

## 11 JANUARY 2012: BREAKING NEWS: HIGH COURT DELIVERS HISTORIC RULING ALLOWING BBC TO FILM BRITISH DETAINEE BABAR AHMAD IN PRISON

(FOR IMMEDIATE RELEASE)

The High Court in London has ruled that it was unlawful for Justice Secretary Ken Clarke to refuse the BBC permission to film an interview with British Detainee Babar Ahmad in prison, paving the way for the media to be allowed camera access to a British prisoner for the first time. Babar Ahmad is the longest held-without-charge British detainee in the modern history of the UK, having been in prison since August 2004 (seven and a half years). He is fighting extradition to the US, which accuses him of fund raising for Chechen and Afghan insurgents on the internet. In November 2011, over 140,000 signed an official government e-petition in support of his case, which led to two Parliamentary debates on the issue.

The judgment notes that the case of Babar Ahmad is exceptional for a number of reasons<sup>1</sup>, including the fact that he has not been charged with any offence in the UK<sup>2</sup> and the admission made by the Metropolitan Police that he was assaulted on his arrest. Mr Justice Singh makes an important finding that the unusual combination of factors in this case are such that not only was the decision to refuse permission to the BBC to film an interview with Mr Ahmad wrong, but that an interview has to be allowed: "More than that, in our view, the claimants' rights in article 10 require that departure in the exceptional circumstances of this case, and the Secretary of State has not been able to justify denying those rights on the facts of this case." (para 81)

In finding that the Justice Secretary's decision had breached Article 10, Mr Justice Singh also noted that the interests being served by the BBC extended beyond their own and those of Mr Ahmad and encompassed the right of the general public: "The importance of the rights in article 10 is that, in principle, the public should be able to engage in such debates and be as fully informed as possible and make their own minds up to be properly informed". (para 96)<sup>3</sup>.

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<sup>1</sup> Paragraph 88 of the judgment: "We accept the claimants' contention that, as a result of the particular combination of circumstances, this case is highly exceptional. By saying that we make it clear that we do not consider that the present case should be regarded as setting any precedent for other cases. It is because of the unusual combination of facts that the present case, in our view, justifies departure from the normal policy."

<sup>2</sup> Para 84 of the judgment: "It is important to recall that Mr Ahmad has not been convicted of any offence; he has not been charged in this jurisdiction even though in principle he could have been if the CPS had considered there was sufficient evidence; and no *prima facie* case has to be demonstrated to a court in this country before he can be extradited."

<sup>3</sup> Para 96: "Article 10 confers a right on the public to receive information, in particular about matters of public concern in a democratic society, such as the treatment of a prisoner who has been in detention for a very long time without charge; and the extradition arrangements applied in this case. It is not for this Court to pronounce on the rights and wrongs of different views that may be held in debate about such matters. The importance of the rights in article 10 is that, in principle, the public should be able to engage in such debates and be as fully informed as possible and make their own minds up."

Ashfaq Ahmad, father of Babar Ahmad, said: "My son, Babar Ahmad, has been held in prison without charge for over seven years. I am pleased that the High Court has ruled that there is exceptional public interest in Babar's case and said that the BBC should be allowed to film him in prison. Other people facing extradition to the US, such as the NatWest three and Gary McKinnon, have been allowed full access to the media to tell the public the truth about their ordeals and our flawed extradition laws."

Simon Creighton of Bhatt Murphy solicitors, who represented Babar Ahmad as an interested party in the proceedings said:

"My client is delighted that the court has recognised the right of freedom of speech also encompasses the right of the general public to be properly informed. Mr Ahmad has not been charged with any crime in this country but has spent the best part of a decade in prison. There is simply no justification for preventing the BBC from speaking to him about his experiences."

#### NOTES TO EDITOR:

1. For comment or interview, contact Simon Creighton of Bhatt Murphy Solicitors on 0207 729 1115 or 07931 545 675. For Immediate comment please contact The Free Babar Ahmad Campaign on 07585355581 or email [info@freebabarahmad.com](mailto:info@freebabarahmad.com)
2. Please go to the Background and Timeline sections of [www.freebabarahmad.com](http://www.freebabarahmad.com) for a full history of Babar Ahmad's case.
3. During his arrest in London in 2003, Babar Ahmad was violently abused by the arresting Metropolitan Police officers in a sustained and brutal attack. In March 2009 the Metropolitan Police admitted carrying out this abuse and paid him £60,000 compensation. Four police officers later stood trial over this attack but were found not guilty.
4. Babar Ahmad's final appeal against extradition is currently being considered by the European Court of Human Rights, which is expected to deliver judgment some time in 2012.