

Amnesty International



PORTOBELLO GROUP

7, Straiton Place,
Edinburgh EH15 2BA.

Options for Pre-charge Detention in Terrorist Cases

Dear Sir/Madam,

13th October 2007

Although our Group has not met since the above Options came to my attention through my Member of Parliament, I write to put on record the view of Amnesty International UK, of which we are a recognised Group, in the knowledge that it is shared by most members. The time set for comments means that I am unable to respond on behalf of the whole Group.

Amnesty International opposes the proposed extension of the maximum period of detention during which people can be held under anti-terrorism legislation by the police.

1. We believe the existing period of up to 28 days is already a violation of a person's rights under Section 5 of the European Convention on Human Rights (right to liberty and security) specifically, "to be informed promptly following arrest, in a language he/she can understand, of the reasons for arrest and of any charges."

2. Fair trial rights are prejudiced by prolonged detention without charge, including a presumption of innocence. The likelihood of statements obtained from a suspect who is experiencing an oppressive atmosphere of long duration being unreliable, and latterly being found inadmissible at trial is increased. Further, prolonged pre - charge detention has been shown to provide a favourable climate for abusive practices, in some cases resulting in involuntary statements, including "confessions", and tending to undermine confidence in the judicial system. Experience has shown the likelihood of this increases with the length of time people are in police custody.

3. More prolonged pre-charge detention will inevitably exacerbate the risk, already discernable in the existing situation of 28 days detention, of certain communities believing themselves to be targeted in terms of their ethnic or religious identity, and of deepening suspicion as to the purpose of detention as more to do with obtaining information than in the interests of bringing charges.

4. The proposed legislation provides a very negative example in a worsening situation worldwide, in which many countries use long periods of incommunicado detention to punish critics of their regimes, to humiliate, and to intimidate the populace, and increasingly such practices are presented as forms of protection against terrorism. Measures which erode the UK reputation for upholding the rights enshrined in European Conventions and in the Universal Declaration of Human Rights will lead to an ever-increasing threat to human freedom everywhere.

Yours Sincerely,

DAVID TURNER Group Secretary.

EMAU to CT Bill 2007 @ home office, gsi gov.uk

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