

JUSTICE PRESS RELEASE

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59 Carter Lane
London
EC4V 5AQ
www.justice.org.uk

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'A spectacular own goal in the fight against torture': Court of Appeal rules against the government in the Binyam Mohamed case

Details of ill-treatment of a British resident at the hands of US authorities can finally be revealed following a Court of Appeal decision today. The paragraphs make clear that MI6 knew that US authorities were using techniques that 'at the very least' amounted to 'cruel, inhuman and degrading treatment', at the same time as MI6 officials were working with the US to receive information from his interrogation.

The Court of Appeal this morning ruled that details of Binyam Mohamed's ill-treatment by US authorities that had been redacted from an earlier judgment of the Divisional Court should be made public. For more than 18 months, the British government has sought to suppress the information concerning the interrogations, on the basis that it would damage the UK's intelligence relationship with the US. The redacted paragraphs detail that MI6 knew that Binyam Mohamed had been:

- shackled during interrogations;
- subjected to 'continuous sleep deprivation'; and
- threatened with being 'removed from United States custody' and 'disappeared'.

The paragraphs also make clear that MI6 knew that the tactics 'were having a marked effect upon him and [caused] him significant mental stress and suffering'.

The Divisional Court concluded that the treatment, if administered by UK officials, would have breached UK law and amounted 'at the very least' to 'cruel, inhuman and degrading treatment of [Binyam Mohamed] by the United States authorities'. The Lord Chief Justice said the redacted paragraphs:

formed part of the reasons of the court in a judgment which vindicated Mr Mohammed's assertion that UK authorities had been involved in and facilitated the ill-treatment and torture to which he was subjected while under the control of USA authorities [para 24, emphasis added].

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

The appeal court has finally revealed the shameful details of Mr Mohamed's interrogation, details which the British government has tried for so long to suppress.

It is the duty of government to prevent torture, not fight to conceal it. Today's ruling is a spectacular own goal for the British government in the fight against torture.

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. 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. Later this week, JUSTICE and Liberty will lodge further written submissions with the Court of Appeal concerning the restoration of a paragraph of the draft judgment of the Master of the Rolls.

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

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