



INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT



PRESS RELEASE

DETAINEE MISTREATMENT AND RENDITION: 2001–2010

The Intelligence and Security Committee of Parliament published two reports today on the actions of the UK security and intelligence agencies in relation to the handling of detainees overseas and rendition. The Chairman of the ISC, the Rt. Hon. Dominic Grieve QC MP, said:

“Over the past three years we have taken 50 hours of oral evidence, reviewed 40,000 original documents, and devoted over 30,000 staff hours. We are very grateful to some of the former detainees for talking to us, and to three former members of staff who came forward of their own volition as witnesses. By 2017, we had reached the point in our Inquiry where we had covered the breadth of the issues but wished to examine certain matters in greater detail: in order to do so we needed to hear from the officers who were involved at the time. The Government has denied us access to those individuals. The Committee has therefore concluded – reluctantly – that it must draw a line under the Inquiry.

“Nevertheless we believe that we have – up to this point – progressed matters significantly. Crucially, we have uncovered new material which had not been presented to, or considered by, any previous inquiry or review. We therefore decided that what we had found must be put into the public domain, to increase transparency and understanding of what took place.

“The first of our reports covers the period following the terrorist attacks on the US in September 2001. Immediately following 9/11, there were real concerns that Al Qaida may have been planning a similar terrorist attack on the UK. Disrupting such an attack was the operational imperative for the UK security and intelligence Agencies, and it was assessed that assisting the US in interviews of US-held detainees might provide access to critical intelligence. From 2002, UK personnel from SIS, MI5 and MOD participated in an estimated 2-3,000 interviews of detainees held by US detaining authorities at locations in Afghanistan and Iraq, and at Guantanamo Bay.

“Our key findings, in summary, are:

- (i) In terms of mistreatment, we have not found any evidence that UK Agency officers or Defence Intelligence personnel directly carried out physical mistreatment of detainees. We have found evidence of UK officers making verbal threats in nine cases. We have also found two cases in which UK personnel were party to mistreatment administered by others: one has been investigated by the Metropolitan Police, but the other remains to be fully investigated. There must now be a question as to whether that investigation is reopened.

- (ii) We have found 13 incidents where UK personnel witnessed at first hand a detainee being mistreated by others; 25 incidents where UK personnel were told by detainees that they had been mistreated by others; and 128 incidents recorded where Agency officers were told by foreign liaison services about instances of mistreatment. In some cases these were - correctly - investigated, but this was not consistent.
- (iii) We have found 232 cases where 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 - or with no indication as to how the detainee had been treated but where we consider they should have suspected mistreatment.
- (iv) Turning to rendition, we have found three individual cases where SIS or MI5 made, or offered to make, a financial contribution to others to conduct a rendition operation. Given the countries concerned, these can be described as 'extraordinary renditions' due to the real risk of torture or cruel, inhuman or degrading treatment. In 28 cases, the Agencies suggested, planned or agreed to rendition operations proposed by others; in a further 22 cases SIS or MI5 provided intelligence to enable a rendition operation to take place; and in 23 cases they failed to take action to prevent a rendition - including instances where there were opportunities to intervene and prevent the rendition of a British national or resident.
- (v) In terms of the use of UK airspace and facilities, there is no evidence that any US rendition flight transited the UK with a detainee on board. Two detainees are now known to have transited through Diego Garcia: we have seen nothing to indicate that detainees have ever been held on Diego Garcia, although the records are woefully inadequate.

"In addition to individual cases, we have considered the actions of those in the Agencies' Head Offices. Immediately after 9/11, the Agency Heads and deputies were briefed by the CIA: these briefings clearly showed US intent but were not taken seriously. Soon afterward those at Head Office became aware of reports that detainees were being mistreated: there are at least 38 cases in 2002 alone of officers witnessing or hearing about mistreatment. The Agencies argue that these were 'isolated incidents': they may have been isolated incidents to the individual officer witnessing them, but they cannot be considered 'isolated' to those in Head Office. It is difficult to comprehend how those at the top of the office did not recognise the pattern of mistreatment by the US. That the US, and others, were mistreating detainees is beyond doubt, as is the fact that the Agencies and Defence Intelligence were aware of this at an early point. The same is true of rendition: there was no attempt to identify the risks involved and formulate the UK's response. There was no understanding in HMG of rendition and no clear policy - or even recognition of the need for one.

"The 27 conclusions contained in the body of this Report outline some serious concerns: in our view the UK tolerated actions, and took others, that we regard as inexcusable. That being said, we have found no 'smoking gun' to indicate that the Agencies deliberately overlooked reports of mistreatment and rendition by the US as a matter of institutional policy. The evidence instead suggests a difficult balancing act: the Agencies were the junior partner with limited influence, and concerned not to upset their US counterparts in case they lost access to intelligence from detainees that might be vital in preventing an attack on the UK.

“It is easy to criticise with the benefit of hindsight. We wish to be absolutely clear that we do not seek to blame individual officers acting under immense pressure. Our findings must be viewed in the context in which the events took place. The pace of work after 9/11, both in Afghanistan and London, was frenetic: we do not underestimate the pressure that the Agencies experienced whilst dealing with the imperative to protect the UK and prevent another attack on the scale of 9/11.

“With that said, more could have been done at an Agency and Ministerial level to seek to influence US behaviour. More could also have been done to distance themselves from mistreatment of detainees. The Committee wished to establish whether these lessons have been learned, and changes made to ensure that the same would not happen again today. This is covered in the second of the reports we are publishing today which addresses the current situation.”

NOTES TO EDITORS:

1. The Intelligence and Security Committee of Parliament (ISC) is a cross-party committee of nine parliamentarians from the Commons and the Lords, established under the 2013 Justice and Security Act.

2. This Report reflects work largely undertaken by the previous Committee,¹ which sat from September 2015 to May 2017:

The Rt. Hon. Dominic Grieve QC MP (Chair)

*The Rt. Hon. Richard Benyon MP
(from 21 October 2016)*

*The Rt. Hon. Sir Alan Duncan MP
(until 17 July 2016)*

*The Rt. Hon. David Hanson MP
(from 21 October 2016)*

*The Rt. Hon. George Howarth MP
(until 18 October 2016)*

*The Rt. Hon. the Lord Janvrin GCB GCVO
QSO*

*The Most Hon. the Marquess of Lothian QC
PC*

The Rt. Hon. Fiona Mactaggart MP

The Rt. Hon. Angus Robertson MP

The Rt. Hon. Keith Simpson MP

The Rt. Hon. Gisela Stuart MP

3. The Committee oversees the intelligence and security activities of the UK, including the policies, expenditure, administration and operations of the Security Service (MI5), the Secret Intelligence Service (SIS) and the Government Communications Headquarters (GCHQ). The Committee also scrutinises the work of other parts of the UK intelligence community, including the Joint Intelligence Organisation and the National Security Secretariat in the Cabinet Office; Defence Intelligence in the Ministry of Defence; and the Office for Security and Counter-Terrorism in the Home Office.

4. The Members of the Committee are subject to Section 1(1)(b) of the Official Secrets Act 1989 and are routinely given access to highly classified material in carrying out their duties. The Committee sets its own agenda and work programme. It takes evidence from Government Ministers, the Heads of the intelligence Agencies, officials from the intelligence community, and other witnesses as required. The Committee is supported in its work by a Secretariat provided by the Cabinet Office. It also has access to legal, technical and financial expertise where necessary.

5. The Committee makes an annual report to Parliament on the discharge of its functions. The Committee may also produce Reports on specific investigations. Prior to the Committee publishing its Reports, sensitive material that would damage national security is blanked out ('redacted'). This is indicated by *** in the text. The intelligence and security Agencies may request the redaction of material in the Report if its publication would damage their work, for example by revealing their targets, methods, sources or operational capabilities. The Committee considers these requests for redaction carefully. The Agencies have to demonstrate clearly how publication of the material in question would be damaging before the Committee agrees to redact it. The Committee aims to ensure that only the minimum of text is redacted from the Report. The Committee believes that it is important that Parliament and the public should be able to see where information had to be redacted.

¹ *The following Members were appointed to the Committee in November 2017: the Rt. Hon. Dominic Grieve QC MP (Chair), the Rt. Hon. Richard Benyon MP, the Rt. Hon. the Lord Janvrin GCB GCVO QSO, the Rt. Hon. Ian Blackford MP, Kevan Jones MP, the Rt. Hon. Caroline Flint MP, the Most Hon. the Marquess of Lothian QC PC, the Rt. Hon. David Hanson MP and the Rt. Hon. Keith Simpson MP.*