



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

Annual Report

August 2017 - August 2018

Background

The All-Party Parliamentary Group on Extraordinary Rendition is chaired by Rt Hon Kenneth Clarke QC MP. It was established by Andrew Tyrie MP (now Lord Tyrie) in 2005 to investigate claims that the UK had facilitated abduction and torture as part of the United States' "war on terror". Ken Clarke took over as Chairman following Andrew Tyrie's decision to step down at the June 2017 general election.

The goals of the APPG are two-fold: (1) to establish the truth about the scope and scale of UK involvement in rendition; and (2) to reduce the likelihood that the UK will take part in extraordinary rendition in the future.

This twelve month period has seen major developments and revelations regarding the UK's role in extraordinary rendition. In May 2018, the government publicly apologised for its role in the rendition and "appalling treatment" of Mr Belhaj and his wife Ms Boudchar (who was pregnant at the time) to Libyan torture chambers. In June 2018, the Intelligence and Security Committee (ISC) released two reports following its four-year inquiry into detainee mistreatment and rendition, which, despite being flawed, revealed much greater involvement of UK personnel in rendition and torture than was previously known. The reports also strongly criticised the government's lack of an effective policy to prevent recurrence of UK involvement in rendition and torture.

Achievements and developments

Campaign for an independent, judge-led inquiry

In June 2018, the APPG renewed its campaign for a full, independent, judge-led inquiry into UK involvement in rendition and detainee mistreatment. In May 2018, the Prime Minister had apologised for the British government's role in rendering Mr Belhaj and Ms Boudchar to Gaddafi's torture chambers, accepting that they were "subjected to appalling treatment and that [they] suffered greatly, not least the affront to the dignity of Mrs Boudchar, who was pregnant at the time," and further accepting that "[t]he UK Government's actions contributed to [their] detention, rendition and suffering."¹ The apology was contained in a letter read out in the House of Commons by the Attorney-General. APPG members, including Ken Clarke MP, Andrew Mitchell MP, Alistair

¹ Hansard, HC Deb, 10 May 2018, Vol 640, Col 926.

Carmichael MP and Andy Slaughter MP spoke in the debate which followed the statement.² The statement was repeated in the House of Lords, and APPG treasurer Lord Hodgson of Astley Abbots spoke in the short debate which followed.

While the apology was welcomed, it soon became clear that the Intelligence and Security Committee, which had been conducting an inquiry into UK involvement in rendition and detainee mistreatment, had not been able to examine the case, nor (as became apparent following the government's answer to a written parliamentary question by Ken Clarke) would the government ask it to.

On 10 June 2018, the APPG therefore wrote to the Prime Minister expressing concern and demanding a full judge-led inquiry. The cross-party letter was signed by fourteen members of the Group - Ken Clarke MP, Lord Hodgson of Astley Abbots, Lord Tyler, Catherine West MP, Crispin Blunt MP, Tom Brake MP, Alistair Carmichael MP, Baroness D'Souza, Lord Dubs, Kevin Hollinrake MP, Baroness Miller of Chilthorne Domer, John Penrose MP, Yasmin Qureshi MP and Baroness Stern CBE - and was covered by [The Times](#),³ the [Guardian](#)⁴ and other outlets.

The APPG's intervention led to calls for a judge-led inquiry from both the Labour and Liberal Democrat front benches,⁵ and from a consortium of NGOs.

The APPG further advanced this campaign following the conclusion of the ISC inquiry and publication of its reports on 28 June 2018. The reports revealed shocking levels of UK involvement in rendition and detainee mistreatment. UK officials were complicit in hundreds of cases of torture or mistreatment, as well as in over 70 cases of rendition, and the UK even had a "corporate policy of facilitating the rendition of those captured" in certain areas. Particularly shocking details include UK officials hearing "audible screams" coming from US interrogations and being asked to leave the room to avoid being witness to US interrogators "roughing up" a detainee, as well as witnessing a detainee being rendered in a coffin-like sealed box.

However, due to the government blocking access to the key witnesses, the reports were, by the ISC's own admission "provisional," with "further exploration" necessary. The APPG's reaction to the reports, criticising their flaws and renewing calls for a judge-led inquiry was covered by a wide range of print and broadcast media outlets, including the [BBC](#)⁶ (online and on Radio 4's PM and World Tonight programmes), [The Times](#)⁷ and others. On 2 July 2018, Ken Clarke was granted an urgent question in the House of Commons, asking "whether the Government will now reinstate the judge-led inquiry that the former Government promised in 2012," which led to a debate on UK involvement in rendition and torture. A significant number of APPG members spoke in

² See Hansard, HC Deb 10 May 2018, Vol 640.

³ The Times: Francis Elliott, 'Clarke demands new inquiry into UK role in torture,' 11 June 2018.

⁴ Guardian: Ian Cobain, 'MPs and peers call for judge-led inquiry into UK rights abuses; All-party parliamentary group on rendition says this is only way to establish the truth', 11 June 2018.

⁵ See Shami Chakrabarti, Shadow Attorney-General at: <https://labour.org.uk/press/uk-must-stand-firm-use-torture-mistreatment-chakrabarti/> and Christine Jardine, Liberal Democrat Foreign Affairs Spokesperson at: Hansard, HC Deb, 2 July 2018, Vol 644, Col 30.

⁶ BBC: 'UK "knew US mistreated rendition detainees"', 28 June 2018.

⁷ The Times: Francis Elliott, 'Torture report: honour promise of inquiry into mistreatment Ken Clarke tells May', 29 June 2018.

in the debate in support of a judge-led inquiry.⁸ In response to the urgent question, the Government promised to give “careful consideration” to calls for a judge-led inquiry, and to update the House within 60 days. The urgent question received coverage in [The Times](#)⁹, the [Guardian](#),¹⁰ and the [Financial Times](#),¹¹ and the APPG followed up with an article by Ken Clarke in the [Financial Times](#).¹²

The APPG sent a second cross-party letter to the Prime Minister in August re-iterating calls for a judge-led inquiry, signed by eleven members of the Group - Ken Clarke MP, Lord Hodgson of Astley Abbots, Catherine West MP, Tom Brake MP, David Davis MP, Baroness D’Souza, Lord Dubs, Andrew Mitchell MP, John Penrose MP, Andy Slaughter MP and Baroness Stern CBE - which was covered in an exclusive in the [Daily Mail](#).¹³

The government’s self-imposed 60 day deadline to update the House on a judge-led inquiry passed on 27 August 2018. The APPG responded with a press-release criticising the delay, which was covered by the [Guardian](#).¹⁴

As at August 2018, the renewed campaign for a judge-led inquiry into rendition and detainee mistreatment (started and led by the APPG), has resulted in: both Labour and the Liberal Democrats advocating for a judge-led inquiry as part of their front bench policy; extensive media coverage of the campaign, and editorials in the FT¹⁵ and the Observer¹⁶ supporting a judge-led inquiry; and the Government being forced to commit to give “careful consideration” to the need for such an inquiry.

Freedom of Information litigation

The APPG continues to fight its legal case against intelligence and security agencies in the US, including the Defense Department, State Department, and CIA. The APPG has been able to pursue the case thanks to its team of pro bono lawyers. The requests were originally filed in 2008, but were refused. The APPG sued, and won on appeal in 2014.

During this 12 month period, the APPG’s legal team engaged in negotiations with the defendants on the search terms that the agencies use to identify relevant documents, the timetable for production of non-withheld documents, and the production of

⁸ APPG members who spoke in the debate included Andrew Mitchell MP, Mike Gapes MP, John Penrose MP, Alistair Carmichael MP, Andy Slaughter MP, Catherine West MP, Jim Shannon MP. See HC Deb, 2 July 2018, Vol 644: Detainee Mistreatment and Rendition.

⁹ The Times: Henry Zeffman, ‘Ministers consider fresh torture collusion inquiry’, 3 July 2018.

¹⁰ Guardian: Ian Cobain, ‘MPs press for new inquiry into UK role in rendition and torture,’ 2 July 2018.

¹¹ FT editorial: “The UK must address its own human rights abuses,” 4 July 2017.

¹² FT op-ed by Kenneth Clarke: “We must investigate UK complicity in rendition of terror suspects,” Financial Times, 6 July 2018.

¹³ Daily Mail, Ian Drury, “We need a judge-led inquiry into Britain’s involvement in ‘wicked’ torture, David Davis tells Theresa May,” 2 August 2018.

¹⁴ The Guardian, Ian Cobain and Owen Boycott, “British Government Misses Own Torture Inquiry Deadline,” 30 August 2018.

¹⁵ FT editorial: “The UK must address its own human rights abuses,” 4 July 2017.

¹⁶ Observer editorial: “The Observer view on why Britain’s role in torture must be revealed in full,” 1 July 2018.

summary information on withheld documents. The two sides produce a joint status report for the court every three months.

In April 2016, the CIA agreed to search for documents cited in specified footnotes of the executive summary of the Senate Intelligence Committee torture report. It has now released some of these documents. Documents have also been released by the Department of Defense and the Department of State. With the pro bono support of Hogan Lovells LLP, the APPG is working to analyse these documents.

Reducing the likelihood of recurrence of the UK's role in rendition

The APPG is campaigning for policy reform to reduce the likelihood of the UK being involved in rendition in the future. The government's current anti-torture policy, known as the Consolidated Guidance (the Guidance) is flawed and does not adequately cover involvement in rendition. The APPG has been campaigning for improvements to the Guidance for many years, and in November 2017, Ken Clarke questioned the Government on the issue through a series of parliamentary questions. In response, the Government confirmed for the first time that a review of the Guidance was underway, and that it had issued a direction to place the Investigatory Powers Commissioner's oversight of the Guidance on a statutory basis.

In February 2018, eight members of the Group – Ken Clarke MP, Lord Hodgson, Catherine West MP, Baroness Stern, Alistair Carmichael MP, Tom Brake MP, Baroness D'Souza, and Barry Sheerman MP – co-signed a letter to the Prime Minister, setting out the APPG's concerns about the Guidance and asking her to address them in the review.

In May 2018, Ken Clarke published an article on [Conservative Home](#),¹⁷ pointing out key flaws in the Guidance and calling for reform.

The ISC reports published in June 2018 strongly criticised the Guidance, and the fact that the government had no policy on rendition, echoing criticisms the APPG had been making for years. In response to the ISC reports, the Prime Minister asked the Investigatory Powers Commissioner to make recommendations for improvements to the Guidance. On 20 August 2018, the Commissioner announced that he was holding a public consultation on reforms to the Guidance. The APPG will be making a submission to this consultation.

US policy

The risk posed by US President Donald Trump, who has said that he would bring back waterboarding and "a hell of a lot worse", remains ever present. At the APPG's Annual General Meeting in September 2017, the Chair briefed members on the risk posed by Trump. In April 2018 the risk increased when Gina Haspel, who stands accused of running a notorious CIA torture site in Thailand, was appointed head of the CIA. The APPG took steps to renew its collaboration with US partners – including by inviting contacts to speak in Parliament, meeting with US defence lawyers representing one

¹⁷ Conservative Home: Ken Clarke, "Government's anti-torture policy must be strengthened," 22 May 2018.

of the Guantanamo Bay detainees, and corresponding with a US civil society inquiry into North Carolina's role in the rendition programme.

APPG Chair, Ken Clarke, in response to two ISIS fighters being stripped of UK nationality and facing the death penalty in the US, commented in [the Independent](#)¹⁸ that "we must not let standards slip in the face of terror" and that we mustn't allow fear to cause us to abandon standards of freedom, liberty and human rights on which this country stands". He said that values had wavered since the 9/11 attacks and rise of jihadi threats, when the UK allowed a "serious lapse in our normal standards" with involvement in extraordinary rendition to Libya and other countries where people faced torture.

Work with Parliamentarians

The APPG held a number of successful events during this 12-month period, bringing together Parliamentarians and civil society, focusing particularly on the importance of proper Parliamentary oversight to reduce the likelihood of a repeat of the UK's involvement in rendition and torture.

In November and December 2017, the APPG held a two-part series of roundtable discussions in Parliament on the theme of "Complicity and Counterterrorism", co-sponsored by the APPGs on Drones and Rule of Law, to discuss how the UK can avoid complicity in unlawful acts carried out by its counterterrorism partners. Each event was two hours long, with over 50 participants. The first event considered intelligence-sharing and the rule of law, and speakers included: Martin Chamberlain QC; Graham Webber, chief executive of the Investigatory Powers Commissioner's Office; and Alka Pradhan, human rights counsel at the Guantanamo Bay Military Commissions. The second event considered Parliament's powers to oversee the UK's counterterrorism partnerships, with a focus on the Intelligence and Security Committee and its inquiry into rendition. Speakers included ISC Chair Dominic Grieve MP; former ISC Chair Malcolm Rifkind; former ISC member Fiona Mactaggart; APPG Chair Ken Clarke; Daniel Jones, lead investigator on the US Senate Intelligence Committee's torture report; and Lord Butler, who led an inquiry into the Iraq War. The meetings were well-attended, with a broad selection of Parliamentarians, academics, select committee staff, and campaigners.

In June 2018, the APPG held an event with the International Committee of the Red Cross, focusing on international humanitarian law (IHL) and the challenges for state accountability in armed conflict. The event was co-sponsored by the APPGs on Drones, Rule of Law and Human Rights, and speakers included: Dr Helen Durham, Director of International Law and Policy at the ICRC, and international law expert Professor Philippe Sands QC. States' adherence to international law is crucial for preventing a recurrence of the UK's role in rendition, and the panel discussion focused on Parliamentarians' role in holding government and others to account in this area. The use of the security narrative to undermine international obligations - as illustrated by UK involvement in rendition and torture - was discussed, and Professor Sands highlighted the importance of enhancing Parliamentary scrutiny in this area. The event

¹⁸ Lizzie Deardon, "Isis Beatles: UK 'must not let standards slip' in face of terror, Ken Clarke warns", 23 July 2018.

was well-attended by Parliamentarians, academics, select committee staff, lawyers and campaigners, and the ICRC have offered to work with Parliamentarians to enhance understanding of IHL.

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