

JUSTICE PRESS RELEASE

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'His first thoughts were his better thoughts': Court of Appeal restores substance of paragraph in the Binyam Mohamed judgment

Following its ruling on 10 February, the Court of Appeal this morning handed down the final version of paragraph 168 of Lord Neuberger's judgment, referring to the 'dubious record' of Security Service personnel in relation to its involvement in the mistreatment of Binyam Mohamed; and the reasons for 'distrusting' the Security Service's advice and information on this issue.

The Court of Appeal also released the original version of paragraph 168, in order to fully inform public debate and to prevent 'deductions and inferences' based on incomplete information.

This morning's ruling follows weeks of satellite litigation which began when the government's lead counsel, Jonathan Sumption QC, wrote to the Master of the Rolls following circulation of a draft judgment, urging the revision of paragraph 168. Lord Neuberger initially agreed to revise the paragraph, until it became apparent that Mr Sumption's letter had not been circulated to all the parties.

Following further submissions from the respondent, JUSTICE and Liberty, and the media, the Court of Appeal this morning published the final version of paragraph 168, which is substantially the same as the original draft. The two changes are that Lord Neuberger has clarified his criticism of the Security Service's record to make clear that he was referring only to the circumstances of the Binyam Mohamed case; and removed a suggestion that the Foreign Office had an interest in the suppression of information. The final version continues to make clear that the Security Service has an interest in the suppression of information.

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

The Master of the Rolls has rightly concluded that his first thoughts were his better thoughts.

Today's ruling not only sheds further light on the dubious record of the Security Service in this case, but is further vindication of the principle of open justice and the importance of informed public debate.

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Notes to editors

1. JUSTICE and Liberty were granted leave to intervene in the appeal, and lodged written submissions arguing that the redacted paragraphs should be published due to the public interest in prohibiting torture and the need to promote accountability of UK officials. JUSTICE and Liberty were represented pro bono in the appeal by Michael Beloff QC of Blackstone Chambers. Copies of the written submissions are available on request.
2. On 12 February, JUSTICE and Liberty made further written submissions with the Court of Appeal concerning the restoration of paragraph 168 of the draft judgment of the Master of the Rolls. Following direction of the Court of Appeal on 26 February, those submissions remain confidential.

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