

Press Statement - Birnberg Peirce & Partners 11/8/05

A number of men we represent who are the subject of Control Orders were arrested this morning and told that they would be deported. The Home Office did not think it necessary to give a single word of explanation to those individuals as to why this morning they can be safely deported to their respective countries of origin when last night they could not. If there are "memoranda of understanding" between this country and the brutal regimes from which they have fled, those have not been provided to those men or to us. The men themselves in any event have been throughout today deliberately put out of reach of lawyers who represent them. We do not know where they are and the Home Office will not tell us. We have a strong suspicion that they are deliberately being separated in a number of directions now so as to make access even more problematic.

The 2001 Anti Terrorism Crime and Security Act was introduced for this specific claimed purpose of being able to lock up foreign nationals without trial who with certainty would be tortured or killed if they were deported. If the Home Office claims that it can now rely upon diplomatic assurances from appalling regimes whom it knows, on strong evidence make use of torture, then it does so in the face of universal international rejection of such "assurances".

Diplomatic assurances that torture will not be used could never be asked of countries that truly guarantee human rights. Such assurances carry no sanction if breached, they are unenforceable, they provide those brutal regimes with an endorsement by our government that they are true democracies and since regimes that use torture regularly subcontract that work, the regimes themselves can claim that rogue torturers operate without state blessing.

The Home Office cannot suggest that either of the countries concerned, Algeria or Jordan, has undergone overnight any internal revolution that does away with torture. Jordan and Algeria are at the top of every list of countries known to use the most brutal of forbidden measures. We ourselves believe that even now planes depart on behalf of the USA carrying suspects to detention centres in Jordan that use torture (the appalling practice of "rendition"). We know that in the recent "ricin" prosecution, false evidence was extracted by torture from a detainee in Algeria. That false evidence was thereafter seized upon and given as a justification for this country's invasion of Iraq.

Each successive claim made by the Home Office during the past three years has contradicted itself. There is thereafter silence as to why the position changes. If it is necessary that these men have to now be arrested, why does the Home Office say in March just before placing them under Control Orders that all could appropriately be on bail? If these men can be safely deported now, why has the Home Office claimed for so many years that that was impossible? If it is claimed that recent incidents in this country demand these measures how is it that a number of men, primarily Algerians, come to be rounded up under yet new measures as the usual suspects; is there a single suggestion that can be made that they have in any way participated in or had any connection with recent incidents said to justify recent incidents said to demand these measures?

Ultimately this move risks disenfranchising this country from the international community that guarantees true observance of fundamental human rights. We cannot be part of that community which means abiding by our treaty obligations and trade human beings at will in this way. This is insane and dangerous government at its worse. The Prime Minister is wrong. The rules of the game have not changed. The rules that we pray in aid cannot be changed for the purposes of political grandstanding and he, of all people, as a lawyer, should know that.

Gareth Peirce