

JUSTICE PRESS RELEASE

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JUSTICE welcomes PM's announcement on intercept evidence

JUSTICE welcomed today's announcement by the Prime Minister Gordon Brown that the government intends to lift the ban on intercept evidence.

The Prime Minister's announcement followed the publication today of the Chilcot Report – the report of the Privy Council review of the use of intercept as evidence headed by Sir John Chilcot. The Report recommended that intercept evidence – information gained from covert interception of private communications such as phone calls and email – should be admissible in criminal trials.

However, the report cautioned that such a move should only be made once a legal framework had been developed that adequately addressed the concerns of MI5, MI6 and GCHQ. The report referred to the need for 'further, extensive' work to develop a legal regime allowing for the use of intercept as evidence (see report para 214).

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

We welcome the Prime Minister's announcement that the government intends to lift the ban on intercept evidence.

However, we wonder how much further work is really needed given that the government has privately been at work on ways of allowing intercept evidence for some time now.

Using intercept in criminal trials is not rocket science. The intelligence services in the United States, Canada and Australia have coped with intercept evidence for many years. A suitable legal model should not be hard to find.

For further information, contact Eric Metcalfe on 07939 119 369 (mobile) or 020 7762 6415 (direct line) or via email to emetcalfe@justice.org.uk.

Notes to editors

1. JUSTICE has long argued that lifting the ban on intercept would be a sensible way to allow compelling evidence to be used in criminal trials. In particular, it would be an important step towards ending resort to such exceptional measures as control orders and extending pre-charge detention in terrorism cases.
2. JUSTICE gave oral and written evidence to the Chilcot Committee in October 2007.
3. In October 2006, JUSTICE released a 75-page report showing that intercept evidence is used regularly in other common-law jurisdictions to prosecute suspected terrorists. The report concluded that the UK's ban was 'archaic, unnecessary and counter-productive'. A pdf copy of the JUSTICE report, *Intercept Evidence: Lifting the ban* is available on request.
4. In November 2007, JUSTICE released a 30-page report which looked at complex terrorism cases in the US since 9/11, including details of how intercept evidence is regularly used to prosecute suspects. A pdf copy of the JUSTICE report, *From Arrest to Charge in 48 Hours: Complex terrorism cases in the US post-911* is available on request.