



All-Party Parliamentary Group on Extraordinary Rendition
House of Commons, London, SW1A 0AA

Annual Report

Summer 2015–Summer 2016

Background

The All-Party Parliamentary Group on Extraordinary Rendition was established by Andrew Tyrie MP in 2005 to investigate claims that the UK had facilitated abduction and torture as part of the United States’ “war on terror”. Victims were transferred for interrogation either to third countries known to use torture, or to secret CIA “black sites”.

The goals of the APPG are two-fold: to establish the truth about the scope and scale of UK involvement in rendition, and to reduce the likelihood of recurrence. The two are closely linked: only through a full account of what went wrong in the past can Britain expect to avoid making the same mistakes again.

The Group has played a significant part in the disclosures that have taken place so far. It was instrumental in securing the 2010 judge-led inquiry into the UK’s role. Its work in Parliament helped trigger disclosures about the transfer of military detainees and about the use of Diego Garcia – a British territory in the Indian Ocean – by rendition flights. It has launched Freedom of Information requests and litigation on both sides of the Atlantic.

The Group is located in the Houses of Parliament. It is led by four parliamentarians: Andrew Tyrie MP, Lord Hodgson of Astley Abbots, Lord Tyler, and Kelvin Hopkins MP.

Funding

In 2015-6, the Group received financial support from the following bodies: the Joseph Rowntree Reform Trust, the JRSST Charitable Trust, the Oak Foundation, the Persula Foundation, the Andrew Wainwright Reform Trust, and the Edith M Ellis Foundation.

The Group leveraged a large amount of legal and other pro bono work from sympathetic experts and organisations, both in the UK and in the US, including Hogan Lovells,

Freshfields Bruckhaus Deringer, and counsel they instructed. In value, this was a large multiple of the APPG's annual budget.

Key achievements and developments

Inquiry into rendition

The APPG continued to press for a full and effective inquiry into rendition. The judge-led Gibson Inquiry was shut down in 2012, due to criminal investigations into rendition. In 2013, the Government instructed the Intelligence and Security Committee (ISC), which provides oversight of the intelligence services, to take over the investigation. The ISC's work was delayed by the departure of its Chairman in 2015, and by that year's General Election. In July 2016, the Committee confirmed that the inquiry had been its priority since October the previous year, and that it was expected to continue for some time.

In response, the APPG's Chairman wrote to the ISC setting out recommendations for its work, and asking the ISC to provide a detailed plan of its approach to the inquiry. He called on the Committee to ask prosecutors for evidence gathered as part of a criminal investigation into renditions to Libya.

The Group also pressed for increased powers of scrutiny to be given to the ISC. In November 2015, the APPG Chairman – in his capacity as an MP – wrote a public letter to the Prime Minister about the Committee's inquiry into targeted killings by drone strikes in Syria. This inquiry will be a test case for the new powers that were granted to the ISC in 2013. Andrew Tyrie called on the Prime Minister to make guarantees about the scope of the investigation. He asked for assurances that Secretaries of State would be instructed to share all relevant information with the ISC, and that any redactions would be explained as fully as possible. These points are consistent with the work of the APPG over many years.

Neither the rendition inquiry nor the drone strike inquiry has yet concluded.

Freedom of Information litigation

The funding received by the Group has enabled it, on a relatively modest budget, to mobilise a large amount of pro bono legal work.

In 2015, its UK legal team appeared before the Upper Tribunal to appeal against the denial of Freedom of Information (FOI) requests to the Foreign Office concerning some of the highest-profile rendition cases of recent years. However, in July of that year, the Upper Tribunal accepted the Foreign Office's arguments. It adopted a strict interpretation of the principle that information relating to the security services was

exempt from disclosure, and accepted the Government's contention that the disclosure of certain information would harm UK-US relations. This displayed the limits of using FOI to hold the UK intelligence services to account, and in particular to gain information about rendition cases.

During this case, the APPG experienced the limitations of closed sessions at first hand. Some of the appeal hearings involved sessions in which the Group was unable to participate. As a result, it cannot be known whether Andrew Tyrie and his counsel could have successfully challenged the other party's arguments.

In the US, the Group is fighting a case against the denial of its Freedom of Information requests by intelligence and security agencies. In January 2013, the APPG was granted leave to appeal the dismissal of the defendants under the Foreign Government Exception. In May 2014, the APPG argued its case before the federal appellate court in Washington, DC, and was successful.

The APPG has negotiated the final terms that will be used in the search protocol for the Defense Department. In April 2016 the CIA agreed to search for documents cited in footnotes of the Senate Torture Report's executive summary.

The State Department has completed its search for relevant records, and has agreed to provide information on half of all withheld documents. In May 2016, it produced summary information on 12 withheld documents that concerned British interventions over interrogation practices and the welfare of detainees – including the fact that the UK Foreign Office had asked for these to be withheld. This was reported on the front page of the *Independent* newspaper. The Chairman also appeared on Radio 4's *Week in Westminster* to discuss the findings.

Secret hearings

The Group played a leading role in campaigning for changes to the Justice and Security Act 2013, which extended "Closed Material Proceedings" to civil cases involving national security. This means that the Government can apply to present evidence that is concealed from the other parties, their lawyers, and the public.

The first rendition cases that could be affected by this legislation have been delayed by challenges over preliminary issues. The Supreme Court is due to make a ruling in the coming months that will determine whether they can go ahead. The APPG is following the cases closely.

Compendium

The APPG's 2011 compendium, *Account Rendered: Extraordinary Rendition and Britain's Role* is recognised as the most comprehensive analysis of what is known about the rendition programme. It includes a 200-page collection of primary documents, and analysis of their significance.

Partners

A key ingredient for continued success of the Group is collaboration with partners, on both the national and the international levels. The Group's collaboration with its legal advisers, and, when appropriate, NGOs, has enabled it to shape the policy dialogue much more effectively than it could by acting alone. It is uniquely well placed to draw the extraordinary rendition issue to the attention of MPs and peers, working as it does from within Parliament. The Group also corresponds frequently with interested members of the public.

The Group's partnerships in the US are particularly important, and more so in light of recent statements by the Republican nominee for the US presidency, Donald Trump. He has said that "torture works", and that, if elected, he will bring back "worse than waterboarding".

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More information on the APPG's work can be found on the Group's website, www.extraordinaryrendition.org