

Zubaydah (Respondent) v Foreign, Commonwealth and Development Office and others (Appellants)

Case ID: 2022/0083

Case summary

Issue

Is the law applicable to the Respondent's claim the law of England and Wales or the law of the six countries in which he alleges he was unlawfully detained and tortured by the United States' authorities?

Facts

The Respondent brought a claim alleging that the Security Service and the Secret Intelligence Service ("the Services") acted tortiously, causing personal injury to the Respondent, by allegedly sending questions to the CIA inviting them to use those questions in interrogations of the Respondent for the purpose of attempting to elicit information of interest to the Services. The personal injury is alleged to be the result of the Respondent being arbitrarily detained by the CIA without trial at secret CIA "black site" facilities and being subjected to extreme mistreatment and torture during interrogations conducted by the CIA in: Thailand; Poland; Morocco; Lithuania; Afghanistan; and Guantánamo Bay ("the Six Countries"). The torts alleged are misfeasance, conspiracy, trespass, false imprisonment and negligence.

A preliminary issue arose as to whether the law applicable to the Respondent's claim is the law of England and Wales or the law of the Six Countries. The High Court found that the applicable law is the law of the Six Countries. The Court of Appeal disagreed, finding that the applicable law is the law of England and Wales.

Judgment appealed

[\[2022\] EWCA Civ 334](#)

Parties

Appellant(s)

- (1) Foreign, Commonwealth and Development Office
- (2) Home Office
- (3) Attorney General

Respondent(s)

Abu Zubaydah

Appeal

Justices

Lord Lloyd-Jones, Lord Kitchin, Lord Sales, Lord Burrows, Lord Stephens

Hearing start date

14 June 2023

Hearing finish date

15 June 2023

Watch hearing

14 June 2023 [Morning session](#) [Afternoon session](#)

15 June 2023 [Morning session](#)