

# AMNESTY INTERNATIONAL

## PRESS RELEASE

AI Index: EUR 45/004/2005 (Public)  
News Service No: 044  
22 February 2005

### **UK: Proposed "control orders" would violate human rights**

The prevention of terrorism bill makes a mockery of human rights and the rule of law and contravenes the spirit, if not the letter, of the December 2004 Law Lords' judgment, Amnesty International said today.

The United Kingdom (UK) Home Secretary Charles Clarke unveiled his proposals for "control orders" which range from tagging to "house arrest" without charge or trial and would apply to UK citizens and foreigners alike. The decision to impose such orders will be taken by the executive alone. The introduction of "house arrest" without charge or trial requires derogations from the European Convention on Human Rights (ECHR) and the International Convention on Civil and Political Rights (ICCPR).

"The United Kingdom (UK) government's proposal to issue, debate and pass a piece of legislation -- introducing draconian measures and further derogating from obligations under international treaties -- within the next few weeks, is a repeat of the way in which they railroaded the enactment of the Anti-Terrorism, Crime and Security Act (ATCSA) in 2001. As such it shows contempt for parliamentary and public scrutiny and debate," Amnesty International said.

"House arrest without charge or trial is no different from internment at Belmarsh, Woodhill or Broadmoor. It is still deprivation of liberty. The provisions for judicial involvement post facto do not alter the arbitrary nature of this bill," Amnesty International said.

"Those suspected of involvement in 'terrorism' must be charged with a recognizably criminal offence and tried in proceedings which fully comply with international fair trial standards."

Amnesty International considers that rather than tabling ill-conceived and dangerous legislation that contravenes domestic and international human rights law -- and that if implemented, would lead to serious human rights violations -- the UK authorities should:

- commit themselves to upholding the rule of law and human rights;
- end executive powers to deprive people of their liberty;
- release immediately all those interned unless charged with a recognizably criminal offence and tried;
- withdraw the derogation from the ECHR and ICCPR;
- end the use of secret evidence to deprive people of their liberty or restrict their freedoms of movement, expression or association;
- ban the use of torture evidence in any proceedings.

The Home Secretary Charles Clarke justified the draft bill on prevention of terrorism with the necessity to counter "terrorists" who allegedly want to attack the UK.

Amnesty International condemns, in the strongest terms, acts of violence against civilians, whoever the perpetrator and whatever the motive, but at the same time the organization urges the UK government to ensure that any measure taken to prevent or respond to such attacks fully conforms with its obligations under international law, in particular international human rights, refugee and humanitarian law.

Amnesty International is studying the legislation in detail and will make its concerns public at a later stage.

### **Background**

The UK government is pushing for the Prevention of Terrorism Bill to be approved before 14 March when Part 4 of the ATCSA would expire. Under this legislation, 11 people continue to be deprived of their liberty (10 in state institutions and one under "house arrest"). Most of them have been detained for more than three years.

Amnesty International is concerned that the new bill falls far short of the Law Lords ruling of December 2004 that the Home Secretary's power of indefinite detention without charge or trial of non-deportable foreign "suspected international terrorists" under the ATCSA 2001 is incompatible with articles 5 and 14 of the ECHR. The UK remains the only country that has derogated from the ECHR.

The nine Law Lords found that Section 23 of the ATCSA 2001, which allows for the indefinite detention without charge or trial of non-British nationals, violated the detainees' human rights because the provisions were disproportionate and discriminatory. The detainees under this legislation have been held under severely restrictive regimes in high security prisons and in a high security psychiatric hospital, one of them is under "house arrest". 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.

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