



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

13 August 2004

IMMEDIATE

P
R
E
S
S
R
E
L
E
A
S
E

UK COURT CONDONES USE OF TORTURE IN COUNTER-TERRORISM EFFORTS

Global efforts to protect individuals from torture were dealt a blow this week by the UK Court of Appeal. In a 2-1 ruling, the Court allowed the use in the UK of evidence obtained through torture in other countries against suspects detained under 2001 anti-terrorism legislation.

The Court rejected the appeals of ten non-UK nationals who were challenging their continuing detention without charge in high security prisons and psychiatric hospitals.

"This decision is yet another sign that in the name of fighting terrorism, even the most fundamental of human rights are being eroded", said Nicholas Howen, Secretary-General of the International Commission of Jurists (ICJ). "Only four months ago at the UN Commission on Human Rights in Geneva we heard a UK Foreign Minister publicly recommit the UK to the prevention of torture internationally. Now the Government has submitted to the Court that it should be free to use evidence obtained by torture by another state. The majority of the Court of Appeal has regrettably accepted this hypocritical argument."

The United Kingdom has ratified and is legally bound the UN Convention against Torture (CAT), which expressly forbids the use of evidence obtained by torture in any proceedings. The Court disregarded the CAT because the relevant provisions have not been given effect in UK law by the Parliament.

"It is a cardinal principle that a state cannot use its domestic law as an excuse to avoid a clear international legal obligation", said Nicholas Howen. "We call on the UK Government to affirm publicly that it will never submit to a court any evidence that may have been obtained through torture anywhere in the world."

The ICJ applauds the principled stand of the dissenting Judge, Lord Justice Neuberger, who argued that the use of torture undermines the right to a fair trial. The Lord Justice sensibly observed that "by adopting the fruits of torture, a democratic state is weakening its case against terrorists, by adopting their methods."

For further information, please contact: Ian Seiderman, Legal Adviser at + 41 22 979 3800

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

81A, avenue de Châtelaine, P.O. Box 216, 1219 Châtelaine, Geneva, Switzerland
Tel: +41(0) 22 979 3800 – Fax: +41(0) 22 979 3801 – Website: <http://www.icj.org> - E-mail: info@icj.org