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[COVER]

United Kingdom: Human rights are not a game

[QUOTE]

'Compromising human rights cannot serve the struggle against terrorism.'
UN Secretary-General Kofi Annan

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'Let no one be in any doubt. The rules of the game are changing'
Tony Blair

A warning issued by THE Prime Minister on 5 August 2005 when outlining anti-terrorism measures that threaten fundamental freedoms in the UK.

The truth is that the UK government had been changing "the rules of the game" long before the Prime Minister made the above statement. In fact, ever since the declaration of the so-called "war on terror" by the US government following the attacks in the USA on 11 September 2001, the UK authorities have been attacking human rights, the rule of law and the independence of the judiciary.

They have rushed through anti-terrorism measures that undermine a wide range of human rights safeguards and have led to abuses. They have persecuted men they have labelled a "threat to national security" on the basis of secret intelligence, with devastating consequences for the men and their families. They have undermined the ban on torture both at home and abroad. They have failed to live up to their domestic and international legal obligations in relation to abuses committed abroad by other states and by UK officials and troops. In all these areas, they have repeatedly attempted to circumvent or ignore human rights treaties that the UK is obliged to respect.

The hostile attitude of the UK government towards human rights is deeply disturbing, particularly given the UK's immense influence on the world stage. The UK is a permanent member of the UN Security Council. It currently has the Presidency of the European Union and is a member of the G8 (a group of eight of the most influential nations), the Council of Europe and the Organization for Security and Co-operation in Europe. It has been the main ally of the USA in the wars in Afghanistan and Iraq, and has stood by its partner in the face of widespread evidence of gross human rights abuses, including allegations of war crimes. It has also joined forces with the USA in framing the debate about human

rights and international security.

Amnesty International stresses that security and human rights are not alternatives; they go hand in hand. Respect for human rights is the route to security, not an obstacle to it.

[BOX]

London bombings

Four bomb attacks on the London transport system on 7 July 2005 killed 52 people and injured many hundreds of others. Amnesty International unconditionally and unreservedly condemned the attacks and called for those responsible to be brought to justice.

Amnesty International recognizes that it is incumbent on the UK authorities to review legislative and other measures with a view to preventing further attacks. But it is equally incumbent on them to ensure that measures taken to bring people to justice, as well as measures taken to protect people from such crimes, respect fundamental human rights.

Governments have a further duty in the aftermath of attacks – to make sure that victims and their families receive prompt and adequate reparation. Concern has been expressed by some of those whose lives were shattered by the July bombings about the lack of prompt and adequate reparation.

The UK government must respond to attacks on human rights by defending human rights. Any other course of action is wrong, unlawful and counter-productive.

[CAPTION]

Amnesty International members and supporters lay wreaths at Kings Cross station, one of the four sites bombed in July 2005. © AI

[PAGES 3 AND 4]

[QUOTE]

'Human rights law makes ample provision for counter-terrorist action, even in the most exceptional circumstances. But compromising human rights cannot serve the struggle against terrorism. On the contrary, it facilitates achievement of the terrorist's objective – by ceding to him the moral high ground, and provoking tension, hatred and mistrust of government among precisely those parts of the population where he is most likely to find recruits.'

Kofi Annan, UN Secretary-General, March 2005

[CAPTION]

Five children of Mahmoud Abu Rideh (see below) staging a protest in London against their father's internment, December 2003.

© Sarah Lee/Guardian

[BOX]

Mahmoud Abu Rideh, aged 33, is a Palestinian refugee and a torture survivor. In July 2002, after more than six months' internment in Belmarsh high-security prison, his mental health had deteriorated to such an extent that he was transferred to the high-security Broadmoor psychiatric hospital. Experts deemed that it was clinically inappropriate to place him in an institution charged with caring for dangerous and violent patients. Mahmoud Abu Rideh suffers from a severe form of post-traumatic stress disorder. The harsh conditions of detention triggered frequent flashbacks of his torture and he started to self-harm and became a high suicide risk. After more than three years of internment, in March 2005 he was subjected to a "control order" under the Prevention of Terrorism Act. He remains seriously ill.

[BOX]

In June 2005 Lord Steyn, a former Law Lord, hailed as "a vindication of the rule of law" the ruling by the Law Lords that the detention without trial of foreign nationals in Belmarsh and other prisons contravened human rights law. He added: "Nobody doubts in any way the very real risk of international terrorism. But the Belmarsh decision came against the public fear whipped up by the governments of the USA and UK since September 2001 and their determination to bend established international law to their will and to undermine its essential structures."

[END BOX]

Creating a shadow criminal justice system

The UK government's immediate response to 11 September 2001 was to introduce anti-terrorism legislation, even though the UK already had one of the toughest anti-terrorism laws in the world, the Terrorism Act 2000. Two new Acts were passed – the Anti-Terrorism, Crime and Security Act 2001 (ATCSA) and the Prevention of Terrorism Act 2005 (PTA) – both of which contain sweeping provisions that contravene human rights law and have led to serious abuses. Then,

after the London bombings, further draconian measures were proposed. These include measures that would curtail freedom of speech, religion and association, the right to liberty and freedom from arbitrary detention, and the right to a fair trial. People allegedly suspected of involvement in terrorism, labelled as “terrorist suspects”, who have been detained in the UK without charge or trial (interned) have found themselves in a Kafkaesque world. They have been held for years in harsh conditions on the basis of secret accusations that they and their lawyers have not been allowed to know and have therefore been unable to refute. Amnesty International highlighted that their treatment was cruel, inhuman and degrading, and demanded that the men be released or charged with a recognizably criminal offence.

When the highest court in the land ruled in December 2004 that their detention was unlawful, the government found new ways of restricting their liberty. First, it imposed “control orders” introduced in the hastily passed PTA 2005, which restricted where the men could go and what they could do. Then, it reimprisoned most of them under immigration powers pending deportation on the grounds that the men were a “threat to national security”. At no point have any of these men been found guilty in the UK of a terrorism-related crime. Many of them and their families have suffered serious deterioration in their mental and physical health. The cumulative effect of the measures taken against these people amounts to persecution.

In August 2005, in the charged atmosphere following the London bombings, the Prime Minister announced a 12-point plan to counter terrorism. Much of the plan targeted non-UK citizens, even though all the suspected bombers were UK nationals.

In October a new Terrorism Bill was brought before parliament which reflected some of the 12-point plan. It contained further sweeping provisions that undermine freedom of expression and association, as well as the right to a fair trial, and would effectively reintroduce internment.

Amnesty International considers that vague offences based on a broad definition of “terrorism” and on concepts such as “glorification” of terrorism lack clarity and could lead to the criminalization of people for the legitimate exercise of their right to freedom of speech and association.

The Bill’s proposal to extend police detention without charge to 90 days was roundly condemned, including by two former Law Lords. Lord Steyn called it “an exorbitant and unnecessary power” and Lord Lloyd said it was “intolerable”.

There was also widespread opposition in parliament. Despite this, at the time of writing in November the government appeared to be determined to push ahead with the proposal.

For several years the government has been introducing legislation that places increasing powers in the hands of the executive (the government) and effectively compromises the role of the judiciary. Such measures have therefore undermined the separation of powers between the judiciary and the executive. The role of judges in proceedings under asylum legislation, anti-terrorism laws and the Inquiries Act 2005 has been undermined or usurped.

New anti-terrorism measures introduced or proposed since September 2001

involve punishment – whether it be deprivation of liberty or deportation – of people whom

the authorities have decided are a threat but against whom the authorities state there is insufficient evidence to present to a court. Internment and “control orders” fly in the face of human rights law which demands that people should only be punished if they have been charged with a recognizably criminal offence, tried and convicted in fair proceedings.

Another fundamental principle of criminal law is that offences should be clear so that everyone knows what behaviour is forbidden. The anti-terrorism legislation passed since 2000 has included an increasing number of broad and vague terms, including the definition of “terrorism” itself.

A criminal justice system that includes these features is neither fair nor just nor lawful – and soon results in the loss of public confidence and gross miscarriages of justice.

[QUOTE]

‘Should legal obstacles arise we will legislate further, including, if necessary, amending the Human Rights Act in respect of the interpretation of the European convention on human rights.’

Tony Blair, 5 august 2005

[QUOTE]

‘The ultimate treason for any judge is to uphold as lawful that which is unlawful.’

Lord Bingham, the senior Law Lord, September 2005

[BOX]

A 39-year-old Algerian man previously interned in Belmarsh prison and currently detained pending deportation as a threat to “national security”, referred to only as “P” for legal reasons, is disabled. He has had both forearms amputated, so he needs help with going to the toilet and other tasks. The European Committee for the Prevention of Torture, reporting on his detention in Belmarsh prison, stated that “he did not always receive the necessary assistance. Moreover, his mental state had deteriorated seriously as a result of his detention, leading to both severe depression and post-traumatic stress disorder.” Since his detention pending deportation, P’s mental health has markedly worsened. He is said to be particularly concerned about the possibility that he will be forcibly returned to Algeria. His bail application was refused.

[BOX]

Another former Belmarsh internee – a 36-year-old Algerian torture survivor referred to only as “G” – was rearrested in August 2005 and detained pending deportation as a “threat to national security”. He had polio as a child and suffered a permanent weakening of his right leg as a result. He suffers from a major depressive disorder. In September 2005 he made a serious attempt on his life. His further detention led to a marked deterioration in his health, with symptoms such as head banging and a heightened risk of suicide. In a recent bail hearing, G’s fear

of being forcibly returned to Algeria was accepted as a factor in his worsening health and he was granted bail on medical grounds.

[PAGE 5]

[CAPTION]

Murtza Rasul holds a newspaper that shows his brother Shafiq Rasul allegedly injured after he was captured in Afghanistan in 2001. Shafiq Rasul, Ruhul Ahmed and Asif Iqbal – all from Tipton in the West Midlands – were returned to the UK in March 2004 after prolonged detention in Guantánamo Bay, Cuba.

© Steve Forrest/Insight/Panos

Ethnic minorities under siege

Many of the UK's three million Muslims and other minority communities have felt under siege in recent years. Like everyone else in the country, they experienced the fear associated with the attacks of 11 September 2001 and 7 July 2005. But they also experienced increasing racism, fostered in part by the frequent linking by the government and media of the “terrorist threat” with “foreigners” and “Muslim extremists”.

On top of this, they have suffered the consequences of anti-terrorism measures that are discriminatory in law or practice. The Minister for Counter Terrorism, Hazel Blears, even warned that Muslims must face up to the reality that the police would target them in “stop and search” operations because of the threat from people “associated with an extreme form of Islam”.

Muslims in particular have felt targeted and under general suspicion, perceptions reinforced by government announcements and policies. For example, the government is reported to be consulting on the proposed introduction of powers to close down places of worship where “extremists” operate if religious leaders fail to curb “extremism”. Official statements leave no doubt that it is mosques that are in their sights. Such powers could amount to collective punishment, religious persecution and discrimination – all of which are unlawful.

The impact of these policies is felt on the streets by people from the Muslim and ethnic minority communities. For example, the use of counter-terrorism stop and search powers increased sevenfold after the 7 July attacks, with Asian people bearing the brunt of the increase. According to British Transport Police figures, people of Asian appearance were five times more likely to be stopped and searched than white people. None of these stops resulted in a terrorism charge. Since 2001, and particularly since 7 July 2005, there has also been a significant rise in the number of racist and faith-based attacks against individuals, homes and places of worship.

It is unclear how any of the anti-terrorism measures announced since 7 July would have stopped the London bombers. It was not gaps in legislation that failed to prevent the bombings. It was lack of intelligence that the attacks were being planned.

There is a real danger that the proposed measures will further alienate the very communities the government needs on its side. If this happens, there is even less likelihood of good intelligence emerging and even less chance that the UK will not

suffer further violent attacks.

[BOX]

Police figures released on 3 August 2005 showed a 600 per cent rise in attacks motivated by religious hatred in London after 7 July – 269 compared with 40 the previous year. In the three days after 7 July, there were 68 faith hate crimes, compared with none in the same period in 2004.

[CAPTION]

A protest vigil outside parliament during the debate on the Anti-Terrorism, Crime and Security Bill, November 2001.

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Creeping acceptance of torture

The government's apparent disregard for human rights law when framing anti-terrorism legislation has been reflected in its various attempts to undermine the ban on torture and other cruel, inhuman or degrading treatment – one of the most universally accepted human rights protections.

Most recently, it has been trying to forcibly send people purportedly suspected of terrorism to countries where they risk torture or other ill-treatment.

A principle inherent to the absolute ban on torture and ill-treatment is that no one should ever be sent to a country where they would be at risk of such abuses – a principle known as non-refoulement. Yet the UK authorities have tried to find ways to circumvent this principle in order to deport people to countries with a history of torture and ill-treatment. They say the people in question are a “threat to national security”, while stating that there is insufficient evidence to bring criminal charges against them.

The government has concluded “memorandums of understanding” with Jordan and Libya, and is trying to reach similar agreements with other countries, so that it can declare that it is safe to deport people to these places.

“Diplomatic assurances” are inherently unreliable and ineffective. Countries where “diplomatic assurances” have been sought have a well-documented record of torture or other ill-treatment. Why should anyone trust government officials who routinely deny that torture is happening in their country? In any case, such assurances do not relieve a government of its obligations under the principle of non-refoulement.

It also appears that the UK government has played a role in the unlawful transfer to US custody of several men who eventually ended up in the US naval base at Guantánamo Bay, Cuba. This practice, often referred to as “rendition”, involves the illegal and often secret transfer of people from one country to another, including countries where torture is rife, or to US custody in military bases and secret locations around the world. There is mounting evidence that countries known to practise torture have been specifically selected to receive certain suspects for interrogation in an attempt to distance the USA from the abuse. This is outsourcing torture and should be stopped immediately.

The UK authorities' creeping acceptance of torture abroad took a particularly disturbing turn in August 2004 when the Court of Appeal of England and Wales ruled that “evidence” obtained through torture abroad would not only be admissible in proceedings in the UK, but also could be relied upon. The only caveat was that UK officials should not have connived or taken part in the torture. The ruling gave torturers abroad the UK's stamp of approval and a legal outlet for the fruits of their cruelty.

Amnesty International led a coalition of 14 organizations in making a joint submission to the Law Lords, who were hearing an appeal against the Court of Appeal's ruling. The submission highlighted how the use of torture evidence in proceedings violates international human rights law. The Law Lords' decision is

pending.

[CAPTION]

Amnesty International members stage a protest near parliament against conditions of detention in Guantánamo Bay, November 2003.

© AI

[BOX]

Bisher al-Rawi, an Iraqi national legally resident in the UK, and Jamil al-Banna, a Jordanian national with refugee status in the UK, continue to remain in US custody at Guantánamo Bay, Cuba. The UK authorities were implicated in their unlawful transfer to US custody in 2002 and for a long time refused to make representations on their behalf. The men were arrested in Gambia on 8 November 2002. Six days earlier, at London's Gatwick airport, UK authorities had detained and questioned them for two days about their alleged links with "terrorism" before releasing them without charge. In Gambia, the men were questioned by US investigators. They were then transferred to a US base in Afghanistan before being sent to Guantánamo Bay. Amnesty International asked the UK authorities whether they had informed the Gambian or US authorities about the two men before they travelled to Gambia, but has not received a response.

[QUOTE]

'If the [UK] government's policy is against rendition, then we must make that clear. The franchising out of torture is wholly unacceptable.' Chris Mullin MP, September 2005

[QUOTE]

'It can be said that, by using torture, or even by adopting the fruits of torture, a democratic state is weakening its case against terrorists, by adopting their methods...' Lord Justice Neuberger, August 2004

Undermining human rights abroad

The UK government has persistently tried to circumvent its obligations under international and domestic law in relation to abuses committed abroad – by other governments, by UK officials and by UK troops.

Its record in relation to the human rights scandal of the US detention centre at Guantánamo Bay has been shameful. For two years the government claimed no knowledge of the appalling abuses being suffered there.

Only after intense pressure was exerted by relatives of Guantánamo detainees and human rights organizations did the government finally act to seek the release of UK nationals. Since then it has failed to make adequate representations on behalf of UK residents still languishing there. It has also failed miserably in its duty to mount a serious protest against the litany of human rights abuses being suffered by the hundreds of men who remain in Guantánamo Bay without any hope of justice.

Moreover, UK intelligence officers took advantage of the legal limbo and the coercive detention conditions at Guantánamo Bay and reportedly at other locations, including Bagram airbase in Afghanistan, to conduct interrogations. Such interrogations took place without any of the normal safeguards, such as having a lawyer present, thereby circumventing both domestic and international human rights law.

UK officials have also allegedly taken part or been complicit in the interrogation under torture or ill-treatment of UK suspects in the custody of other countries, including the USA, Pakistan and Morocco.

As described earlier, information obtained by such illegal methods has been ruled admissible by a UK court. It may also have formed part of the secret evidence used by the government to justify the detention of people, and may be used as grounds to deport them.

An approach that undermines human rights has also been apparent in relation to the behaviour of UK troops deployed abroad. In response to well-substantiated allegations that, during the period of occupation, UK soldiers committed war crimes and other serious human rights violations in Iraq, including unlawful killing and torture, the government tried to duck its responsibilities. It asserted that human rights law did not bind its armed forces in Iraq. Partly as a result of this attitude, the UK authorities have failed to establish independent, thorough and prompt investigations into alleged abuses. They have also failed to provide adequate redress to victims and their families.

Amnesty International is further concerned about the role played by the UK in the internment of at least 10,000 people in Iraq. UK officials, alongside US and Iraqi officials, sit on the Joint Detention Review Board, which reviews the cases of all those interned by members of the Multinational Force in Iraq (in most cases, by US troops). UK troops are themselves believed to be holding around 10 “security internees” in Iraq without charge or trial, including at least one man who has dual

UK-Iraqi nationality.

[CAPTION]

Moazzem Begg at an Amnesty International meeting in the UK in 2005. A UK national, he was allegedly seized in Pakistan in early 2002 by Pakistani and US agents, and a year later ended up in Guantánamo Bay. He was returned to the UK in January 2005, where he was released without charge.

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[BOX]

'The British interrogators [who questioned him while he was in US custody in Afghanistan] also interrogated me with a soldier in a corner with a gun. They saw that I was shaking and shivering and what a bad state I was in medically. However, they did nothing for me.' 'I told the British interrogators on at least five occasions every detail of what was going on in Guantánamo Bay, including the beatings.'

Tarek Dergoul, a UK national arrested in Afghanistan, transferred to Guantánamo Bay and eventually released in March 2004.

[BOX]

Hilal Abdul-Razzaq Ali Al-Jedda is a dual UK-Iraqi national who lives in London. On 10 October 2004 he was seized by US troops in Baghdad, Iraq, and handed over to UK forces. Since then he has been interned by UK forces in a detention centre near Basra. Although his detention has been reviewed periodically, it can be extended indefinitely and so far has been. He has not been granted the right to appeal. The UK authorities have reportedly stated that the information that forms the basis of their suspicions would not be sufficient to bring criminal charges against him.

Human rights are not a game — protecting our rights is an essential component of protecting our security.

For decades Amnesty International has monitored steps taken by governments to protect the “security of the state” all over the world, including in the UK. Often, counter-terrorism measures have been an excuse for laws and practices that stifle dissent and opposition, and allow state agents to commit human rights abuses with impunity. Those affected frequently include members of the wider population not involved in any illegal activity.

Evidence of this in the UK has been increasingly apparent, with peaceful protesters subject to police action under provisions designed solely to counter terrorism.

The Council of Europe's Commissioner for Human Rights recently stated that the UK has shown a tendency to “consider human rights as excessively restricting the effective administration of justice and the protection of the public interest”. He added that “it is perhaps worth emphasising that human rights are not a pick and mix assortment of luxury entitlements” and that “their violation affects not just the individual concerned, but society as a whole; we exclude one person from their enjoyment at the risk of excluding all of us.”

Amnesty International adds its voice to the many others that are reminding governments that bad laws make everyone less safe.

[BOX]

WHAT YOU CAN DO

- CHALLENGE THE ARGUMENT THAT ‘SECURITY’ MEASURES THAT VIOLATE HUMAN RIGHTS WILL MAKE US SAFER
- HELP STOP THE EROSION OF HUMAN RIGHTS PROTECTION AT HOME AND ABROAD
- HELP DEFEND THE ABSOLUTE PROHIBITION OF TORTURE AND OTHER ILL-TREATMENT AT HOME AND ABROAD

CALL ON PRIME MINISTER TONY BLAIR TO:

- Say NO to torture or other ill-treatment
- Say NO to diplomatic assurances and the forcible return of people to countries where they will be at risk of torture or other ill-treatment
- Say NO to evidence extracted under torture or the use of secret evidence
- Say NO to arbitrary detention
- Say NO to discriminatory measures
- Say YES to respect for the rights to freedom of expression and

- association
- Say YES to respect for the rule of law
- Say YES to respect for the independence of the judiciary

YOU CAN PREVENT THE EROSION OF YOUR RIGHTS BY TAKING ACTION!
[END BOX]

For FURTHER INFORMATION about Amnesty International's concerns on human rights in the UK, please see www.amnesty.org

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JOIN AMNESTY INTERNATIONAL

- In the UK, contact AIUK at The Human Rights Action Centre, 17-25 New Inn Yard, London EC2A 3EA; tel: 020 7033 1777; fax: 020 7033 1797; email: sct@amnesty.org.uk.
- Elsewhere, contact your local Section, join online at www.amnesty.org or write to the International Secretariat at Peter Benenson House, 1 Easton Street, London WC1X 0DW, UK.

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