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UK: Home Secretary's proposal falls short of Law Lords ruling

The United Kingdom (UK) authorities must release immediately all those detained under Part 4 of Anti-Terrorism, Crime and Security Act 2001 (ATCSA) unless they are charged with a criminal offence and given a prompt and fair trial. Today's proposals from the Home Secretary, Charles Clarke, fall short of the government's obligations under human rights law, Amnesty International said today.

"The 12 people, charged under Part 4 of ATCSA, continue to be deprived of their liberty without being charged with any identifiable criminal offence. Today's statement by the UK Home Secretary may alleviate the conditions they are under, but it falls short of doing them justice," Nicola Duckworth, Head of Europe and Central Asia Programme at Amnesty International said.

Charles Clarke said today that detaining foreign "terror"suspects without trial will be replaced by restrictions on movement and communication, in some cases amounting to house arrest. He said that the UK government will be seeking to deport some of them. The proposed new measures will also apply to UK citizens.

"The Home Secretary's proposal flies in the face of natural justice - the presumption of innocence, the right to challenge prosecutorial evidence, the right to fair trial," Nicola Duckworth said.

Amnesty International expresses deep concern over the proposal that some of the detainees may be deported.

"The UK government must adhere to its international obligations not to forcibly return anyone to any country where they may face serious human rights violations, including unfair trial, ill-treatment, torture, or execution."

Background

In December 2004 the Law Lords declared that the powers of the Home Secretary to indefinitely detain without charge or trial non-deportable foreign nationals as "suspected international terrorists" and a "national security risk" were discriminatory and disproportionate, and therefore incompatible with human rights law. They also ruled that the UK government must withdraw the derogations from Article 5(1) of the (European) Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and from Article 9 of the International Convention on Civil and Political Rights (ICCPR), which allowed the introduction of Part 4 of ATCSA. The UK remains the only country that has derogated from the ECHR in the aftermath of 11 September 2001.

Public Document

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