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News Flash

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UK: Three years too late for internees

Today, a panel of nine Law Lords ruled that the legislation, adopted in the United Kingdom (UK) in the aftermath of the attacks in the USA on 11 September 2001, was unlawful. A number of people have been detained for nearly three years under this legislation. The law lords ruled that their human rights had been breached.

"This ruling comes three years too late," Amnesty International said in its immediate reaction to the judgment of the law lords.

"Nothing can remedy the fact that people have been detained without charge or trial, principally on the basis of secret evidence, for nearly three years," the organization added.

Background

Part 4 of the Anti-Terrorism, Crime and Security Act 2001 empowers the Home Secretary to certify -- and subsequently indefinitely detain without charge or trial -- non-deportable foreign nationals as "suspected international terrorists" and a "national security risk". As of today, 11 people continue to be held under this legislation, most of them have been in detention for nearly three years. They have been held under severely restrictive regimes in high security prisons and in a high security psychiatric hospital. Concern about their mental and physical health was heightened by the findings of a report -- published on 13 October 2004 -- prepared by 11 Consultant Psychiatrists and one Consultant Clinical Psychologist about the serious damage to the health of eight of the detainees. Amnesty International has repeatedly called for the government to withdraw this legislation, as it is discriminatory and inconsistent with international human rights law and standards.

Today's judgment was the outcome of a case in which the people detained challenged the legality of the legislation on the basis that it violated their human rights. Amnesty International intervened in the proceedings which have resulted in this judgment by making a written submission to the Law Lords asking them to find that indefinite detention under this legislation was of a criminal nature for all intents and purposes. That it, as such, violates the most fundamental fair trial rights guaranteed in international standards, including treaty provisions by which the UK is bound. In addition, the organization invited the Law Lords to find that the admissibility of, and reliance on, evidence obtained as a result of torture or other ill-treatment (of a third party) in proceedings under this legislation was a violation of the UK's obligations under international law.

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