

Rt Hon Theresa May MP
Prime Minister's Office
10 Downing Street
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14 June 2018

Dear Prime Minister,

We welcome your Government's assurance that the UK "condemns torture in all circumstances" and calls on "governments around the world to eradicate this abhorrent practice".¹ However, we are concerned that the UK's moral authority on this issue is weakened by its own involvement in torture and rendition, the facts of which continue to emerge to this day – most recently following your unprecedented apology last month to Abdul Hakim Belhaj and Fatima Boudchar, who were rendered to the torture chambers of the Libyan dictator Colonel Gaddafi after a deliberate tip-off from UK officials.

We believe that if the UK is to prevent future such cases arising, and speak with credibility against torture overseas, the Government must provide for a full public inquiry into the UK's own involvement in these practices. So far, however, the Government has not delivered on its previous promise to hold a public inquiry on this matter, and permitted only a narrower, restricted study by Parliament's Intelligence and Security Committee (ISC).

The completed reports from the ISC's inquiry were delivered to Downing Street for publication more than a month ago,² but as yet they have not been released. We hope the government will not now seek to dilute the inquiry's evidence by introducing significant redaction or veto of the inquiry's findings. While our organisations respect the Committee's diligence and professionalism in carrying out its inquiry, we do not believe a full public investigation can be achieved through the ISC inquiry process and its institutional difficulties.

While we are confident that the ISC will have performed a thorough examination of the material it was allowed to consider, the Committee was prevented from investigating some of the most consequential matters relating to the UK's involvement in torture, and most notably from reviewing cases such as those of Mr Belhaj and Ms Boudchar. In 2012, the Government announced that investigation of these cases "would not be able to start formally until all related police investigations had been concluded".³

That moment has now arrived, following your commendable apology last month to Mr Belhaj and Ms Boudchar, in which you accepted that the UK Government's actions "contributed" to their appalling mistreatment, having "shared information" about them, and then "sought information about and from" them during their further detention and torture in Libya.⁴ Following your apology, the couple withdrew all pending litigation which could have led to criminal sanctions for UK officials.

Now that these criminal proceedings have ended, we believe the Government should fulfil the 2012 commitment made by the then-Justice Secretary Ken Clarke that “the Government fully intends to hold a judge led inquiry into these issues once it is possible to do so and all related police investigations have been concluded”.⁵

We commend the ISC in its efforts to provide answers to the questions raised by its predecessor, the review conducted by Sir Peter Gibson. However, the restrictions placed on the Committee’s scope and operation mean the ISC could never examine these issues in a way that is comprehensive and fully independent, and will at best have exposed the tip of the iceberg.

As human rights organisations who have campaigned for many years on behalf of victims of the practices under investigation, we have long expressed our serious concern about the restrictions placed by Government on the Committee.

There can be no full investigation for the UK’s involvement in torture without providing survivors of these practices a sensitive and appropriate forum in which their testimony could be heard. As we stated when the investigations began, the Committee’s scope and structure prevented it from meeting appropriate standards of openness, independence, and survivor participation.

Furthermore, with an unchallengeable veto by Government over its membership, the evidence it sees, and the material it publishes, the Committee has not been able to provide the independent public inquiry promised by your predecessor, nor was the Committee designed to do so – as your predecessor accepted, stating “I do not think for a moment that we should believe that the ISC should be doing this piece of work”.⁶

At a time when the leader of the UK’s foremost security partner has endorsed the use of waterboarding and “a hell of a lot worse”,⁷ and appointed someone deeply implicated in torture to run the CIA,⁸ it has never been more important that the UK maintain a strong and public stand against torture. We believe the first step toward this was the apology you made to Mr Belhaj and Ms Boudchar last month. The next step is a full public inquiry into UK involvement in torture and rendition, building on the work of the ISC to fulfil its mandate.

Yours sincerely,

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REFERENCES

¹ Foreign & Commonwealth Office, 'UK Government reaffirms its commitment to combat torture', 26 June 2017, available at: <https://www.gov.uk/government/news/uk-government-reaffirms-its-commitment-to-combat-torture>

² <http://isc.independent.gov.uk/news-archive/10may2018>

³ 'Oral statement: Detainee Inquiry', 18 January 2012, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/62631/Detainee-Inquiry-WMS.pdf.

⁴ 'Belhaj and Boudchar: Litigation Update', HC Deb 10 May 2018, vol 640 col 926, available at: <https://hansard.parliament.uk/commons/2018-05-10/debates/B9AD50CD-9D54-41DA-A18B-1526E7658593/BelhajAndBoudcharLitigationUpdate>

⁵ 'Oral statement: Detainee Inquiry', 18 January 2012.

⁶ HC Deb 6 July 2010, vol 513 col 185.

⁷ The Guardian, 'Donald Trump: I'd bring back 'a hell of a lot worse than waterboarding'', 7 February 2016, available at: <https://www.theguardian.com/us-news/2016/feb/06/donald-trump-waterboarding-republican-debate-torture>.

⁸ BBC News, 'CIA director Gina Haspel's Thailand torture ties', 4 May 2018, available at: <http://www.bbc.co.uk/news/world-asia-43496212>.