

JUSTICE PRESS RELEASE

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FOR IMMEDIATE RELEASE – 4 July 2007

Control orders appeals: JUSTICE calls for end to secret evidence

On Thursday 5 July, the House of Lords will begin a six-day hearing into the compatibility of control orders with human rights. The hearings will focus on whether the government's use of secret evidence in control order hearings breaches the right of suspects to a fair trial.

The Law Lords will also examine whether the imposition of 18-hour curfews and various other restrictions on suspects – who have not been charged with any criminal offence – breaches the right to liberty under the Human Rights Act.

JUSTICE, the human rights and law reform organisation, has been granted permission by the Law Lords to intervene in the case argue against the current control order scheme, including the use of so-called 'closed proceedings', in which suspects are denied the opportunity to hear the evidence against them and are instead forced to rely on special advocates with whom they are unable to discuss the key allegations.

JUSTICE will argue that the withholding of key evidence from defendants in control order cases is contrary to basic UK constitutional principles as well as the right to a fair trial under Article 6 of the European Convention on Human Rights.

Eric Metcalfe, JUSTICE's director of human rights policy, said:

We cannot allow the fight against terrorism to compromise basic fairness.

The use of secret evidence is offensive to this country's legal traditions. Nor should we allow mere suspicion of guilt to become confused with actual proof.

No-one should be subject to virtual house arrest without knowing the evidence against him and being able to challenge it in a fair and open manner.

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Notes to editors

1. Control orders were introduced by the Prevention of Terrorism Act 2005. The Act was passed in a record 17 days following the judgment of the House of Lords in the Belmarsh case in December 2004, in which the Law Lords held that indefinite detention of foreign terror suspects without trial under the Anti-Terrorism Crime and Security Act 2001 breached their right to liberty.
2. All the control orders currently under appeal were made by the Home Secretary against people who have not been charged with a criminal offence. In every case, the only appeal against the orders has involved a civil hearing only, with a standard of proof well below even the normal civil standard ('reasonable grounds for suspicion' instead of 'balance of probabilities') and in which virtually all the key evidence has been completely withheld from the defendants.
3. JUSTICE is represented in the House of Lords by Michael Fordham QC and Tom Hickman of Blackstone Chambers and by Clifford Chance. A pdf copy of JUSTICE's written case is attached.

Chairman of Council **Lord Goodhart QC**

Director **Roger Smith**

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