



All Party Parliamentary Group on Extraordinary Rendition
House of Commons

Annual Report 2013-14

1. Background

The All Party Parliamentary Group on Extraordinary Rendition was founded in December 2005. Its aims are twofold: (1) to get to the truth on British involvement in the United States' extraordinary rendition programme and (2) to do what it can to ensure that law and policy are adequate to prevent such practices taking root in the future.

During 2012-13, the Group raised approximately £165,000 to fund its three-year work programme to the end of 2015. Funders included: Oak Foundation; Foundation Open Society Institute (Zug); the Persula Foundation; Cornwell Charitable Trust; Edith M Ellis 1885 Charitable Trust; and the Roger and Sarah Bancroft Clark Charitable Trust. Hogan Lovells and Freshfields Bruckhaus Deringer and counsel they instructed provided invaluable *pro bono* assistance to the Group.

In October 2014, the APPG received a grant of £8,000 from Lush Cosmetics and Charity Pot founders Mark and Mo Constantine. In November 2014, the APPG received a £2000 grant from the Evan Cornish Foundation.

2. The Justice and Security Act

Over the past year, the Group has played a leading role in campaigning for changes in the recently enacted Justice and Security Act, which include an expansion of Closed Material Proceedings in civil cases involving matters of national security. This will make it more difficult to uncover the truth about

rendition and prejudice Britain's tradition of open justice because it will enable the Government to present its case in secret session in the absence of the other party, his or her lawyers, the press and the public. In January 2013, the Centre for Policy Studies published a report entitled *Neither Just Nor Secure*, which Andrew Tyrie co-authored on the Bill with leading barrister Anthony Peto QC, calling for the Government to make major amendments to the Bill. The report also proposed reforms to Parliament's Intelligence and Security Committee (ISC), which failed lamentably to get to the truth about rendition and which needs significant change to provide proper oversight of the intelligence services.

The report was distributed to every Member of the House of Commons and many Members of the House of Lords ahead of the Bill's committee stage. It received wide national media coverage and proved influential among lawmakers. In June 2013, Prospect Magazine Think Tank Awards named it the UK Publication of the Year. In addition, Andrew Tyrie spoke at the Second Reading of Bill in the Commons and wrote several articles for national newspapers outlining the APPG's concerns. The Group has played a crucial role in raising awareness about rendition and securing a government response to a number of allegations about rendition, which turned out to be true.

3. The Detainee Inquiry and the Further Investigation by the Intelligence and Security Committee

Over the past six years, the APPG has actively campaigned for an independent judge-led inquiry into the UK's involvement in extraordinary rendition. The establishment of the Detainee Inquiry in July 2010 may be considered an achievement. But it faced numerous challenges and setbacks due, in part, to its narrow approach to its remit and perceived lack of independence from the Executive. The discovery in September 2011 of documents that appeared to implicate the British intelligence services in renditions to Libya opened a new line of enquiry. When it became clear that this would result in further police investigations, the Government announced in

January 2012 that the Detainee Inquiry would be stood down. After much delay, the Government released the preliminary report to the public on 19 December 2013.

The Intelligence and Security Committee (ISC), which provides parliamentary oversight of the intelligence and security services, has been tasked with taking over the investigation into allegations of British complicity in rendition, but it remains unclear when it will begin. In March 2014, the APPG wrote to the ISC with a number of constructive suggestions for its investigation.

In November 2014, the APPG submitted its response to the ISC's Call for Evidence for its upcoming Further Inquiry into the role of the UK Government and Security Agencies in relation to detainee treatment and rendition.

4. Freedom of Information Campaign

The APPG continued to pursue its Freedom of Information litigation against the authorities on both sides of the Atlantic. The Group has benefited from extensive pro bono representation by both the UK and US arms of Hogan Lovells and counsel at 11 King's Bench Walk.

In July 2013, the APPG's legal team in the UK appealed against the denial of the APPG's Freedom of Information requests to the Foreign and Commonwealth Office concerning some of the highest-profile rendition cases of recent years. The APPG was successful in relation to one of its grounds of appeal and is awaiting a date for a new re-hearing.

The APPG's litigation in the United States has produced documents from the State Department and the Group recently secured a crucial victory in the federal appellate court in the United States, which reversed the district court's denial of the Group's FOIA requests to the intelligence agencies. In June 2014, the DC Circuit Court, a federal appellate court in the United States, ruled in favour of the APPG, concluding that Andrew Tyrie MP, American

lawyer Joe Cyr and the APPG are not representatives of the UK Government. Consequently, the FOI requests against the intelligence agencies may now proceed.

5. Partnership with Other Organisations

The APPG worked with numerous other organisations over the past year, both in the UK and abroad. The work included the Justice and Security Act, Freedom of Information litigation, and report launches.

On 17 October 2013, the Group hosted an event in conjunction with the American NGO Task Force on Detainee Treatment for the launch of the latter's report on the extraordinary rendition programme. The event engendered a thoughtful discussion on the consequences of secret courts and redress in the justice system, as well as the diplomatic and intelligence-sharing relationship between the US and the UK.

Over the next several years, the Group hopes to renew discussions with American politicians and government officials on building an international consensus on rendition and detainee treatment to regain trust and cooperation in order to more effectively combat terrorism and extremism.

6. Further APPG Activities

The APPG continues to call for strengthened parliamentary oversight of the British intelligence services, namely through the reform of the Intelligence and Security Committee (ISC). It proposed several amendments to the Justice and Security Bill that would have implemented the Wright Committee's 2009 proposal for the Chairman of the ISC to be elected by the House of Commons, subject to a Prime Ministerial veto.

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