

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: EUR 45/044/2005 (Public)
News Service No: 274

Embargo Date: 17 October 2005 00:01 GMT

United Kingdom: to use "torture evidence" in courts is to accept the unacceptable

Published

Torture is never acceptable and evidence extracted under torture should never be admissible in UK courts, except in proceedings against the alleged torturer, said Amnesty International today (17 October) as the UK Law Lords began their considerations on the issue.

Lawyers representing Amnesty International and 13 organizations will be in court from today asking the Law Lords to overturn a 2004 judgment by the Court of Appeal of England and Wales permitting the admissibility of torture evidence from abroad in domestic proceedings.

"The UK must not accept the unacceptable. Torture is abhorrent and can never be condoned under any circumstances. It is banned under international law and with good reason – there is no place for torture anywhere in the world," Amnesty International said.

"This is a momentous case. The UK is at an important crossroad. It can reaffirm its stand against torture, which is absolutely banned, or slide towards illegality by its tacit acceptance that torture is 'sometimes OK'. If it takes the latter path it will provide a cloak of legality for that which is unlawful."

The Court of Appeal ruled in August last year that evidence obtained by torture of a third party abroad would be admissible in proceedings before the Special Immigration Appeals Commission providing the torture was not committed or connived at by UK agents.

In the intervention to the UK's highest Court, Keir Starmer, QC representing Amnesty International and the other 13 organizations, will underscore the fact that under international law - which the UK cannot unilaterally change - torture is absolutely prohibited in all circumstances.

Amnesty International also warned of the dangerous precedent that would be set, should the Law Lords fail to rule against torture evidence.

"Failing to rule out the use of any torture evidence in UK proceedings would give a green light to torturers the world over. Rather than leading the way in the fight against this vile practice, the UK would legitimize the

actions of torturers and provide a cloak of legality for their abhorrent and unlawful practice," Amnesty International said.

In its submission to the Law Lords, Amnesty International has joined forces with 13 other national and international organizations which have extensive experience in working to eradicate the use of torture: the Advice Centre on Individual Rights in Europe (The AIRE CENTRE), the Association for the Prevention of Torture, British Irish Rights Watch, The Committee on the Administration of Justice, Doctors for Human Rights, Human Rights Watch, The International Federation of Human Rights, INTERIGHTS, The Law Society of England and Wales, Liberty, the Medical Foundation for the Care of Victims of Torture, REDRESS and the World Organisation Against Torture.

The organizations are represented in this case, *pro bono*, by Keir Starmer QC, Mark Henderson, Joseph Middleton, Peter Morris, Laura Dubinsky and Professor Nick Grief all of Doughty Street Chambers and Richard Stein, Jamie Beagent and Jo Hickman of Leigh and Day Solicitors.

Amnesty International concluded: "Let us be clear what we are talking about. This is not about whether evidence is useful. This is about whether the UK will turn a blind eye to someone being thrown in a cell and having pain and terror inflicted upon them."

"International law is clear; it tells states: don't torture people; don't send anyone to a country where they would risk being tortured; and don't use evidence extracted under torture in proceedings except in those against torturers. Having already sought 'Diplomatic Assurances' with states known to torture in the hopes of returning people to places where they would face risk of torture, the UK is now in danger of heading down a slippery slope towards failing on two of these three counts."

Amnesty International is campaigning to stop torture and ill-treatment in the "war on terror". For more information, please go to the campaign home page: <http://web.amnesty.org/pages/stoptorture-index-eng>

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>

For latest human rights news view <http://news.amnesty.org>