

## QUAKER CONCERN FOR THE ABOLITION OF TORTURE (Q-CAT)

### Briefing 23

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Amnesty International's recently published Annual Report documents torture and other ill-treatment in at least 98 countries.

#### Warren Bradley

In spite of the general euphoria around President Obama's visit to Britain, human rights groups sharply criticised his recent comment that Warren Bradley must be punished for breaking the law. Warren Bradley is the soldier accused of leaking thousands of top secret documents from US military, intelligence and diplomatic sources to Wikileaks. He has been moved from solitary confinement in a small cell after complaining of inhuman and degrading treatment amounting to torture. He has not yet been charged, let alone tried, so the president's remark was completely out of order. Bradley Manning has dual citizenship, being the son of an American father and Scottish mother, but representations from our Government seem to have fallen on deaf ears.

#### Judges accuse MoD of stifling challenges over treatment of detainee

*Owen Bowcott, legal affairs correspondent guardian.co.uk, Thursday 12 May 2011*

The Ministry of Defence has been condemned by the high court for stifling legal challenges over the treatment of detainees in Iraq and Afghanistan.

A strongly worded judgment said the former defence secretary Bob Ainsworth lobbied behind closed doors to avoid embarrassing court decisions in a way that was damaging and "frankly inimical to the rule of law". Overturning restrictions on access to legal aid, Lord Justice Laws and Mr Justice Stadlen ruled that cutting off funding for public interest cases about allegations of UK involvement in torture was unlawful. The judgment drew attention to a letter Ainsworth sent in 2008 to Lord Bach, then at the Ministry of Justice, seeking a review of funding for judicial reviews...

#### Torture legal aid case is a triumph of the rule of law

The high court ruling condemning the MoD for restricting funding for litigation underlines the importance of judicial review. *Daniel Carey guardian.co.uk, Thursday 12 May 2011*

A high court judgment handed down on Thursday strikes a blow in the fight against torture and, just as importantly, against impunity for illegal but secretive decisions of central government. The high court has quashed changes made to the legal aid rules by the Ministry of Justice (MoJ) to eliminate funding for "pure public interest cases" – cases brought by claimants who do not derive a personal benefit from the litigation. They are a small but important minority of judicial review actions: for example, when a habeas corpus action is necessary to locate a prisoner held in incommunicado detention or subjected to rendition outside the UK, or when the UK is handing over prisoners to torture by the Afghan intelligence service and refuses to allow those prisoners to access the courts. The latter example is a description of the case brought by the peace and human rights campaigner Maya Evans in 2009/2010: in a significant victory the court imposed stringent conditions on future Afghan prisoner handovers and prevented any further handovers to a notorious torture centre in Kabul – conditions that are still in place...

#### CIA's secret prison in Poland. (Reprieve – 27 May 2011)

The Helsinki Foundation for Human Rights, Interights and Reprieve are jointly calling on the Polish Prime Minister to use the historic occasion of President Obama's visit to ask for the cooperation of US authorities with Poland's investigation into the CIA 'black site'. Among the people who have been detained and tortured at the military base at Stare Kiejkuty was Abu Zubaydah, who was recently recognized as a victim by the prosecutors running the criminal investigation into the site. There he was tortured by CIA agents into making confessions which have resulted in him being held in Guantanamo Bay to this day.

The organisations are calling on Prime Minister Tusk to stress to the US President that his country's failure so far to cooperate with Poland's criminal investigation is unacceptable - and that Poland itself will be in breach of its international obligations if it fails to investigate fully allegations of torture on Polish territory.

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