

STATEMENT OF KEITH CARMICHAEL

I am Keith Carmichael, aged 74 and British. I was educated at Westminster School and at the Universities of Oxford and London. Called up for National Service I joined the Scots Guards and was commissioned as a Second Lieutenant. Later I became a Territorial Army Officer at the HQ of the Independent Parachute Brigade Group. I am a former businessman and survivor of torture who became instrumental in helping other survivors obtain justice and reparation.

From 2 November 1981 until 7 March 1984 I was imprisoned unlawfully, without charge or a single court hearing in the Kingdom of Saudi Arabia. After 857 days of arbitrary detention the late King Fahd ordered my release. During my imprisonment I was kept in inhuman prison conditions and subjected to brutal torture by the Saudi secret and civil police. I suffered grave bodily injuries and psychiatric trauma. Seven weeks before I was released, in a conference with the British Ambassador Prince Salman, Governor of Riyadh acknowledged that my imprisonment had been a mistake. The British Ambassador described his conversation with Prince Salman in a memorandum to me: *"I pointed out that you had not been sentenced-- indeed had not even been charged though you had been kept in prison for over two years and in a bad s/ate of health. Prince Salman said that that was a mistake"*.

On my return to the UK on 13 March 1984 it was confirmed that I had suffered severe injuries including a compressed fracture of the spine and permanent damage to my knees and feet which would drastically reduce my mobility. I was given intensive physiotherapy and hydrotherapy treatment for the pain, and weakness in my back and lower limbs. In 1990 my Consultant in Spinal Injuries considered me to be severely and permanently disabled and informed me that my condition would only deteriorate over time. He said that I would continue to need physiotherapy just to keep my back mobile. In addition the EMG studies showed denervation of the muscles of the lower limbs.

Over the next years my general physical condition worsened. I couldn't afford the Consultant's prescribed physiotherapy programme. The National Health Service would not provide the treatment which my doctors prescribed. I was limited to what exercises had been recommended to me. I went through phases of my left leg collapsing. I suffered from acute pain and bouts of arthritis. Worse still I had blackouts. I continue to be frequently struck down and paralysed by pain and arthritis. I regularly see my Medical General Practitioner. I am now medically classified as disabled.

I also suffer from an acute form of Post Traumatic Stress Disorder (PTSD). This is manifested by regular nightmares, black melancholia, hopeless and suicidal feelings. I have a fear of small spaces and crowds. The Psychiatrist said that the effects of my imprisonment and torture will haunt me for the rest of my life. I continue to this day to suffer from most symptoms of PTSD.

Since 1984 I have resolutely pursued a claim to compensate for the permanent injuries which I suffered at the hands of my Saudi gaolers. These include seeking a remedy in the courts of Saudi Arabia, suing the aiders and abettors of torture and false imprisonment under the United States Alien Tort Statute, opening negotiations with the Saudi Arabian Ambassador in Washington DC, petitioning the late King Fahd and seeking espousal of my claim by the Foreign and Commonwealth Office (FCO). All the avenues I have pursued to seek justice and to realise my right to reparation have been unsuccessful.

I feel let down by the British Government and the FCO. The FCO repeatedly demanded that I return to Saudi Arabia to pursue a local remedy before they would assist me. They did this knowing that I would have been at a real risk of further torture or death if I had set foot in the country. I spoke to lawyers in Saudi Arabia about bringing a claim against those responsible for my torture but it became clear that this would be a futile exercise. Even after this the FCO failed to take all reasonable steps to espouse my claim and provide me with a remedy for torture.

Over 23 years I have not received one penny for the bodily injuries, let alone for the psychiatric trauma, to which I am entitled under international law. I also have a right to the means for as full rehabilitation as possible. I have only received from the NHS the minimal treatment for the permanent injuries to my health. The legal costs of seeking redress, apart from the enormous medical expenses which I have had to bear, have exhausted my finite financial resources. It is the UK Government's moral and legal responsibility to provide British and foreign nationals who have been tortured with the means for as full rehabilitation as possible.

The process of obtaining justice and reparation is challenging and draining of energy and life. For many of us, and I am one survivor of torture who has met many others, the goal is for States to admit that we have been tortured. Importantly, we would like to receive an apology. We would like to see the torturers punished. We need to prove that they did not succeed in destroying us as human beings. We need financial compensation for medical treatment, to enable us to reclaim our lives and again become contributing members of society.

Hiding behind the barrier of *State Immunity*, the States have never had to dispute the substantive evidence of alleged heinous crimes. Nor have they ever had to admit to a blatant breach of international treaties outlawing torture. *State Immunity* incites travesties of justice. Worse still, foreign states have 'paid millions' to their lawyers to fight their cause on the technicality, *State Immunity* to avoid a full trial. Instead they could have used these substantial funds to recompense the victims, their families and contribute to necessary medical expenses.

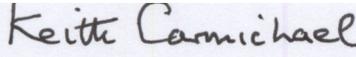
Most States are failing in the international obligations by not adopting legislation to bring domestic law into conformity with international law. This is exacerbated by the failure to provide an express right to claim compensation for survivors of torture who suffered abroad. The UK is no exception, but now has a timely opportunity to comply with international treaties. The obstacle of *State Immunity* needs to be knocked down to enable

torture survivors to bring civil claims against the torturers, foreign states or officials. The purpose of the *Torture (Damages) Bill* is to ensure that torture survivors in the UK have access to the courts to enforce their rights and obtain justice.

Another reason to be borne in mind is that law bypasses humanity, until the Bill is enacted. The ‘healing’ process of the victim of torture needs to be taken into consideration. Successful attempts at pursuing a civil claim for redress would play a vital part in the healing and re-empowerment of torture survivors. Success leaves a feeling that some sort of justice has been achieved, that the truth of the heinous crimes of torture have been revealed and also witnessed in court, the fact that torturers have been punished.

The *Torture (Damages) Bill* will deter States and their officials from torturing, particularly those States which have signed the *UN Convention Against Torture*, but evidently as no more than a cynical gesture and an opportunistic pretence.

Moreover, the enactment of the Bill will send a signal of deterrence to ‘princes’ and ‘princesses’ of Royal Families and Diplomats visiting or residing in the UK who deliberately torture and brutalise their staff and servants. These hapless victims of torture will have access to justice and be able to obtain redress.



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