be subject to serious human rights violations.

Abu Qatada, a Jordanian national with a refugee status in the UK since 1994, was convicted in absentia in two separate trials in 1999 and 2000 in Jordan for terrorism-related offences, and sentenced to life imprisonment and 15 years' imprisonment respectively.

In October 2009, Amnesty International, Human Rights Watch and Justice submitted a joint intervention to the European Court raising concerns about the practice of relying on diplomatic assurances to justify transfer of individuals to countries where they would face a real risk of being subjected to torture or other ill-treatment.