

JUSTICE PRESS RELEASE

JUSTICE
59 Carter Lane
London
EC4V 5AQ
DX 323 Chancery Lane
(020) 7329 5100
(020) 7329 5055
admin@justice.org.uk
www.justice.org.uk

FOR IMMEDIATE RELEASE – 18 FEBRUARY 2009

Law Lords deportation ruling undermines torture ban

This morning the House of Lords ruled that the Secretary of State can lawfully deport two men to Algeria and one man to Jordan on national security grounds, despite the well-established reputation of both countries for torturing detainees.

An earlier series of rulings by the Special Immigration Appeals Commission ('SIAC') held that the government was entitled to rely upon assurances received from the authorities in Algeria and Jordan that the men – suspected by the UK of involvement in terrorism – would not be ill-treated, despite substantial evidence from external sources indicating the use of torture by both countries.

The House of Lords ruled unanimously that there were no legal grounds for overturning the SIAC rulings, despite evidence concerning the risk of torture and despite SIAC's own use of secret evidence not shown to the men or their lawyers.

In particular, the Law Lords held that an assurance given to Parliament in 1997 that secret evidence would not be used against detainees concerning any potential ill-treatment on their return was not binding on the government (paras 80-83).

Eric Metcalfe, JUSTICE's director of human rights policy said:

Today's ruling is a step backwards in the international fight against torture.

A promise not to torture from a regime that tortures its own people is worth nothing. It is shameful that the government negotiated these deals in the first place, and saddening that the courts have refused to intervene to stop them.

At a time when the Obama administration is cleaning house and renouncing torture, today's ruling shows the UK still clinging to paper promises from torturers.

For further information, contact Eric Metcalfe on 07939 119 369 (mobile) or 020 7762 6415 (direct line) or via email to emetcalfe@justice.org.uk.

Notes to editors

1. A pdf copy of the joint written submissions of JUSTICE and Human Rights Watch in *RB and U and Othman v Secretary of State for the Home Department* is available on request. JUSTICE and Human Rights Watch were also granted leave to make oral submissions at the hearing, and were represented pro bono by Lord Pannick QC, Helen Mountfield, Tom Hickman and Herbert Smith LLP.
2. At the Third Reading of the Special Immigration Appeals Commission Bill, Home Office Minister Mike O'Brien MP gave the House of Commons an assurance that 'matters not involving national security would not be heard [in secret]' by SIAC (Hansard, 26 November 1997: Col 1040). SIAC now regularly hears evidence relating to risk on return issues in 'closed' (i.e. secret) session.
3. The most recent US State Department country reports for Jordan refer to 'consistent and credible allegations' of torture by Jordanian authorities. The most recent country report for Algeria notes reports that Algerian military intelligence 'frequently used torture to obtain confessions'.

Chairman of Council **Baroness Kennedy of the Shaws QC** Director **Roger Smith OBE**

JUSTICE Registered Charity No 1058580

A company limited by guarantee and registered in England No 3216897 Registered office as above

British Section of the International Commission of Jurists