

AMNESTY INTERNATIONAL

Public Statement

AI Index: EUR 45/024/2005 (Public)
News Service No: 197
19 July 2005

UK: The detention of Hilal Abdul-Razzaq Ali Al-Jedda

On Wednesday 20 July and Thursday 21 July 2005, an Amnesty International delegate will be observing the judicial review proceedings at the Royal Courts of Justice in London in the case of Hilal Abdul-Razzaq Ali Al-Jedda.

Hilal Abdul-Razzaq Ali Al-Jedda is a dual national having both United Kingdom (UK) and Iraqi citizenship. He has been in detention without charge or trial ("internment") in Iraq since 10 October 2004. While in Iraq, he was seized by United States troops in Baghdad and immediately handed over to UK armed forces personnel. Since then, he has been detained by the UK armed forces at the Shu'aiba Divisional Temporary Detention Facility, a detention centre near Basra.

Amnesty International is concerned that Hilal Abdul-Razzaq Ali Al-Jedda has been detained without charge or trial or access to a court for over nine months and that his detention, while being reviewed periodically, can be extended indefinitely. In addition, the organization is concerned that he has not been granted the right to appeal the decision to detain him.

From the assertions made by the UK authorities, it would appear that Hilal Abdul-Razzaq Ali Al-Jedda is suspected of conduct which would amount to a crime under UK legislation. However, the UK authorities have reportedly stated that the material on the basis of which they have formed their suspicion against Hilal Abdul-Razzaq Ali Al-Jedda could not be used in court and would not be sufficient to substantiate the bringing of criminal charges against him. Moreover, Amnesty International understands that much of the information on which the UK authorities have based their decision to detain him has been kept secret from him and his lawyer.

Amnesty International is concerned that this is another case in which the UK authorities are seeking to circumvent their obligations under human rights law in respect of the conduct of their armed forces in Iraq.

This case concerns one of the most fundamental rights, the right to liberty and security of person. Amnesty International considers that human rights obligations guaranteeing this right remain fully applicable to all persons held by the UK armed forces in Iraq. Further, the organization considers that indefinite detention without charge or trial violates a number of human rights, including the right to be free from arbitrary detention. It may also amount to a violation of the right to be free from torture or other ill-treatment.

In light of this, Amnesty International urges the UK authorities to immediately release Hilal Abdul-Razzaq Ali Al-Jedda unless they charge him with a recognizably criminal offence with a view to bringing him promptly to trial in proceedings which fully meet internationally-recognized fair trial standards.

Amnesty International considers that the proceedings in this case raise a number of issues of concern to the organization with respect to the regime of detention without charge or trial of approximately 10,000 people in Iraq by the Multinational Force, of which the UK is a participating state. According to information available to Amnesty International, most of these people are in the custody of the US authorities.

For example, by monitoring these proceedings, the organization is hoping to gain information about the role played by the UK authorities on the Joint Detention Review Board. This body, on which UK officials sit together with US and Iraqi officials, among other things, reviews individual cases of people held indefinitely without charge or trial by members of the Multinational Force in Iraq.

Background

The UK authorities have asserted that the authority to intern individuals -- i.e. detain people indefinitely without charge or trial -- derives from UN Security Council Resolution 1546 of 7 June 2004 on the grounds of "imperative reasons of security". With respect to the case at hand, Amnesty International understands that the UK authorities will seek to assert in court that the above-mentioned resolution not only authorizes but actually requires that both domestic and international human rights obligations pertaining to the right to liberty and security of person be disapplied.

In the recent past, there have been allegations of unlawful killings, torture, ill-treatment and other violations of international human rights and humanitarian law by UK forces at the time when the UK was recognized as an occupying power in Iraq, namely prior to the official handing of power to the Interim Iraqi Government in June 2004. The UK authorities have tried to circumvent domestic and international human rights obligations by asserting that human rights law does not bind UK armed forces in Iraq and Afghanistan. Amnesty International has urged the authorities to establish a civilian-led mechanism to investigate all allegations of serious violations of human rights and humanitarian law by UK armed forces.

In addition, in November 2004 the Committee against Torture expressed concern at the UK authorities' assertion that certain provisions of the UN Convention against Torture could not be applied to actions of the UK in Afghanistan and Iraq. The Committee stated that the Convention applied to all areas under the *de facto* control of the UK authorities.