

REDRESS

Ending Torture. Seeking Justice for Survivors

TORTURE INQUIRY ANNOUNCEMENTS ARE A MIXED BAG: INQUIRY WILL LACK POWER TO MAKE FORMER POLITICAL LEADERS REVEAL TRUTH

STATEMENT

[LONDON, 7 July 2010] REDRESS, the international human rights organisation with a mandate to help torture survivors obtain justice, acknowledges the significance of British Prime Minister David Cameron's announcement to Parliament yesterday of the creation of a judge-led inquiry into whether the UK government and its intelligence agencies were implicated in the improper treatment of detainees abroad that may have occurred in the aftermath of 11 September 2001.

REDRESS supports the holding of an Inquiry which, according to what has been said, will be fully independent of Parliament, party and Government. We are concerned, however, that the Inquiry will lack powers to compel the attendance of witnesses, including former political leaders and ministers.

The Inquiry is set to begin its work by the end of the year and complete the task within twelve months. It will include an examination into allegations of complicity in extraordinary renditions and the use of Diego Garcia, but will focus particularly on the immediate aftermath of the attacks of 11 September 2001 and the detention of UK nationals and residents in the detention centre at Guantanamo Bay. The published letter from Mr. Cameron to the Inquiry Chair, former Appeal Court judge Sir Peter Gibson, states that it will be a non-statutory inquiry, will not establish legal liability, nor order financial settlement. REDRESS believes that:

- **A statutory inquiry with powers to compel the attendance of witnesses, including former ministers and political leaders, is necessary. Without such power, it is unlikely that all relevant persons with knowledge will attend and reveal the full extent of what they know.**
- **The Inquiry proceedings and findings should be made public, subject only to any legitimate national security concerns, and this must be done in a transparent way and subject to well-established principles in a democracy and not left solely to the Government's discretion.**
- **The Inquiry should not be used to avoid criminal investigations, and where there is evidence of criminality, such suspects should be prosecuted.**

Also announced yesterday was the publication of the new Guidelines for intelligence officers and security personnel on the detention and interviewing of detainees overseas, and REDRESS welcomes these having at last been made public. We welcome these, however, REDRESS believes that:

- **The Guidelines confirm what the Government and the previous Government have said was already the case, namely, UK officials must never take any action where they know or believe that torture will occur, and that if service personnel become aware of abuses by other countries, they should report it to the UK Government so the UK can try to stop it.**
- **The failure of the Government to publish any previous guidelines, particularly those relevant to the period soon after 11 September 2001 when the main allegations of complicity arose, is of concern, especially as events during this period are to be the focus of the Inquiry.**
- **What is most important is that these guidelines are scrupulously followed. The UK should never be involved, directly or indirectly, in torture anywhere, and should always meet its obligations arising from the total prohibition against torture.**

Mr Cameron's statement that next year the Government will publish a Green Paper on proposals to change how intelligence issues are treated in court proceedings, is worrying. REDRESS believes there is no need to change the existing rules which already protect the revelation of national security matters in open court.

Mr. Cameron said yesterday there were "*serious problems*" in how the courts deal with intelligence information. It would appear that this proposal stems from the civil litigation relating to Binyam Mohammed, and the civil damages claims being brought by him and other former Guantanamo Bay detainees, in which the Government has been ordered to release intelligence documents it perceives as confidential. REDRESS believes that:

- **There are adequate existing procedures to protect legitimate national security matters in such cases, and changes to court proceedings are not necessary or appropriate.**
- **Had it not been for the persistence of alleged torture victims and their lawyers going to court to expose what they say happened it is very unlikely that an Inquiry would have been announced, hence the need to preserve access to court, the independence of the judiciary and the rule of law.**

Note: REDRESS was founded by a British torture survivor in 1992. Since then, it has consistently fought for the rights of torture survivors and their families in the UK and abroad. It takes legal challenges on behalf of survivors, works to ensure that torturers are punished and that survivors and their families obtain remedies for their suffering. REDRESS cooperates with civil society groups around the world to eradicate the practice of torture once and for all and to ensure that survivors can move forward with their lives in dignity. It has intervened in a range of leading torture cases. More information on our work is available on our website: www.redress.org.

For further information: Contact Kevin Laue (Kevin@redress.org) or at +44 (0)20 7793 1777.