

Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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I have the honour to address you in my capacity as the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions, 16/23.

As United Nations Special Rapporteur on the Protection and Promotion of Human Rights while Countering Terrorism I write in the context of the United Kingdom's current consideration of the UK Intelligence and Security Committee (ISC) Report into the state's involvement in the torture and rendition of detainees after 9/11. I commend the Government for its unequivocal condemnation of torture in multiple fora and on multiple occasions. Given the global importance of assuring accountability for the sustained use of torture and rendition in the years following the tragic events of 9/11, the United Kingdom can play a particularly important and constructive role in this regard.

Specifically, consistent with the obligations under the International Covenant on Civil and Political Rights, the European Convention on Human Rights and the Convention Against Torture to fully investigate and account for violations of this peremptory norm of international law, the United Kingdom is uniquely placed to be a model of best domestic practice. Given ongoing lacunae in accountability for rendition and torture, my mandate has consistently called for independent, fully-empowered, judicial investigation as the best means to ensure accountability for the past, and prevent similar practices in the future. Choosing an independent, judicially-led inquiry that would fully review and account for the United Kingdom's role in detainee treatment and rendition would underscore the state's unequivocal commitment to the prohibition on torture. Such a step would send a strong global signal on the value the United Kingdom places on this absolute prohibition, and the full enjoyment of human rights of persons who have experienced torture; it would provide a strong deterrence against such acts and guarantee their non-repetition; and would pave the way to ensure the remedy and restitution is afforded to those who experienced violations of their most fundamental rights.

I affirm my willingness to provide any technical or other support that would be of assistance to the government at this juncture. I note that my mandate is currently in leading a follow-up study to the "Joint Study on global practices in relation to secret detention in the context of countering terrorism" (A/HRC/13/42). In the spirit of openness and dialogue I look forward to engaging with your government on the current legal and political measures being taken and considered to address in the most effective manner the legacy (and ongoing harms) in some cases of rendition and torture.

I reaffirm the significant opportunity for accountability presented to the United Kingdom Government at this juncture in addressing rendition and torture, and to set a global positive example. I underscore the importance of that opportunity not only for the United Kingdom, but more broadly to fill the sizeable lacunae that exists in respect of rendition and torture practices in the years following the events of 9/11, and ensure that such acts are not tolerated or condoned in any shape or form.

Please accept, Excellency, the assurances of my highest consideration.

Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism