amnesty international

Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: July-December 2006

UNITED KINGDOM

This country entry has been extracted from a forthcoming Amnesty International (AI) report, *Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: July – December 2006* (AI Index: EUR 01/001/2007), to be issued later in 2007. Anyone wanting further information on other AI concerns in Europe and Central Asia should consult the full document.

Universal jurisdiction

In August, AI wrote to the Attorney General warning that the UK may become a safe haven for people suspected of committing genocide (see AI Index: EUR 45/013/2006). The letter expressed grave concern that, despite the UK's obligations under international law, the UK authorities had so far failed to conduct an investigation into allegations against two Rwandan nationals who were living in the UK, both of whom were subjects of international arrest warrants issued by the Rwandan government for the crime of genocide. AI called on the UK authorities to either prosecute these two individuals in the UK guaranteeing them the right to a fair trial or to extradite them to a third country that would be willing to prosecute them in proceedings fully consistent with the right to a fair trial.

Terrorism measures

Pre-charge detention

At the end of July, the provisions in the Terrorism Act 2006 allowing for an extension of detention without charge from 14 to 28 days for people arrested under terrorism legislation came into force. AI was unreservedly opposed to any such extension, and considered that the previous limit of 14 days was already very long. Prolonged detention without charge or trial undermines fair trial rights, including the right to be promptly informed of any charges, the rights to be free from arbitrary detention, torture or other ill-treatment and the presumption of innocence. The organization's worldwide monitoring over decades has shown that prolonged pre-charge detention creates a climate for abusive practices that can result in detainees

making involuntary statements, including confessions, and undermines confidence in the administration of justice.

"Control orders"

In the period under review, instead of bringing people to justice, the UK authorities continued to impose "control orders" under the Prevention of Terrorism Act 2005 (PTA) on individuals allegedly involved in "terrorism-related activity". Consequent judicial proceedings were profoundly unfair, denying individuals the right to a fair hearing, including because of heavy reliance on secret hearings in which intelligence information had been withheld from the appellants and their lawyers of choice, as well as a particularly low standard of proof.

In addition, the conditions imposed under some "control orders" pursuant to the PTA amounted to imprisonment without charge or trial by other means; this was confirmed by a judgment of the High Court of England and Wales in June. In August the Home Secretary lost his appeal against the ruling of the High Court that had quashed the "control orders" against six foreign nationals. The Court of Appeal of England and Wales upheld the June High Court ruling that had found that the obligations imposed on the six men, including a daily curfew confining each man to a small flat for 18 hours a day, amounted to deprivation of liberty contrary to Article 5 (enshrining the right to liberty) of the European Convention on Human Rights (ECHR); and that, in the circumstances, the Home Secretary had made these orders unlawfully.

However, on the same day the Court of Appeal of England and Wales allowed the Home Secretary's appeal against a judgment by the High Court of England and Wales that the procedure under the PTA was incompatible with the right to a fair trial under Article 6 of the ECHR. The Court of Appeal overturned the High Court judgment and held that the provisions for review by the court of the making of a non-derogating "control order" by the Home Secretary did comply with the requirements of Article 6.

Nonetheless, the Court of Appeal clarified the following issues: a) the Home Secretary was under a duty to keep the decision to impose a "control order" under continual review, so as to ensure that the restrictions imposed be no greater than necessary; b) the PTA required the court to consider whether the Home Secretary's decisions in relation to a "control order" were flawed in the light of the circumstances which existed at the time that the court came to determine the issue -- rather than considering the circumstances which existed at the time that the Home Secretary had made these decisions; c) the standard of review which the court was capable of discharging under the PTA did not fall short of that required to satisfy Article 6 of the ECHR. Under the PTA the court had to consider whether there were reasonable grounds for suspicion that the person against whom the "control order" had been imposed was involved in "terrorism-related activity". In doing so, the Court of Appeal held that the correct approach for the court was to consider a matrix of alleged facts, some of which would be clear beyond reasonable doubt, some of which would be established on the basis that they were more likely than not, and some of which would be based on no more than circumstances giving rise to suspicion. The court held that the exercise of establishing whether this "matrix" as a whole amounted to reasonable grounds for suspicion was, therefore, different from that of deciding whether a given fact had been established according to a specified standard of proof. What was required, in order to satisfy Article 6, was that the overall procedure for determining whether reasonable grounds for suspicion existed would be fair; and d) the PTA contained appropriate safeguards to mitigate the unfairness arising from the fact that the grounds of suspicion were not disclosed to the person concerned.

In December, 16 "control orders" were in force, seven of which were against UK nationals.

Detention of people arrested under terrorism legislation

In August the European Committee for the Prevention of Torture (CPT) published the reports on its visits to the UK in July and November 2005. It found that the Special Security Unit in Full Sutton Prison was inappropriate for holding people who had previously been interned, in some cases for more than three years; that the threat of deportation to countries where people had apparently suffered torture or other ill-treatment increased the possibility of self-inflicted deaths in custody; that the detainees' medical examination always took place within the hearing of prison officers; that some detainees had not had prompt access to a lawyer following arrest; and that during transport detainees were handcuffed despite being locked inside metal cages. The CPT found that people detained under terrorism legislation were not physically brought before a judge, even for the initial authorization to extend police custody beyond 48 hours. Instead, conferences by video link were held, with the detainee guarded by police officers on one end of the link and the judge on the other end. It recommended that legislation be amended to ensure that anyone arrested has access to a lawyer from the outset of their detention. The CPT also reiterated that the conditions at Paddington Green High Security Police Station were inadequate for prolonged detention.

Appeals against deportations on national security grounds before the Special Immigration Appeals Commission (update to AI Index: EUR 45/004/2006)

Throughout the period under review, instead of bringing people to justice, the authorities continued to seek to deport individuals they asserted posed a threat to "national security". Those attempts continued despite the fact that the men concerned would face a real risk of serious human rights violations, including torture or other ill-treatment, if returned to their country of origin. Up until August 2005, the UK authorities had themselves recognized that, as a result of that risk, under the UK's domestic and international human rights law obligations, none of these men could lawfully be deported back to their country of origin. The authorities' attempts to deport these men began in August 2005 and were coninuing at the end of the period under review. Some of these men were asylum-seekers in the UK; while others had been granted refugee status by the UK authorities. AI considered that these attempts were contrary to the prohibition of sending persons to countries where faced a real risk of serious human rights violations.

The UK authorities maintained that these men posed a threat to the "national security" of the UK, and that, therefore, their presence in the country was "not conducive to the public good". They also asserted that these deportation attempts were a last resort since they did not have sufficient evidence to bring charges against the men. The UK authorities' claims against these men were based on secret information, including intelligence material, never disclosed to the individuals concerned or their lawyers of choice.

In August 2005, the UK authorities had asserted that they would successfully negotiate a framework agreement with their Algerian counterparts for obtaining assurances, known as a Memorandum of Understanding (MoU), with a view to ensuring that deportees' human rights be respected upon return. This MoU, the UK authorities maintained, would allow the UK to deport a number of men to Algeria safely and lawfully. In the UK authorities' original scheme, their MoU with Algeria would be "enforced" by a complementing monitoring mechanism which would ensure that the human rights guarantees were respected in each case.

At that time, the UK authorities asserted that, but for the successful completion of the MoU with Algeria, none of these men could be lawfully deported to that country.

In August 2005 deportation proceedings began before the Special Immigration Appeals Commission (SIAC) with the men appealing against the deportation orders issued by the UK

authorities on "national security" grounds. The appeals before SIAC in which people can attempt to challenge orders for deportation on "national security" grounds are inherently profoundly unfair because of heavy reliance on closed hearings in which secret information, including intelligence material, is considered in the absence of the individuals concerned and their lawyers of choice, and because of the application of a particularly low standard of proof.

In November 2005, with no MoU with Algeria in sight, the UK authorities continued to assert in court that the successful conclusion of the MoU would be announced shortly. In March 2006, after months of legal wrangling and an inordinate delay, the UK authorities admitted in court proceedings monitored by AI that the successful conclusion of the MoU with Algeria was still "months away" and asked the court to grant them more time in which to conclude the MoU. The judge ruled that the appeals would proceed and rejected the UK authorities' request for more time.

Shortly afterwards, the UK authorities admitted in court that they had failed to get the MoU with the Algerians. According to the evidence presented by a UK Foreign Office diplomat to the court in April/May 2006, the Algerian authorities had assured their UK counterparts that, once back in Algeria, the deportees would be detained only for a few days before being released. However, during cross-examination, he also admitted that: the Algerians had only provided oral assurances without any written confirmation; that the UK authorities had not requested any such confirmatiom; and that the UK authorities had not kept a written record of their discussions with their Algerian counterparts.

The UK authorities maintained that measures taken by the Algerian authorities with the stated intention of consolidating "national reconciliation" made the need for an MoU and the monitoring mechanism redundant. They referred, in particular, to the Charter for Peace and National Reconciliation, a framework document adopted by national referendum in 2005 in Algeria, and an amnesty law issued under presidential decree on 28 February 2006 to implement the Charter. The amnesty law notably granted exemption from prosecution to members of armed groups who surrendered to the authorities within a six-month period and provided for the release under an amnesty of some 2,200 people who had been charged with or convicted of involvement in terrorist activities.

According to the arguments presented by the UK authorities to SIAC over the course of a number of cases involving Algerian men, the events in Algeria were such that, as far as these deportations were concerned, the UK would be complying with its human rights obligations by simply obtaining assurances from the Algerian authorities on a case-by-case basis. Accordingly, each man would receive assurances that he would be treated humanely and that, under the terms of the Charter and the amnesty law, he would be granted immunity from prosecution and that, therefore, any proceedings pending against him in Algeria would be extinguished.

On this basis, on 24 August 2006, SIAC dismissed the appeal of Mustapha Taleb (formerly known for legal reasons only as "Y", see below) against his deportation on "national security" grounds to Algeria. SIAC held that he would be automatically released from custody in relation to any outstanding charges in Algeria. However, in September, the Algerian authorities informed their UK counterparts that SIAC's interpretation of the amnesty law (and the right to immediate release from custody) was not an interpretation that had been recognized under Algerian law; nor was it the underlying purpose of the particular release provisions upon which SIAC had relied.

Moreover, the amnesty law only applied to people involved in activities within Algeria who had presented themselves to the authorities within six months of the issuing of the law, and not to those against whom there were allegations that they were involved in criminal activities abroad, such as "participation in a terrorist network operating abroad".

Mustapha Taleb

Mustapha Taleb survived torture in Algeria and came to the UK where he was granted refugee status. Mustapha Taleb was among those who were charged, tried and eventually acquitted in 2005 of all charges in the UK in connection with an alleged conspiracy to produce poisons and/or explosives. After his acquittal of all charges, he was released from custody in April 2005, where he had been held since January 2003. Later, in 2005, he was re-arrested and held pending deportation to Algeria on "national security" grounds.

Mustapha Taleb appealed to SIAC against being labelled a risk to "national security" by the UK authorities, as well as on the grounds that returning him to Algeria would expose him to a real risk of torture. AI delegates monitored the majority of the open hearings before SIAC of Mustapha Taleb's challenge against his deportation. Despite his previous acquittal on all charges, the UK authorities' case against him during these open hearings, for the most part, consisted of the same allegations that had been made at the criminal trial.

In reaching its decision in Mustapha Taleb's case, SIAC relied on secret intelligence provided by the UK authorities that was withheld from him, his lawyers of choice and the public. The SIAC proceedings were profoundly unfair, denying Mustapha Taleb the right to a fair hearing and making it impossible for him to effectively refute the UK authorities' case that he was a "national security" risk.

SIAC also failed to recognize the real risk of torture that Mustapha Taleb would face if he were deported to Algeria. If returned, it was likely that he would be taken into the custody of Algeria's intelligence agency known as the Department for Information and Security (*Département du renseignement et de la sécurité*, DRS), the authority which specializes in interrogating people thought to possess information about terrorist activities, and is widely known to practise torture or other ill-treatment. The risk of torture faced by individuals who are arrested by the DRS has been extensively documented by AI.

Three of the jurors who had acquitted Mustapha Taleb in the criminal proceedings expressed their shock that despite his acquittal at the criminal trial, the exact same evidence was being used again in the open proceedings before SIAC to "justify his deportation".

On 24 August AI expressed dismay at this decision (see AI Index: EUR 45/014/2006 and AI Index: NWS 21/009/2006).

Abu Qatada

By the end of the year, a ruling was still awaited on a lead case involving reliance by the UK authorities on a MoU concluded in 2005 with Jordan. Up until the conclusion of this MoU -- which purported to provide a framework for diplomatic assurances that deportees' human rights would be respected -- the UK authorities recognized that Jordanian national Omar Mahmoud Mohammed Othman (also known as Abu Qatada) could not be returned there since he would be likely to face torture or other ill-treatment or other violations of his fundamental human rights.

Abu Qatada is a Jordanian national. In 1993, after arriving in the UK, he sought asylum for himself, his wife and three children. In 1994 he was granted refugee status by the UK authorities. He was interned without charge or trial in the UK under the now defunct Part 4 of the Anti-terrorism, Crime and Security Act 2001. In March 2005 he was "released" from detention and put under a "control order" under the PTA. He was then rearrested in August 2005 and held under immigration powers pending deportation on "national security" grounds to Jordan.

The UK and the Jordanian authorities had also agreed that the implementation of the MoU would be monitored by a local, Jordanian, non-governmental organization, the Adaleh Centre for Human Rights Studies, purportedly to ensure its "enforcement". It had been said that, among other things, the Centre would be permitted access to Abu Qatada in detention. However, the MoU would not be enforceable under international law, UK and Jordanian law. Therefore it would provide no effective remedy to Abu Qatada in the event that he be tortured or otherwise ill-treated. AI considered that the existence of a monitoring body would not provide a safeguard against these practices.

In May 2006 the SIAC had heard Abu Qatada's appeal of against his deportation to Jordan on "national security" grounds. AI delegates had observed most of the open hearings before SIAC during which Abu Qatada's lawyers challenged the Home Secretary's decision to order his deportation to Jordan. The proceedings were deeply unfair, denying Abu Qatada the right to a fair hearing, and making it impossible for him to effectively refute the UK authorities' secret information, including intelligence material, that he was a "national security risk". In addition, AI had noted with extreme concern that the proceedings took place for the most part in secret, even when SIAC was reportedly considering the safety upon forcible return part of the appeal against deportation, rather than the "national security" grounds of the challenge.

During the open proceedings, ample evidence was adduced on behalf of Abu Qatada, showing that he would face a real risk of torture or other ill-treatment and/or other violations of his fundamental rights if returned to Jordan. The evidence presented by his lawyers included material published by AI extensively documenting the routine infliction of torture or other ill-treatment on "security suspects" in Jordan, a practice which occurred with impunity.

Disclosure in SIAC cases

In October, it emerged that, in breach of the SIAC rules, the Home Secretary had failed to disclose relevant material in an appeal by one individual against his deportation on "national security" grounds. The SIAC concluded that there had been fault on the part of the Home Secretary. The latter had advanced an allegation against the above-mentioned individual during his appeal. However, the Home Secretary had then been forced to withdraw the same assertion in the context of another appeal.

It therefore appeared that secret intelligence presented by the UK authorities in cases involving "national security" was flawed, and that, but for a fortuitous coincidence, the SIAC would not have even been aware of the mistake. The SIAC had itself concluded that "The Commission should have been made aware of the full extent of the failure to disclose", and that "the administration of justice in the Commission is put at risk if failures in connection with disclosures of documents occur."

Guantánamo detainees with UK links (update to AI Index: EUR 45/004/2006)

At the end of the year, at least eight former UK residents continued to be held at the US detention camp in Guantánamo Bay, Cuba.

In July the UK authorities granted UK citizenship to David Hicks, an Australian national detained in Guantánamo Bay. The UK authorities had been forced to give effect to a December 2005 court ruling that David Hicks was entitled to be registered as a UK citizen and therefore to receive assistance from the UK authorities. The Court of Appeal of England and Wales had upheld this ruling and had refused the UK government permission to further appeal in April 2006. However, the government had successfully introduced measures to thwart the import of the ruling. As a result, a few hours after being granted citizenship, David Hicks was stripped of it. His appeal against this decision was pending.

In October, the Court of Appeal of England and Wales refused to order the UK authorities to make representations seeking the return to the UK of Bisher al-Rawi, an Iraqi national and long-term UK resident; Jamil el-Banna, a Jordanian national with refugee status in the UK; and Omar Deghayes, a Libyan national also with refugee status in the UK.

AI considered that the Court had missed an opportunity to send a clear message to the UK government that it must fulfil its responsibilities towards all Guantánamo detainees, regardless of whether they were UK citizens or residents. AI pointed out that the UK had obligations under domestic and international law to make representations on behalf of all UK residents still held at Guantánamo Bay to ensure that their human rights were upheld (see AI Index: EUR 45/017/2006 and AI Index: EUR 45/018/2006).

Prior to the Court of Appeal ruling the UK authorities had announced that they had agreed to petition their US counterparts to seek the release and return to the UK only of Bisher al-Rawi. The announcement came after the emergence of allegations that, while in the UK, Bisher al-Rawi, at the request of the UK security services, had agreed to inform them about someone who, at the time, was in hiding and whom the authorities suspected of involvement with international terrorism. It was revealed that the UK security services had promised Bisher al-Rawi that they would assist him if he found himself in any difficulty.

It had also been alleged that the UK was involved in the arrest of both men in the Gambia and their eventual rendition to US custody. In light of this, AI continued to call for a full independent and impartial investigation into the UK's involvement in the cases of Bisher al-Rawi and Jamil el-Banna.

Renditions

Despite the emergence of further evidence implicating the UK in the unlawful transfer of Bisher al-Rawi and Jamil el-Banna to US custody (see above) and in other known cases of renditions (illegal transfer of people between states outside of any judicial process), the government failed to instigate an independent and impartial inquiry.

In August, in the context of its Counter-Terrorism Policy and Human Rights inquiry, the Parliamentary Joint Committee on Human Rights (JCHR) expressed regret that the Director General of the Security Service had refused an invitation to meet with the Committee to give evidence to it or to meet its members informally. In her refusal, the Director General had stated that all of the areas outlined in the JCHR's letter of invitation had been or were the subject of investigation by the Intelligence and Security Committee (ISC). The JCHR expressed concern that the head of the security services was not "prepared to answer questions from the parliamentary committee with responsibility for human rights". It stated that there was:

> *an increasingly urgent need to devise new mechanisms of independent accountability and oversight of both the security and intelligence agencies and the Government's claims based on intelligence information. In addition to more direct parliamentary accountability, we consider that in principle the idea of an 'arms length' monitoring body charged with oversight of the security and intelligence agencies, independent of the Government and those agencies, and reporting to Parliament, merits consideration in this country.*

In October, AI delegates gave evidence to the ISC in the context of its inquiry into allegations of UK involvement in the US programme of renditions, including about the rendition of Bisher al-Rawi and Jamil el-Banna. Given that the ISC reported directly to the Prime Minister, and that it was the latter who, ultimately, decided whether to place before Parliament any ISC report and, also, the extent to which the report's content would undergo some redacting, AI

considered that the ISC was not endowed with adequate independence from the executive. In addition, based on relevant domestic and international human rights law and standards pertaining to the independence, thoroughness, impartiality and effectiveness of investigations into allegations of serious human rights violations, AI expressed its view that the then ongoing ISC inquiry was not capable of fulfilling these stringent requirements.

Rashid Rauf

In August, AI wrote to the Home Secretary about the case of Rashid Rauf, including the alleged role that the UK may have played in the treatment meted out to Rashid Rauf, and possibly others, at the hands of the Pakistani authorities. Rashid Rauf, a dual UK/Pakistani national, had been detained in Pakistan in early August. He had been identified in media reports as a key suspect in the alleged plot uncovered in early August in the UK to detonate liquid-based explosives on board US-bound airplanes after their departure from UK airports. Rashid Rauf was believed to be the brother of Tayib Rauf, who, in turn, had been among those arrested in the UK in connection with the above-mentioned plot. It had been reported Rashid Rauf had spoken under torture.

In its letter to the UK Home Secretary, AI expressed grave concern at reports that UK Metropolitan Police detectives had been in Islamabad to interrogate Rashid Rauf, and asked to be informed whether UK personnel had indeed interviewed Rashid Rauf, and if so in what circumstances, given the legal limbo in which he had been held by the Pakistani authorities, and the prevalence in Pakistan of torture of alleged terror suspects. In addition, AI requested information about whether UK personnel had in any way been involved in the arrest, interrogation and continued detention of Rashid Rauf, as well as that of any of the other individuals who had been held in Pakistan and had been linked to the alleged plot in the UK. AI expressed its continued concern about the use by the UK of information which may have been obtained through the use of torture or other ill-treatment in the context of measures taken by the UK authorities with the stated view of countering terrorism.

The Al-Skeini case (update to AI Index: EUR 45/004/2006)

Baha Mousa

In the reporting period, there was a major development in efforts to hold the armed forces of the UK legally accountable for the death of Baha Mousa. His death, together with those of five other Iraqi civilians killed at the hands of UK service personnel, at the time when the UK was an Occupying Power in Iraq, was at the centre of the UK court case of *R (Al-Skeini) v Secretary of State for Defence*. An appeal in this case was, at the end of the period under review, waiting to be heard by the Law Lords.

In September separate court martial proceedings began in the UK concerning allegations that seven UK servicemen stationed in Basra, Iraq -- at a time when the UK was an Occupying Power -- violated the rights of a number of Iraqis who had been arrested following a planned operation in September 2003. The allegations disclosed evidence that the UK servicemen may have committed war crimes. The court martial proceedings focussed, in particular, on one case, that of Baha Mousa, a 26-year-old Iraqi civilian father of two children, who sustained multiple injuries as a result of being ill-treated by UK soldiers both at the time of his arrest on 14 September 2003 at a hotel and during his detention at a British military base in Basra where he died, approximately some 36 hours later, on 15 September. When the trial opened in September, one of the seven defendants pleaded guilty to a charge of inhumane treatment of Baha Mousa. He pleaded not guilty to two further charges, namely, manslaughter of Baha Mousa and perverting the course of justice.

The proceedings confirmed that interrogation techniques, which, particularly when applied simultaneously or cumulatively, amounted to torture or other ill-treatment were used routinely on detainees held by the UK authorities, including on Baha Mousa and other Iraqis detained at the same time. They included: hooding detainees; keeping them in stress positions; and depriving them of sleep. The UK had purportedly banned these techniques in the 1970's when their use was widespread in Northern Ireland. The European Court of Human Rights subsequently found that they amounted to a breach of Article 3 of the ECHR, prohibiting torture or other ill-treatment.

In light of this, AI considered that there had been a failure, at the highest level, on the part of the UK authorities to ensure that such techniques would never be reintroduced, including by devising and delivering appropriate training and legal advice. AI also continued to be concerned that the UK authorities had failed to conduct a prompt, independent, impartial and effective investigation into the case, thereby contravening the UK's obligations under domestic and international human rights law and standards, including Articles 2 (enshrining the right to life) and 3 of the ECHR. AI continued to urge the UK authorities to establish a civilian-led mechanism to investigate all suspected human rights violations by UK armed forces personnel. Such a mechanism should be capable of applying international human rights law and standards relevant to the investigations of allegations of serious human rights violations by the military.

By the end of the reporting period, the court martial proceedings had not concluded.

Police shootings

Forest Gate operation

In August an investigation into the massive counter-terrorist operation, conducted by the police in June, that included forced entry into the home of Muhammad Abdulkahar and his family in Forest Gate, London, during which they shot and wounded him, concluded that the shot had been fired accidentally and that, in the circumstances, the officer involved had not committed any criminal or disciplinary offence. It also emerged that the operation was based on erroneous intelligence.

The killing of Jean Charles de Menezes (update to AI Index: EUR 45/004/2006)

In July the prosecuting authorities announced that no individual police officer would be prosecuted for any criminal offence in connection with the fatal shooting of Jean Charles de Menezes in London in 2005. Instead, they decided to prosecute the Office of the Commissioner of Police of the Metropolis under health and safety legislation, a prosecution which, if successful, could result in a financial penalty only. In September the inquest into the death of Jean Charles de Menezes was adjourned indefinitely pending completion of ongoing criminal proceedings against the Office of the Commissioner of Police. In December a legal challenge brought by the family of Jean Charles de Menezes against the prosecuting authorities' decision not to bring criminal charges against any individuals in connection with his killing was dismissed. AI called on the UK authorities to ensure prompt, full and public scrutiny of the allegations that the killing of Jean Charles de Menezes resulted from unlawful use of force; an immediate resumption of the inquest; and criminal charges to be brought against those individuals responsible for the killing of Jean Charles de Menezes (see AI Index: EUR 45/015/2006; AI Index: EUR 45/016/2006; AI Index: EUR 45/021/2006; AI Index: EUR 45/022/2006; and AI Index: NWS 21/011/2006).

The death in police custody of Christopher Alder (update to AI Index: EUR 01/005/2004)

In December the sister of Christopher Alder, who in 1998 had choked to death on the floor of a police station while handcuffed, won the right to sue the prosecuting authorities for racial discrimination in connection with their handling of the case.

Prisons

By the end of the year, in England and Wales alone, the prison population soared to nearly 80,000, among the highest per capita worldwide. Police cells were used as a result of the overcrowding crisis. Among other things, overcrowding continued to be linked to self-harm and self-inflicted deaths, greater risks to the safety of staff and inmates, and detention conditions amounting to cruel, inhuman and degrading treatment.

In November leaked internal official reports revealed that more than 160 prison officers were implicated in allegations of torture of inmates at Wormwood Scrubs Prison that had come to light in the late 1990s. Reportedly, many of the incidents that the authorities had publicly refused to admit were acknowledged in the reports, and some managers had colluded in the abuse by ignoring it. The author of one of the reports allegedly stated that officers implicated in the abuses continued to pose an ongoing threat to inmates.

Freedom of expression and assembly (AI Index: EUR 01/005/2004)

In December the Law Lords confirmed that detaining Jane Laporte to forcibly return her to London had been unlawful and violated her right to liberty. She was among three coach-loads of anti-war protesters who were prevented from reaching the air force base at Fairford – used by US B52 bombers to fly to Iraq – and forcibly returned to London in March 2003. The court also found that by preventing the coaches from reaching Fairford the police had violated Jane Laporte's right to freedom of peaceful assembly and expression.

Northern Ireland

Direct rule continued throughout the period under review.

Despite concern about its lack of independence, the Police Service of Northern Ireland continued to investigate unresolved conflict-related deaths.

Collusion and political killings (update to AI Index: POL/001/2006)

By the end of the year, the government had still failed to establish an inquiry into allegations of state collusion in the 1989 killing of prominent human rights lawyer Patrick Finucane. The Secretary of State for Northern Ireland stated that a Finucane inquiry would only be constituted under the Inquiries Act 2005. The Irish government and the US House of Representatives stated that the Act would be incapable of delivering an independent and impartial inquiry into the killing. In October AI wrote to the Northern Ireland Secretary to reiterate that it considered that numerous provisions in the Inquiries Act were incompatible with domestic and international human rights law and standards pertaining to effective, independent and impartial investigations of human rights violations. As a result, the organization viewed the prospect of an inquiry into Patrick Finucane's killing under that legislation as a sham.

In December David Wright won his legal challenge against the government's decision to convert the inquiry into allegations of state collusion in the killing of his son, Billy Wright,

into an inquiry constituted under the Inquiries Act 2005. AI intervened jointly with other non-governmental organizations, asserting that the legislation was inadequate to fulfil the requirements of human rights law for such inquiries.

Allegations of collusion between UK security forces and Loyalist paramilitaries in many human rights abuses, including bombings at Dublin airport and Dundalk in 1975 and at Castleblayney, County Monaghan, in 1976, were once again raised in an Irish Parliament report in November.

By the end of the year, two other public judicial inquiries into alleged state collusion in the killings of Robert Hamill in 1997, and Rosemary Nelson in 1999, were ongoing.

Asylum-seekers and refugees

In July the European Court of Human Rights found that the UK had violated an asylum-seeker's right to be informed promptly of the reasons for his detention. He had been detained for some 76 hours before his representative had been informed of the reasons for his detention.

In September, 32 Iraqi Kurds were forcibly returned to northern Iraq despite concern for their safety there.

In December, the government announced that the Independent Police Complaints Commission would be charged with investigating complaints arising from incidents involving immigration officials exercising police-like powers.