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UK: Justice denied for British survivors tortured in Saudi Arabia: A major leap backwards in the fight against impunity

JOINT STATEMENT REDRESS, AMNESTY INTERNATIONAL AND JUSTICE

Today is a sad day for British justice. The UK's highest court gave complete immunity to the Saudi torturers of four UK citizens who were subjected to treatment including beatings, suspension from brackets and death sentences by partial beheading.

The House of Lords ignored their right to justice and shielded the perpetrators from legal process. Equally shocking was the Department of Constitutional Affairs' intervention in this case. Instead of backing British victims and seeking reparations from the Saudi government for the victims as they are entitled to do, they stood alongside the Saudi government to argue that states which torture as well as their officials should be immune from any accountability.

The human rights organisations listed above that intervened in the case are deeply dismayed that the House of Lords has unanimously rejected the authoritative interpretation of the UN Committee against Torture, the expert body of the Convention against Torture. The Committee declared that states, such as the UK, that have ratified the Convention are required to ensure that victims can recover reparations for torture even where the torture was committed by a foreign government and its officials. Lord Hoffman went so far as to say that he regarded the Committee's interpretation "*as having no value.*"

Torture is recognized as a crime under international law in which all states have a legal interest and, indeed, an obligation to ensure that justice is done. The Law Lords recognised the international status of the prohibition of torture but failed to take this status to its necessary conclusion -- that the UK State Immunity Act 1978 is inconsistent with current UK international obligations.

British citizens **were** tortured and now they have no remedy in the UK under current legislation. It is impossible for them to obtain justice in Saudi Arabia. Indeed, Saudi Arabia continues to refuse even to open an investigation, despite the clear and convincing evidence of torture. As organisations committed to the fight against impunity, we will continue to support victims' right to justice until all states fulfil their obligations under international law.

BACKGROUND

The four UK citizens were falsely accused of involvement in a bombing campaign in Riyadh in 2001 and 2002, a campaign now understood to have been launched by Saudi opposition groups. During their time in prison, all of the victims allege that they were repeatedly tortured and all continue to endure severe psychological and physical harm as a result. Scottish tax accountant **Ron Jones**, who was rushed to

hospital after being injured by a bomb attack and taken away by the Saudi secret police still wearing his hospital gown, states that he was kept in solitary confinement, was shackled, repeatedly beaten on the soles of the feet and hung from a bracket. He was released 67 days later without any charge or any legitimate reason being given for his detention. Torture and solitary confinement during more than two and a half years in prison led **Alexander Mitchell**, an anaesthetic technician, **Dr. William Sampson**, a marketing consultant, and **Leslie Walker**, a housing and compound manager, to their televised false confessions to the bombings and to acting as spies under orders from the UK government, and ultimately to the closed court conviction without legal representation at first instance. After a secret trial, a Saudi court sentenced Mitchell and Sampson to death by *Al Haad* (partial-beheading and strained suspension on an X-frame) and sentenced Leslie Walker to serve 18 years in prison. Following worldwide protests and more than 900 days in captivity, they were eventually released on an order of clemency.

The claims were for damages including aggravated and exemplary damages for torture, assault and battery, trespass to the person, and unlawful imprisonment against the Saudi officials said to be responsible for these crimes, and the Saudi Ministry of the Interior, the principal government agency responsible for the treatment of prisoners and detainees.

REDRESS, Amnesty International, Interights and Justice intervened in this case. Keir Starmer, QC, Peter Morris and Laura Dubinsky of Doughty Street Chambers and Raju Bhatt of Bhatt Murphy Solicitors acted on a *pro bono* basis for the intervenors.