

# JUSTICE PRESS RELEASE

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## OTHMAN: DEPORTATION TO JORDAN UNDERMINES UK COMMITMENT TO BAR ON TORTURE

The European Court of Human Rights in the case of *Othman v UK* has today found that the UK cannot return to Jordan without a flagrant breach of the most basic international right to a fair trial. JUSTICE intervened in this case, arguing that return would violate the ECHR. We welcome this first decision of the Court that return to trial on torture evidence would violate the protection offered by Article 6 ECHR.

The Court accepts that there is evidence that torture in Jordan is as “consistent as it is disturbing” and “widespread and routine”. There was a real-risk that the Jordanian courts would rely on evidence obtained by torture of the applicant’s co-defendants in violation of the bar on torture in the UN Convention against Torture, to which it was a party.

In light of these findings, it is disturbing that the Court’s reading of its existing case-law concludes that the Memorandum of Understanding between Jordan and the UK is adequate to protect against the infliction of further acts of torture or ill-treatment on return. Inconsistencies in the court’s approach could unfortunately undermine the absolute bar on torture enshrined in international law and historically upheld by the UK.

**Roger Smith, Director of JUSTICE said:**

**“The court has sent a groundbreaking message on the exclusion of evidence obtained after torture. Deportation to trial on torture evidence is tacit approval of torture, illegal and immoral.**

**Its conclusions on the widespread use of torture and torture evidence in the Jordanian courts undermine the court’s finding that an unenforceable gentlemen’s agreement with the UK Government will prevent Jordan committing further acts of torture if the applicant were returned.”**

For further comment, please contact Angela Patrick, JUSTICE’s human rights policy director, on 020 7762 6415 (direct line) or [apatrick@justice.org.uk](mailto:apatrick@justice.org.uk).

### Notes for editors

1. The intervention by JUSTICE, Amnesty International and Human Rights Watch can be found online: [http://www.justice.org.uk/data/files/TPIs/Othman\\_ECtHR\\_JUSTICE\\_intervention\\_-\\_2\\_Oct\\_09.doc](http://www.justice.org.uk/data/files/TPIs/Othman_ECtHR_JUSTICE_intervention_-_2_Oct_09.doc)
2. The judgment of the court is available online: <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=othman&sessionid=84984951&skin=hudoc-en>

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