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UK: Law Lords hear key case on detention without charge or trial by UK forces in Iraq

From 29 to 31 October the highest court in the UK, the Appellate Committee of the House of Lords, will be hearing the case of *R (Hilal Abdul Razzaq Ali Al-Jedda) v Secretary of State for Defence*. Amnesty International intends to send delegates to observe the hearing.

At issue in the case is the legality of the UK's detention of Hilal Abdul-Razzaq Ali Al-Jedda without charge or trial for more than three years in Basra, Iraq.

Hilal Abdul Razzaq Ali Al-Jedda is one of some 25,000 individuals interned - that is, detained indefinitely, without charge or trial - by the Multi National Forces (MNF) in Iraq. According to the latest figures provided by the UK government, UK troops were, as of the end of July 2007, holding some 75 such so-called 'security internees'.

The case being heard by the House of Lords is one of a number of cases in which the government of the UK has argued that its human rights obligations under UK law and international treaties (including the obligation to respect the right to liberty) do not apply to the conduct of its military forces overseas. In the current case the UK is arguing that the terms of the UN Security Council resolutions under which the MNF in Iraq operates should override the UK's obligations under the European Convention on Human Rights.

Amnesty International disagrees. The organization considers that the government is under an obligation to respect the human rights of those whom it is detaining in Iraq, and that there is nothing in the UN Security Council resolutions relating to Iraq or the UN Charter that relieves it from these obligations.

Amnesty International continues to call on the UK and the US authorities to respect the human rights of those persons they are detaining in Iraq. The organization calls for an end to the regime of prolonged and indefinite internment. It urges the UK and the US to ensure that those detained are granted regular access to their lawyers and their families, and that they have access to an independent, impartial and competent court empowered to rule on the lawfulness of the detention and to order release if the detention is unlawful. All detainees should either be promptly charged with a recognizable criminal offence and tried by an independent and impartial civilian court, in proceedings which meet international standards of fairness and do not result in the imposition of the death penalty, or be released.

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