

AMNESTY INTERNATIONAL

PRESS RELEASE

AI Index: EUR 45/033/2005 (Public)
News Service No: 231
24 August 2005

UK: New security measures are a serious attack on human rights

The new measures, proposed today by the United Kingdom (UK) government, targeting non-nationals considered to be threatening public order, national security and the rule of law, violate basic human rights and the UK's international obligations, Amnesty International said today.

The Home Secretary Charles Clarke ordered an immediate review of his powers to exclude and deport non-British citizens suspected of "justifying or glorifying terrorism, seeking to provoke terrorist acts, fomenting other serious criminal activity, fostering hatred that might lead to inter-community violence. A global database will list foreigners who engage in different forms of "unacceptable behaviour", such as radical preaching and publishing websites and articles intended to foment "terrorism", to be vetted automatically before entering the UK.

"The vagueness and breadth of the definition of 'unacceptable behaviour' and 'terrorism' can lead to further injustice and risk further undermining human rights protection in the UK. Instead of strengthening security, they will further alienate vulnerable sections of society," Halya Gowan, Europe and Central Asia Programme Deputy Director at Amnesty International, said.

"The right not to be subjected to torture or other ill-treatment, or to be sent to a country where there is a risk of such treatment, applies to everybody, irrespective of whatever offence they may have committed. The so-called 'diplomatic assurances' that the UK government seeks when expelling people to countries where they may be at risk of being tortured are a clear violation of international law."

"If the UK authorities reasonably suspect people of having committed certain criminal offences, their immediate duty is to bring criminally recognizable charges against them and promptly try them according to international fair trial standards instead of off loading them to a third country where they may be tortured."

Amnesty International is concerned that the procedure to be used to process deportations or exclude people who may "threaten public order and national security" may once again include the use of secret evidence at secret hearings.

"The UK authorities will be violating the rights of non-British nationals if they seek to deport them or prevent them from entering the country by not allowing them adequate defence in the course of secret proceedings," Halya Gowan said.

"The new measures are similar to those brought under the now repealed part 4 of the Anti-Terrorism, Crime and Security Act 2001 in that they are discriminatory and arbitrary."

Amnesty International has unconditionally and unreservedly condemned the attacks in London on 7 July 2005, and has called for those allegedly responsible to be brought to justice. The organization also considers that any measures the UK authorities take with the stated intention to protect people from repetitions of such crimes must be consistent with international human rights law and standards.

"Security and human rights are not alternatives; they go hand in hand. Respect for human rights is the route to security, not the obstacle to it."

Background

Amnesty International is concerned that the new measures, outlined by the UK Home Secretary Charles Clarke undermine the rule of law and fundamental human rights, including:

- the absolute prohibition of torture or other ill-treatment, and the principle inherent to such prohibition according to which a person should never be sent anywhere where she or he risk being subjected to torture or other ill-treatment -- the principle known as *non-refoulement*;
- the right to seek and enjoy asylum, including the right of all persons who seek international protection to have their asylum claim individually and fully considered in fair and satisfactory procedures consistent with international human rights and refugee law and standards. Any intention to exclude someone from refugee status should be considered in the context of regular refugee status determination procedures, and should be subject to fundamental principles of procedural fairness, including the right to appeal against the decision to exclude, and to remain in the UK while that appeal is being considered;
- the rights to freedom of expression and association;
- the principle of legality and legal certainty;
- the right of any person reasonably suspected of a recognizably criminal offence to be promptly charged and brought to trial within reasonable time in proceedings which fully meet internationally-recognized fair trial standards; and
- the right to a fair trial and due process.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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