

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

Briefing 6

December 2009

There has been a further flurry of references to British involvement in torture recently, from an historic case of "waterboarding" by another name in Northern Ireland in 1972 to more comments from High Court judges that Britain had been "mixed up in wrongdoing" in the mistreatment of Shaker Aamer, the last British resident left in Guantánamo Bay. And in the US the arrest of the Nigerian would-be suicide bomber has brought predictable demands from Republicans for him to be treated with deliberate inhumanity – i.e. that he should receive no medication for his burns. Meanwhile Conservative MP Andrew Tyrie who established the all-party group on extraordinary rendition, has filed a complaint in a district court in Washington in an attempt to get evidence of Britain's secret involvement in the extraordinary rendition programme of the US. This follows the usual long delays in getting a response from the Information Commissioner's office here to requests under the Freedom of Information Act.

### New category of 'secret evidence'

In a case in which seven British residents, including Moazzam Begg who spoke at our conference earlier this year, are suing the intelligence services and the Home and Foreign Secretaries for 'unlawful acts, negligence and conspiracy', the judge has ruled that "secret government information" can remain hidden from individuals who are suing them. Quoting from Reprieve UK's press release: "Secret hearings provide the government with a convenient alternative to the Public Interest Immunity Certificate system, under which the need for secrecy must be proven to outweigh public interest according to strictly prescribed criteria. Under the new system, claimants would be prevented from knowing evidence against them, while journalists and members of the public would be barred from witnessing the proceedings in court. Crucially, unlike the PII system, the party withholding evidence from the other side would still be allowed to rely on the 'secret evidence' in proving their case. In civil claims such as those against the State, this skews the process towards the Government because the burden of proof rests with the claimant. A closed evidence procedure would mean that claimants like Binyam Mohamed would have one, if not both, hands tied behind their backs.

**Reprieve's Director Clive Stafford Smith said:** *"It is a sad day when the workings of British justice are shuttered away in secret hearings with access limited to a privileged few. We hope the Court of Appeal will see sense and that the British public will not tolerate justice done in their name when they cannot bear witness to it."*

### Resources

**The Torture Memos: Rationalizing the Unthinkable** – David Cole with Philippe Sands (One World Publications, £12.99), Published last month this is an authoritative update on Philippe Sands' book *Torture Team*. You can read his own introduction at [www.reprieve.org.uk/2009\\_11\\_12torturememos](http://www.reprieve.org.uk/2009_11_12torturememos)

**Craig Murray's** website can now be found at [www.craigmurray.org.uk](http://www.craigmurray.org.uk). As he explained on 11<sup>th</sup> December: [craigmurray.co.uk](http://craigmurray.co.uk) is no more. When Alisher Usmanov set Schillings on to me for daring to publish the truth about his past as a convicted racketeer and blackmailer, he caused my webhosts to pull the plug. Happily, after a very few days the blog returned hosted outside the UK, with a new domain name - [craigmurray.org.uk](http://craigmurray.org.uk) instead of the [craigmurray.co.uk](http://craigmurray.co.uk) used the previous three years.

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