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United Kingdom: UN Committee calls for effective safeguards against torture

The United Kingdom Government should make a formal undertaking that it will not rely on, or present "evidence" obtained through torture in any proceedings, the UN Committee against Torture (CAT) recommended today.

"The Committee's conclusion on the need for a clear and definitive statement from the UK authorities that they will abide by the international ban on the introduction of 'evidence' obtained through torture is welcome," said Amnesty International.

In its briefing to the CAT -- amongst other things -- Amnesty International expressed concern that the UK authorities -- both the executive and the judiciary -- are violating the prohibition against the use of statements obtained through torture as evidence in any proceedings, except against a person accused of torture. The admissibility of, and reliance on, "evidence" obtained through torture was one of the grounds on which the Court of Appeal England and Wales ruled on 11 August 2004. In a most disturbing judgment the Court of Appeal "clarified" that "evidence" obtained by torture of a third party would not be deemed admissible only if it had been directly procured by UK agents or if UK agents had connived in its procurement. Otherwise, such "evidence" would be admissible and could be relied upon.

"This ruling effectively encouraged the use of torture and added a veneer of respectability to an abhorrent and unacceptable practice."

"A clear and unequivocal statement from the UK government that it will not rely on 'torture evidence' and will uphold the absolute prohibition against torture and other ill-treatment would go some way towards redressing this aberration," Amnesty International concluded.

Amongst other things, the CAT expressed concern about "reports of incidents of bullying followed by self-harm and suicide in the armed forces, and the need for full public inquiry into these incidents and adequate preventive measures". In respect of the conduct of UK army personnel in Iraq, the CAT reminded the UK authorities that "the Convention protections extend to all territories under the jurisdiction of a State party and considers that this principle includes all areas under the de facto effective control of the State party's authorities".

The full text of Amnesty International's briefing to the UN Committee against Torture is available at: <http://news.amnesty.org>

Public Document

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