



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

**Press release – 18 July 2019**

“The government’s decision to resile from its previous commitments to a judge-led inquiry is wholly unacceptable,” was the verdict of Andrew Tyrie, Co-Chair of the All-Party Parliamentary Group (APPG) on Extraordinary Rendition, following today’s ministerial Oral Statement on detainee policy. “It means that closure cannot be obtained on the scale of Britain’s facilitation of kidnap and torture. And it leaves unfinished business which, sooner or later, will almost certainly have to be completed by a subsequent administration. The truth generally comes out, eventually.”

The government’s announcement in an Oral Statement issued today followed an Urgent Question from APPG Chair Ken Clarke on Monday, challenging the government’s failure, more than a year on, to deliver on its promise to set out its view on a judge-led inquiry into British involvement in extraordinary rendition. At the time, ministers stated that they would report back to Parliament within sixty days. In response to the Urgent Question, ministers promised to report the government’s decision by the end of the week. Today’s statement refused to authorise a judge-led inquiry.

Andrew Tyrie said: “This decision tears up commitments given by a previous administration that there should be a full, judge-led inquiry into extraordinary rendition and Britain’s role in it. Sir Peter Gibson’s inquiry was disbanded because of criminal investigations into complicity in renditions to Libya – but with the commitment that a judge-led inquiry would follow.

The government now claims that the work of the Intelligence and Security Committee (ISC) and today’s release of a replacement of the Consolidated Guidance for intelligence services officers and military personnel make an inquiry unnecessary. But the ISC found its access to key witnesses blocked and concluded that, within its powers and remit, ‘we would be unable to conduct an authoritative Inquiry and produce a credible Report ... [The ISC report] is not, and must not be taken to be, a definitive account.’ The job is not done.”

At the same time, the government published the replacement for the Consolidated Guidance to intelligence officers and military personnel on detainee issues. The Guidance was reviewed by the Investigatory Powers Commissioner’s Office (IPCO),

and the government accepted Sir Adrian Fulford's proposed replacement 'Principles' document.

Andrew Tyrie said: "There have been continuing concerns, highlighted in the ISC report, as to the guidance issued to our intelligence services, armed forces and others regarding cooperation with other countries' security services when this might facilitate torture, mistreatment or rendition. The APPG will examine the new *Principles* document carefully and set out our view."

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### **Note to editors**

- Andrew Tyrie is co-Chair and founder of the All-Party Parliamentary Group on Extraordinary Rendition (APPG), a cross-party group of MPs and Peers that was established in 2005. It aims to establish the facts about the scope and scale of UK involvement in rendition, and to reduce the likelihood of recurrence
- The government Written Statement follows an Urgent Question from Ken Clarke on Monday, 15 July, regarding the government's failure to report back to Parliament its view on reinstating a judge-led inquiry into British involvement in extraordinary rendition. In response, the Cabinet Office Minister David Lidington committed that the government would "make a definitive statement setting out their decision about a judge-led inquiry later this week and, at the same time, we will announce to the House our response to Sir Adrian Fulford's recommendations on the consolidated guidance."
- A judicial inquiry, headed by Sir Peter Gibson, was set up in 2010 to look into issues of rendition and mistreatment of detainees but was suspended in 2012 because of new police investigations into British involvement in renditions to Libya, including of Abdul-Hakim Belhaj and Fatima Boudchar. These police investigations concluded in 2016, with the CPS declining to bring any charges; nonetheless, the British Government apologised to Mr Belhaj and Mrs Boudchar on 10 May 2018 for the UK's role in their 2004 abduction, torture, and rendition to Libya. At the time of the suspension of the Gibson Inquiry, the government stated that there would be a judge-led inquiry after criminal investigations were complete

- In December 2013, the government asked the Intelligence and Security Committee (ISC) to investigate and report on the issues identified in Sir Peter's preparatory work, while leaving open the question of a further judge-led inquiry
- The ISC released two reports on 28 June 2018: *Detainee Mistreatment and Rendition: 2001-2010* and *Detainee Mistreatment and Rendition: Current Issues*, revealing much greater UK involvement in detainee mistreatment and rendition than was previously known. This included some 70 cases of UK involvement in rendition, 232 cases in which UK personnel continued to supply questions or intelligence to liaison services after they knew or suspected mistreatment, and 198 cases where UK personnel received intelligence from liaison services which had been obtained from detainees who they knew had been mistreated
- However, the ISC conceded that its own work was incomplete and had to be abandoned because access to key witnesses had been blocked. The ISC stated that: "The terms and conditions imposed were such that we would be unable to conduct an authoritative Inquiry and produce a credible Report. The Committee has therefore concluded – reluctantly – that it must draw a line under the Inquiry. This is regrettable." It added that its work "is not, and must not be taken to be, a definitive account."
- On 2 July 2018, in response to an urgent question by Ken Clarke, the Minister for Europe and the Americas (Sir Alan Duncan) stated that the Government would give "careful consideration" to calls for a judge-led inquiry and update the House within 60 days of publication of the reports. On 22 November 2018 (147 days after the release of the reports), the government released its [response](#), but failed to make any announcement as to a judge led inquiry
- In today's Oral Statement, the Cabinet Office Minister David Lidington justified the government's opposition to a further inquiry on the basis that there was neither a policy reason (given changes to Guidance) nor a legal obligation. This ignored the inability of the ISC, the last body charged with investigating the issue, to have access to what it required to complete its work satisfactorily
- The *Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and*

*Receipt of Intelligence Relating to Detainees* ('The Consolidated Guidance') was first published by the then Prime Minister David Cameron in 2010

- Following the ISC reports in June 2018, the Prime Minister asked the Investigatory Powers Commissioner, Sir Adrian Fulford, to review the Guidance. Sir Adrian Fulford submitted his Review to the Prime Minister on 14 June 2019, and today the government published the replacement document, *The Principles relating to the detention and interviewing of detainees overseas on the passing and receipt of intelligence relating to detainees* ('The Principles') and an accompanying letter to the Prime Minister.