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News Flash

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UK: Law Lords confirm that torture "evidence" is unacceptable

Today's judgment has put the onus firmly on the United Kingdom (UK) authorities to comply with their obligations under international law and its absolute ban on torture, Amnesty International said in a first reaction to the Law Lords' ruling.

"It is deplorable that the UK government had to be taken to court over this. Over the last two and a half years the authorities have shamefully sought to defend the indefensible," Amnesty International said.

The Law Lords have confirmed that evidence obtained through torture is never acceptable except in proceedings against the alleged torturer. The ruling confirms the otherwise absolute inadmissibility in judicial proceedings in the UK of "evidence" extracted under torture.

"This is a momentous decision. The Law Lords' ruling made unacceptable the tacit acceptance that torture can be condoned under certain circumstances. This ruling shreds any vestige of legality with which the UK government had attempted to defend a completely unlawful and reprehensible policy that it had tried to introduce as part of its counter-terrorism measures."

"The UK judiciary must re-examine where 'evidence' extracted under torture may have been used in previous proceedings."

"It is now imperative that the UK government drops the so-called Memoranda of Understanding on the basis of which it is seeking to deport alleged terror suspects to countries where they are at risk of torture. Such memoranda are nothing other than another attempt to give a cloak of legality to that which is unlawful."

Background

In October 2005, the Law Lords heard the appeal brought by 10 foreign nationals who had previously been interned without charge or trial against an August 2004 judgment of the Court of Appeal of England and Wales which had ruled admissible as "evidence" before the courts information obtained through the torture of a person who was not a party in the proceedings providing that the torture was not committed or connived at by UK agents.

Amnesty International led a coalition of 13 other organizations in making a joint intervention in the case by making written and oral submissions to the Law Lords, asking the Law Lords to overturn the Court of Appeal's judgment. In the intervention to the UK's highest court, the lawyers representing the coalition put forcefully the argument that under international law torture is absolutely prohibited in all circumstances and that no statement obtained through torture should ever be admitted as evidence except in proceedings against torturers.

The coalition was represented in this case, *pro bono*, by Keir Starmer QC, Mark Henderson, Joseph Middleton, Peter Morris, Laura Dubinsky, all barristers at Doughty Street Chambers, and Richard Stein, Jamie Beagent, Rosa Curling and Jo Hickman of Leigh Day & Co Solicitors.

In addition to Amnesty International, the other organizations making up the coalition were the Advice Centre on Individual Rights in Europe (The AIRE CENTRE), the Association for the Prevention of Torture, British Irish Rights Watch, The Committee on the Administration of Justice, Doctors for Human Rights, Human Rights Watch, The International Federation of Human Rights, INTERIGHTS, The Law Society of England and Wales, Liberty, the Medical Foundation for the Care of Victims of Torture, REDRESS and the World Organisation Against Torture.

For a full copy of the *Case for the Interveners on Appeal* please go to:
<http://web.amnesty.org/library/index/engneur450412005>

Amnesty International is campaigning to stop torture and other ill-treatment in the "war on terror". For more information, please go to the campaign home page:
<http://web.amnesty.org/pages/stoptorture-index-eng>

Public Document

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