
Amnesty International

MONTHLY ACTION

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SECRET JUSTICE: ASK YOUR MP TO OPPOSE THE JUSTICE AND SECURITY BILL

'It's a secret justice system straight from the pages of a Kafka novel' - Alice Wyss, Amnesty International's UK Researcher

The Justice and Security Bill will be debated in the House of Lords in November and the House of Commons after that. Now is a key time to influence our representatives to ensure amendments are made to the Bill and that it is not passed into law as it currently stands.

If passed in its current form, this legislation would extend powers to demand secret hearings to any situation in which the government claims national security is at risk. This is unnecessary as there are already mechanisms in place for handling sensitive materials in cases where we need to protect our country. Moreover, as 'national security' is not defined, this legislation would effectively allow the government to throw a cloak of secrecy over any case in which its human rights record came into question, denying justice to victims and their families.

The Bill would also limit the right to a fair and open hearing in a court of law. Individuals and their lawyers would be unable to see, let alone contest, the evidence against them.

The right to a fair trial is a fundamental to the rule of law. It is enshrined in both the Human Rights Act and the Declaration of Human Rights. But the Justice and Security Bill is now threatening this right.

We must stand up for UK Justice and we must do it now.

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GOT QUERIES OR WANT TO DO MORE?

If you have any queries about this action please contact
Activism Team at activism@amnesty.org.uk

SECRET DOCUMENTS

The measures, contained in the Justice and Security Bill would allow the government to use so-called “closed material procedures” to prevent individuals and their lawyers from seeing documents even when they show the involvement of UK officials in wrongdoing, no matter how grave. If such disclosures are deemed to harm “national security”, then the material can be withheld, potentially indefinitely, even if there is an overwhelming public interest in disclosure.

The government can already rely on secret evidence in at least 21 different contexts - including in appeals against the imposition of highly restrictive Terrorist Prevention and Investigation Measures (the successor to “control orders”), and national security deportation proceedings.

EXTENSION OF POWER

However, the Bill would extend these powers, allowing the Government to demand secret hearings in any civil case where they claim airing evidence might damage the interests of national security.

Such evidence could include documents showing that an M15 officer had been involved in the illegal detention of a British resident, Omar Deghayes, who was tortured before being sent to Guantánamo, or that a government minister knew that a person in UK hands was likely to be tortured if handed over to another country, but allowed the handover nevertheless.

If this information was deemed to harm ‘national security’ the material could be withheld, potentially indefinitely, denying the truth to victims and the public at large.

NEW REPORT: SECRET JUSTICE

To examine the potential impact of the Bill, we spoke to lawyers and advocates involved with existing secret hearings in the UK, government officials and some of the individuals who have recently been prosecuted by the UK government using secret evidence for our new report on secret justice. What we’ve discovered is a picture of a government intent on avoiding scrutiny of its human rights record.

Our view:

Amnesty International researcher Alice Wyss said: ‘The Justice and Security Bill is a real threat to the principles of fairness and open justice in the UK - principles which should always be at the heart of the justice system.’

‘It’s already bad enough that secret procedures have been allowed to creep into the justice system, but the government is now trying to extend secret justice to an unprecedented degree. It wants a system where it can simply play the ‘national security’ card whenever it wants to keep things secret.’

The lawyer’s view:

One of the lawyers interviewed for the report, Richard Hermer QC, said: ‘The idea that you could go to court having had the most terrible things happen to you to sue for justice and be excluded

from the proceedings and at the end just be told you've lost without being given the reasons for that decision, runs contrary to all notions of fairness, the rule of law and open justice.'

The defendant's view

An individual identified as 'G' who has been subjected to severe restrictions and detention based in large part on evidence he has never seen said: 'I want justice: the opportunity to defend myself, in a fair trial [...] I am not even allowed to know the evidence the state claims to have against me.'

Read the full report, '*Left in the Dark: the use of secret evidence in the United Kingdom*':

www.amnesty.org.uk/justice

NOTES ON THE ACTION

- The Bill will be debated in the next few weeks in the House of Lords after that it will go to the House of Commons.
- Please use the sample letter overleaf as a guide to write to your MP(s). The letter should always be signed by a constituent and don't forget to include the constituent's address.
- If the Prime Minister or Deputy Prime Minister is the MP for your constituency please make the following amendment to the last two sentences of the letter: **'I therefore urge you to stand up for UK Justice and drop the Bill as it stands or significantly change it in order to safeguard human rights'**
- We have appeal cards for the MP that you could use at your stalls/events. To order them please email activism@amnesty.org.uk
- We'd be grateful if you could send any MP responses to us.