

JUSTICE

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Rt Hon Sajid Javid MP
Home Secretary
Home Office
2 Marsham Street
London
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27 July 2018

Dear Home Secretary,

Alexanda Kotey and El Shafee Elsheikh – intelligence sharing

I write to express concern at your recent decision not to seek assurances from the US Government in connection with the supply of British intelligence. This intelligence relates to the suspected members of ISIS who are expected to be extradited to the United States for trial.

As you know, these individuals were born and grew up in the United Kingdom, travelling to Syria from here. They could be tried in the UK according to British standards. The decision to allow the US to try them for alleged war crimes and/or terrorist related activity already suggests that decision has been taken to avoid the strict rules of evidence that apply in UK courts.

Nevertheless, it is standard UK foreign policy to seek assurances for our cooperation from foreign nations where there are concerns that international human rights standards may be violated.

Your decision follows a recent and welcomed Government apology for its treatment of individuals during military operations overseas, following repeated denial of complicity in torture and rendition. The Government is now reviewing the guidance on detention and interview overseas and use of intelligence relating to detainees. With other NGOs, JUSTICE has written to the Prime Minister to seek clarity in that guidance so as to ensure that no further human rights abuse takes place with the direction or complicity of UK officers.

This further revelation casts doubt on the sincerity of the UK's commitment to respect human rights in all UK state actions, both at home and abroad.

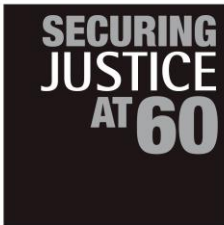
As you are aware, Her Majesty's Government operates a strategy for the abolition of the death penalty. This strategy asserts that "It is the longstanding policy of the UK to oppose the death penalty in all circumstances as a matter of principle." This is because "its use undermines human dignity, that there is no conclusive evidence of its deterrent value, and that any miscarriage of justice leading to its imposition is irreversible and irreparable." The strategy also observes that British nationals may face the death penalty abroad and our

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UK Section of the International Commission of Jurists



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ability to assist in police or other justice or security operations, or to extradite, is hampered where countries retain the death penalty – since we cannot cooperate where the death penalty is likely to be imposed.

The British courts have reiterated in numerous cases that assurances must be sought against the use of torture, evidence obtained by torture and the death penalty, prior to extradition. This applies to nationals and non nationals alike.

It is a fundamental principle of British justice that we respect and uphold human rights standards. This principle cannot be deviated from simply because the circumstances of the case suggest that particular individuals may have committed heinous crimes. The principle is universal and indiscriminate, so as to avoid particular circumstances justifying a departure from those standards.

JUSTICE requests that you:

- urgently clarify the nature of the exchange with the US authorities regarding the supply of British intelligence in this case; and,
- confirm that no information will be supplied without an assurance that the death penalty - or indeed interrogation techniques amounting to torture - will not be applied in this or any future request for UK assistance.

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