

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **UK v M: UK authorities' refusal to accept yesterday's judgment amounts to persecution**

The decision by the UK authorities to challenge yesterday's judgment by the Special Immigration Appeals Commission (SIAC) that the case for detaining a Libyan man, known as M, as a "suspected international terrorist" was "not established" amounts to persecution, said Amnesty International today.

"Having been told that this man, interned without charge or trial for 16 months, should be set free, the UK authorities have chosen to stoop to lower depths. By seeking leave to appeal against this judgment the government has effectively moved the goalposts. Appealing against the SIAC decision is tantamount to appealing against an acquittal verdict. They should allow the judgment to stand," Amnesty International said.

Amnesty International noted that the SIAC judgment stated that the security services' assessments were "not reliable", and that "reasonable suspicion" that M was a "suspected international terrorist" was "not established". M has been held in detention without charge or trial, exclusively on the basis of secret evidence, since November 2002.

On the basis of this judgment, and the cancelling of a deportation order, M should have been released immediately. Instead the UK authorities sought and were granted an initial 24-hour stay of M's release so as to allow his continuing detention, while permission to appeal against the SIAC ruling was being sought. Amnesty International understands that the stay has been further extended until next week.

The SIAC ruled that some of the UK authorities' assertions were "clearly misleading" and "inaccurate"; that they "exaggerated" the extent to which the evidence supported "the links alleged between ... [M] and Al Qa'ida linked extremists"; and that the assertion that M "was considered to be a member of an international terrorist group by reason of his membership of LIFG [Libyan Islamic Fighting Group] .... should never have been included, particularly as it was accepted that the LIFG was not regarded as a current threat to national security".

The SIAC added that a summary of a Special Branch report was "inaccurate and conveyed an unfair impression". Overall, the SIAC found that the UK authorities' view of M was "unreasonable", and expressed concern that "too often assessments have been made based on material which does not on analysis support them".

### **Background**

Amnesty International believes that the Anti-terrorism Crime and Security Act 2001 (ATCSA) is

discriminatory -- there is one set of rules for UK nationals and another for nationals of other countries. It effectively allows non-nationals to be treated as if they have been "charged" with a criminal offence, "convicted" without a trial and "sentenced" to an open-ended term of imprisonment. The UK government has effectively created a shadow criminal justice system for non-UK nationals which fails to meet international standards for a fair trial. The system permits potentially indefinite detention on the basis of secret "evidence" and allows the use of "evidence" extracted under torture.

In December 2003, the Committee of Privy Counsellors, who had been charged with reviewing the ATCSA, recommended the urgent repeal of ATCSA powers allowing non-UK nationals to be detained potentially indefinitely.

Amnesty International opposes detention under Part 4 of the ATCSA. It is detention ordered by the executive, without charge or trial, for an unspecified and potentially unlimited period of time, principally on the basis of secret evidence which the people concerned have never heard or seen, and which they were therefore unable to effectively challenge.

The organization calls on the UK government to release all persons detained under the ATCSA unless they are charged with a recognizably criminal offence and tried by an independent and impartial court in proceedings which meet international standards of fairness.

#### Public Document

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