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**FURTHER TWIST IN TORTURE CASE:
Binyam Mohamed's lawyers have applied to re-open yesterday's
judgement on the basis that the UK government misled the court.**

Leigh Day & Co and Reprieve are seeking to re-open *Mohamed v. Secretary of State* on the basis that the judgement relied on 'misleading evidence' provided by the UK Government.

Yesterday's High Court judgment held that details of Binyam Mohamed's ill-treatment at the hands of the US and Pakistanis should not be published because the US authorities had threatened to withhold intelligence sharing with the UK.

The Judges stated that they had been informed that the threat remained in place even after the change of administration in the US. They were deeply critical of this stance which prevented them from ordering disclosure of information they 'consider so important to the rule of law, free speech and democratic accountability'. However, the US threat to downgrade its intelligence relationship with the UK meant that it would harm UK national security if those details were released.

In an astonishing sequence of events following the judgment, the Foreign Secretary conceded that the new regime had not actually been approached and stated that in fact no threat had ever been made by the US.

These admissions by the Foreign Secretary would seem to undermine the whole basis of the Court's reluctant decision to refuse to publish those details.

Leigh Day & Co have accordingly this afternoon made an application to the Court on behalf of Mr Mohamed requesting that the judgment is reopened and the case reconsidered in light of these new facts.

Richard Stein, partner at Leigh Day & Co said:

“The basis for the government’s opposition to disclosure of this information (which the court considered could not possibly be described as “highly sensitive classified US intelligence”) seems to have changed. In court disclosure was resisted because of US threats to downgrade the security relationship if it was disclosed. Now it is said by the Foreign Secretary to be because of a mutual understanding about how intelligence material is treated. In light of the weight given by the court to the ‘threat’, that is a substantial difference. When information is passed to any democracy which is governed by the rule of law it will be recognised that its courts might, in certain circumstances order its disclosure. One of those circumstances would be where, as in this case, it discloses evidence of torture.

Also, the government failed to correct the court’s misapprehension that the Obama administration had not changed its position in relation to the threat. In view of the fact that the matter had not been raised with the new regime this is particularly surprising.”

Reprieve’s director Clive Stafford Smith said:

“It seems unfair for the British government to pretend that Obama has ratified the retrograde policies of Bush without even asking him.”

“We hope now that Obama will make it clear that he doesn’t think that acts of torture should be hidden behind claims of national security.”

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