

REDRESS

Ending Torture. Seeking Justice for Survivors

DON'T USE CLOSED HEARINGS IN SECURITY CASES, KEY PARLIAMENTARY BODY TELLS UK GOVERNMENT

[London, 4 April 2012] Today, an important UK parliamentary body, the Joint Committee on Human Rights (JCHR) added its voice to those seriously concerned with the Government's proposed changes to civil court procedures where national security issues may be involved. The JCHR has criticised the overly-broad scope of the proposals contained in last year's Justice and Security Green Paper, and has specifically rejected the idea of "closed material procedures" (CMPs) and the use of "special advocates" being extended to cases where civil claims are made against the security services.

REDRESS, along with senior lawyers, journalists, academics and other NGOs, expressed its grave disquiet with the proposals following the Green Paper's publication. Of particular concern to REDRESS is that introducing special advocates and CMPs into civil claims is not a procedure capable of supporting and enhancing fairness for litigants who have alleged that they have been tortured by UK agents, or related allegations such as complicity in torture. CMPs involve the hearing of evidence behind closed doors with only one side of the dispute (the Government) fully represented, the alleged victim having only a special advocate present who cannot disclose to the alleged victim any details of what takes place.

"The JCHR has vindicated what we said in our response to the Green Paper during the Government's consultation process," said REDRESS' UK Legal Advisor Kevin Laue. **"The absolute prohibition against torture, states' obligations when faced with torture allegations, the right to reparation, access to justice and the right to a remedy for torture survivors all require an open justice process which closed hearings simply cannot deliver."**

The JCHR found that CMPs (already used in deportation proceedings) are inherently unfair and firmly rejected the Government's suggestion that they could be made fairer by extending them to civil cases. Instead, it has said the present law governing national security-sensitive materials, known as Public Interest Immunity (PII), should be clarified and amended if necessary to safeguard non-disclosure of intelligence material.

"Regrettably, the Government to date has turned a deaf ear to the concerns of those who have criticised the Green Paper," said Mr Laue. **"We hope it will now start to listen. Legitimate national security concerns are capable of being dealt with without fundamental changes to civil proceedings. The Government needs to change course."**

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