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Britain's Highest Appeal Court Bars Use of Evidence Obtained Through Torture

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LONDON (AP) - Britain's highest court ruled Thursday that evidence obtained in other countries through torture may not be used in British courts.

The government, which denied using evidence that it suspected was obtained through torture, said the ruling would have no effect on its efforts to prevent terrorism.

Seven Law Lords -- senior lawyers in the House of Lords -- unanimously upheld an appeal brought by people detained without charge on suspicions of involvement in terrorism.

"This is an incredibly important day, with the Law Lords sending a signal across the democratic world that there is to be no compromise on torture," said Shami Chakrabarti, director of the civil rights group Liberty.

Home Secretary Charles Clarke said the government did not condone torture in any way, "nor would we carry out this completely unacceptable behavior or encourage others to do so."

Clarke added: "We accept this judgment, which will have no bearing on the Government's efforts to combat terrorism. We have always made clear that we do not intend to rely on or present evidence ... which we know or believe to have been obtained by torture."

Lord Bingham of Cornhill, a former lord chief justice, said English law had abhorred torture "and its fruits" for more than 500 years.

"I am startled, even a little dismayed, at the suggestion (and the acceptance by the Court of Appeal majority) that this deeply rooted tradition and an international obligation solemnly and explicitly undertaken can be overridden by a statute and a procedural rule which make no mention of torture at all," Bingham said.

The Court of Appeal ruled last year that such evidence could be used in British courts if it was obtained by agents of another state, and no British agents were involved.

The case involves 10 men, most of whom were detained in 2001, who challenged a ruling of the Special Immigration Appeals Commission that the government had "sound material" to support a belief that they were a threat to national security.

Their lawyers argued that that evidence allegedly obtained by torture in U.S. camps should have been excluded.

Bingham noted that torture has been outlawed in England since 1640, and unsworn statements made outside of court have been inadmissible since the early 19th century.

Lord Hope, in a concurring opinion, said it could be difficult to distinguish torture from treatment that was cruel or inhuman.

"Views as to where the line is to be drawn may differ sharply from state to state. This can be seen from the list of practices authorized for use in Guantanamo Bay by the U.S. authorities, some of which would shock the conscience if they were ever to be authorized for use in our own country," Hope said.

About 500 detainees suspected of links to the al-Qaida terror network or Afghanistan's ousted Taliban regime are held at Guantanamo. Most have been held for more than three years without charges.

He said the standard Britain should apply in judging practices in other countries "is that which we would wish to apply in our own time to our own citizens.

Lord Nicholls of Birkenhead said in his ruling that scruples about torture could be set aside in some circumstances.

"If the police were to learn of the whereabouts of a ticking bomb, it would be ludicrous for them to disregard this information if it had been procured by torture," he said, but added that legal proceedings were different.

"It is an altogether different matter for the judicial arm of the state to admit such information as evidence when adjudicating definitely upon the guilt or innocence of a person charged with a criminal offense."

Amnesty International hailed it as a "momentous decision."

"The Law Lords' ruling has overturned the tacit belief that torture can be condoned under certain circumstances. This ruling shreds any vestige of legality with which the U.K. government had attempted to defend a completely unlawful and reprehensible policy, introduced as part of its counterterrorism measures," Amnesty International said in a statement.