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UK: Court of Appeal gives green light to torture

Amnesty International is appalled by today's ruling of the Court of Appeal that "evidence" obtained by torture is admissible in the UK.

"The rule of law and human rights have become casualties of the measures taken in the aftermath of 9/11. This judgement is an aberration, morally and legally," Amnesty International said today.

The Court of Appeal dismissed the appeals of 10 foreign nationals interned without charge or trial under the Anti-terrorism, Crime and Security Act 2001 (ATCSA).

In a two-to-one ruling, the second highest court in England and Wales clarified that "evidence" obtained by torture would not be deemed admissible when directly procured by UK agents or in whose procurement UK agents have connived.

"This caveat does nothing to prevent torture at the hands of agents of other states; in fact, it effectively encourages and fosters it. It is a fundamental duty of all courts to act as a bulwark against human rights violations. Today, the Court of Appeal has shamefully abdicated this most important duty," Amnesty International said.

The Court of Appeal dismissed all grounds on which the appellants had appealed against the October 2003 judgments of the Special Immigration Appeals Commission (SIAC), including SIAC's ruling that torture "evidence" is admissible.

"If there is sufficient evidence to warrant holding these individuals, they should be charged with a recognizably criminal offence, and tried in proceedings which fully meet international fair trial standards. Otherwise they should be released", Amnesty International said.

Background

Under the ATCSA, the Secretary of State can certify non-deportable foreign nationals as "suspected international terrorists", and detain them indefinitely, without charge or trial. Therefore, Amnesty International believes that the ATCSA is discriminatory.

In December 2003, the Committee of Privy Counsellors, who had been charged with reviewing the ATCSA, recommended the urgent repeal of ATCSA powers allowing non-UK nationals to be detained potentially indefinitely. Early this month, the UK Parliament Joint Committee on Human Rights agreed with this recommendation.

As of today, 12 people remain interned under the ATCSA in the UK. They have been held in high-security facilities under severely restricted regimes. Most of the internees have been in detention for more than two years. One further person, known only as "G" for legal reasons has been granted bail under conditions amounting to house arrest. So far, only one person, known for legal reasons only as "M", has won an appeal against certification as a suspected international terrorist.

Further documentation

Amnesty International's report:

UK: Justice Perverted under the Anti-terrorism, Crime and Security Act 2001-

<http://web.amnesty.org/library/index/engeur450292003>

Related Amnesty International press releases:

UK: Repeal emergency powers - <http://web.amnesty.org/library/index/engeur450322003>

UK: Home Secretary's reported proposals -- an aberration of justice, the rule of law and human right -

<http://web.amnesty.org/library/index/engeur450042004>

UK: Scrap internment - <http://web.amnesty.org/library/index/engeur450082004>

UK: Court of Appeal puts an end to M's persecution -

<http://web.amnesty.org/library/index/engeur450132004>

Public Document

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