

# UK government seeks deportation of Muslim cleric Abu Qatada

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The British government is continuing its efforts to deport Muslim cleric Abu Qatada to Jordan.

Meanwhile Qatada, who has been detained for almost nine years without charge or trial, remains in prison despite the ruling by a Special Immigration Appeals Commission (SIAC) that he should be released on highly-restrictive bail.

A Jordanian national, Qatada, also known as Omar Othman, has been detained for six-and-a-half years fighting deportation. He had previously been held for more than two years on “national security” grounds.

Qatada has never been charged in Britain, but he is wanted in the United States and seven other countries on the grounds that his sermons have provided “religious inspiration” to terrorist conspiracies.

In 2000, Qatada was convicted in his absence in Jordan in connection with planned terror attacks. But on February 7, the European Court of Human Rights (ECHR) said that the evidence on which he was convicted was obtained by torturing one of his co-defendants.

Even so, the ECHR agreed with the British government that his deportation to Jordan would not breach Article 3 of the European Convention, prohibiting inhuman or degrading treatment. Despite accepting that torture and the use of evidence obtained by torture were widespread in Jordan, the ECHR endorsed the memorandum of understanding between Britain and Jordan as providing the necessary diplomatic assurances against Qatada’s ill-treatment.

Its finding on this point was a victory for the British government. Through similar “no torture, no ill-treatment” understandings, it is attempting to provide cover for the deportation of a number of foreign nationals held in British prisons without charge—some for years—to despotic regimes in the Middle East and

North Africa.

However, the Strasbourg court ruled that Jordan’s failure to provide specific guarantees that evidence obtained through torture would not be used against Qatada in a retrial breached Article Six of the Convention on the right to a fair trial.

Amnesty International described the ECHR’s endorsement of “diplomatic assurances” as “an alarming setback for human rights”. Spokesperson Julia Hall pointed out that the ECHR “declared that a person cannot be deported to stand trial in a proceeding where evidence gained through torture is likely to be admitted. 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.”

Following the ECHR verdict, SIAC ruled that Qatada should be released from detention on terms of a 22-hour curfew for three months, while the government won assurances from Jordan that torture evidence would not be used against him. His release on bail has so far been blocked by the government. Prime Minister David Cameron said, “The government will do everything it can working with our Jordanian friends and allies to make sure that he can be deported.”

Cameron was reported to have discussed with King Abdullah of Jordan removing “obstacles” to Qatada’s deportation.

Another option is for the British government to appeal the ECHR decision to the court’s grand chamber, which would mean Qatada remaining in detention for another year or more.

In parliament, Home Secretary Theresa May said she was “vehemently” opposed to the ECHR finding. “I

continue to believe Qatada should remain behind bars,” she said. “The right place for a terrorist is a prison cell. The right place for a foreign terrorist is a foreign prison cell far away from Britain.”

The government has consistently refused to try Qatada in the UK. In a statement the civil rights group Liberty pointed out that allegations that the cleric was “instrumental in inciting acts of terrorism around the world” would “constitute criminal offences in most parts of the world including in the United Kingdom.”

In the wake of the ECHR ruling, it said, “It is clear... that any proposed criminal trial of this suspect should now take place in Britain without delay.”

Writing in the *Guardian* in January, Richard Norton Taylor indicated just why Britain is so reluctant to try and prove the accusations against Qatada in a UK court:

“The answer is that far too much embarrassing information about MI5 and the Met police would come out in court.”

For years after Qatada’s arrival in the UK in 1994, MI5 had dismissed claims that he was the “spiritual head of the mujahedin in Britain” as “overblown rhetoric,” he wrote.

When MI5 came to realise his preaching was “potentially quite dangerous”, MI5 had approached Qatada to try “and persuade him to tone down his jihadist rulings, at least insofar as they were addressed to a potential audience here.”

Why would the first recourse of MI5 as regards a “dangerous”, “jihadist” preacher, be to ask him to moderate his language? This is not explained.

Norton Taylor continued that “Hours before a new anti-terrorism law allowing foreign terrorism suspects to be held without charge of trial [the Anti-terrorism, Crime and Security Act 2001 legislated by the Blair Labour government] Qatada left his London home. *Mysteriously*, MI5 and the police could not find him anywhere”, for several months [emphasis added].

Norton Taylor does state explicitly that one reason that MI5 and the police “would not welcome a trial” is indicated by the cases of two British residents—Jamil el-Banna and Bisher al-Rawi—who were seized by the CIA in Gambia in 2002 and rendered to Guantanamo Bay.

MI5 documents made available in court disclosed how the intelligence agency had tried to recruit Banna as an informer just days before he left for Gambia, and

how Rawi had provided it with information on Qatada. All three men had prayed at the same London mosque. It was information on MI5’s involvement with Banna and Rawi that forced the British government to argue for their release from Guantanamo Bay. They were eventually freed in 2007.

“What might [Qatada], or Banna or Rawi, say, what documents would have to be disclosed, if a trial were held here?”

What indeed? The WWSWS has noted previously the case of Islamist cleric Abu Hamza El-Masri, who was sentenced to seven years in prison in February 2006 on charges related to inciting terrorism. (See “Britain: Why did it take so long to bring Abu Hamza to trial?”.)

There is a mass of evidence indicating that Britain’s security services, at the very least, sheltered Hamza for years, while heavily infiltrating his organisation, Al-Muhajiron, and the mosque where he preached. At his trial, records were provided showing that Hamza met with representatives of the secret services on seven occasions between 1997 and 2000.

Such relations clearly provide the basis for a massive trawling operation by Britain’s security services, particularly against the Muslim community and for the staging of political provocations in the form of terrorist outrages, both successful and failed. The activities of clerics such as Qatada and Hamza are routinely used to justify the most draconian infringement of civil liberties, such as that people can be held for years without trial.



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