

United Kingdom Response to Statement by Amnesty International
Friday 28th September
Working Session 9: Rule of Law II

Thank you Madam Moderator.

The United Kingdom notes the statement made by the representative of Amnesty International, and welcomes the opportunity to respond very briefly in respect of the points made on deportations with assurances and rendition.

Firstly, let me assure you that the UK unreservedly condemns the use of torture. As we have consistently made clear, we are determined to combat it wherever and whenever it occurs.

Turning first to the question of the UK's policy on deportation with assurances: The UK believes that individuals who are not British nationals and who pose a threat to the national security of the United Kingdom should not have the right to remain there indefinitely. However, I would emphasise that the UK can only deport someone if their removal is compatible with our international commitments, including the absolute prohibition on torture. We will not deport or extradite a person where there are substantial grounds to believe there is a real risk of torture or other inhuman or degrading treatment, or that the death penalty will apply.

The Memoranda of Understanding referred to by the Amnesty representative enable us to obtain assurances that will safeguard the rights of individuals being returned. Crucially, any decision to deport is subject to appeal through the UK Court system, and ultimately to the European Court of Human Rights. We believe that the assurances obtained under these Memoranda of Understanding will enable us to satisfy our courts that removal of particular individuals who threaten our security is consistent with our international human rights obligations. But ultimately as I say this is a question for the courts to decide.

Moving to the subject of rendition.

The UK Parliament has been kept fully informed of the UK position on rendition, and I can tell you that there is no evidence of detainees rendered through the UK or Overseas Territories since 11 September 2001. Nor is there any evidence of detainees being rendered through the UK or Overseas Territories since 1997 where there were grounds to believe there was a real risk of torture. Furthermore, I can assure you that the UK would not grant permission for any rendition of a detainee through UK territory or airspace unless the rendition was in line with UK law and our international obligations. In particular, we would not facilitate the transfer of an individual from or through the UK to another State where there were grounds to believe that the person would face a real risk of torture.

Thank you.