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7 November 2018

**Elina Steinerte**

Vice-Chair of the Working Group on Arbitrary Detention

**Nils Melzer**

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

**Fabian Salvioli**

Special Rapporteur on the promotion of truth, justice reparation and guarantees of non-recurrence

Office of the High Commissioner for Human Rights  
Palais des Nations  
CH-1211 Geneva 10

*Dear Ms Steinerte, Mr Melzer and Mr Salvioli,*

Thank you for your letter dated 30 August 2018 regarding the United Kingdom's alleged involvement in torture and extraordinary renditions between 2001 and 2010. Our observations on the points raised in your letter are provided in the attached annex.

I hope the further detail set out here addresses your concerns in regard to the allegations you received. The UK Government reiterates our strong support for the work of the Special Procedures of the Human Rights Council.

*Yours sincerely,*

A handwritten signature in dark ink, appearing to read 'JNBraithwaite'.

JULIAN BRAITHWAITE

## Annex

**Response of the Government of the United Kingdom of Great Britain and Northern Ireland to Communication GBR 11.2018, received 4 September 2018, from the Working Group on Arbitrary Detention, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.**

On allegations of UK involvement in extraordinary rendition, the UK Government's position is clear. The UK Government unreservedly condemns any rendition to torture and we oppose any form of deprivation of liberty that amounts to placing a detained person outside the protection of the law. Extraordinary rendition is generally understood to refer to the extra-judicial transfer of persons between jurisdictions specifically for the purposes of detention and interrogation outside the normal legal system, giving rise to an increased risk of torture or cruel, inhumane or degrading treatment. If a foreign government approached the UK Government to request the transfer of a person between jurisdictions, such a request would only be granted where the purpose of the transit complied fully with international law, for instance where an individual was being transported under an international arrest warrant to face trial in compliance with international law.

In regard to the case of Mr [REDACTED] and Mrs [REDACTED] the claims they brought in 2012, alleging the UK Government was complicit in their abduction, detention and rendition to Libya in 2004, were settled on 10 May 2018 with no admission of liability. The UK Government apologised that its actions contributed to their detention and rendition and accepted that more could have been done to prevent their suffering. The Government believed the assurances given by the Libyan authorities that Mr [REDACTED] and Mrs [REDACTED] would not be mistreated. It is clear now that the unacceptable practices of some of our international partners should have been understood much sooner. The UK Government has learned lessons from this period and enacted reforms to ensure the problems of the past will not be repeated. These were set out by the former Attorney General in his statement to Parliament on 10 May 2018.

Your letter refers also to the reports published by the UK Intelligence and Security Committee's (ISC) inquiry into detainee mistreatment and rendition. The ISC, which is a committee of Parliament and independent of government, agreed in 2013 with the then Prime Minister David Cameron, to inquire into the themes and issues raised by the independent inquiry chaired by Sir Peter Gibson. The Gibson Inquiry was brought to a close by the Government in 2012 in order to allow the Metropolitan Police Service to investigate further related allegations of mistreatment and rendition. The Gibson Inquiry was unable to complete its work but did provide the Government with a substantial report of its preparatory work, highlighting 27 themes and issues that it believed required further examination. Rather than wait for the police investigations to conclude, the Government agreed with the ISC that they would take this work forward, taking further evidence and then reporting to the Government and to Parliament. This was viewed at the time to be the most appropriate course of action.

You also raise concerns at the alleged involvement of UK security agencies in extraordinary renditions and mistreatment of detainees in the context of the war on terror. The ISC noted, within the context of their historical report, some instances of mistreatment involving UK personnel. With the benefit of hindsight, it is clear that UK personnel were working within a new and challenging operating environment for which, in some cases, they were not prepared. In July 2010, in response to allegations about the role the UK had played in the treatment of detainees, the coalition Government published a document known as the Consolidated Guidance. This sets out the principles, consistent with UK and international law, which govern the interviewing of detainees held by others overseas and the passing and receipt of intelligence relating to detainees. Compliance with the guidance is mandatory for all UK Intelligence Officers and Service Personnel. The Investigatory Powers Commissioner, Sir Adrian Fulford, has formal oversight of the UK's Consolidated Guidance and conducts specific reviews of Consolidated Guidance application as part of his annual inspection rounds. Following the publication of the ISC's reports the Prime Minister invited Sir Adrian Fulford to make proposals on how the Consolidated Guidance could be further improved, taking into account the views of the ISC and those of civil society. The Commissioner launched a public consultation on this on 20 August 2018.

The UK Government would underline that fortunately the position today is very different from the period examined by the ISC in its historic report. The lessons learned from what happened in the aftermath of the terrorist attacks of 11 September 2001 are reflected in improved operational policy and practice, better guidance and training, and an enhanced oversight and legal framework. The Government is currently considering the ISC's overall conclusions and recommendations set out in their reports and will respond formally in due course. As set out in Parliament on 2 July 2018 by the Minister of State for Europe and the Americas, the Rt Hon Sir Alan Duncan, the Government will also give careful consideration to the separate calls for a further judicial inquiry as part of that process.

On allegations of torture, as your letter sets out, the absolute prohibition of torture and other cruel, inhuman and degrading treatment has been codified in the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment as well as in the International Covenant on Civil and Political Rights. The UK Government unreservedly condemns the use of torture and cruel, inhuman and degrading treatment or punishment. We do not participate in, solicit, encourage or condone the use of torture or mistreatment for any purpose and work closely with international partners to eradicate this abhorrent practice. We take allegations of torture and mistreatment very seriously. We investigate allegations against UK personnel and bring complaints to the attention of detaining authorities in other countries, except where we believe this might itself lead to unacceptable treatment of detainees. Depending on the circumstances of any given case there are a range of measures we could take in response to allegations of torture or other actions in violation of UK or international law. Where necessary, allegations are referred to the police for further investigation, as in the case of Operation Lydd, the Metropolitan Police investigation into the alleged ill-treatment and rendition to Libya in 2004 of [REDACTED] and his wife and [REDACTED] and his wife and children.

