



Ending Torture. Seeking Justice for Survivors

International human rights experts call for key changes to the Detainee Inquiry as Abdul Hakim Belhadj joins list of survivors refusing to participate

[6 January 2012] The government's planned 'Detainee Inquiry' faces further harsh criticism today as seventeen distinguished international human rights experts publish an open letter to Prime Minister David Cameron stating that *"the powers currently given to the Inquiry are seriously deficient and that it will be unable to properly fulfil the UK's human rights obligations."*

The group of experts – which includes UN mandate-holders, two former UN Special Rapporteurs on Torture, leading academics in international law and directors of human rights organisations – has urged the government to remedy key shortcomings in the way the Inquiry will operate to ensure an effective and transparent process in which victims can meaningfully participate.

This letter coincides with an announcement that Abdul Hakim Belhadj, Head of the Tripoli Military Council, is not willing to give evidence to the Inquiry about the UK's alleged involvement in his rendition to Libya where he faced years of torture in detention. When Mr Belhadj announced last month that he was taking legal action, the UK government responded by stating that the Inquiry would *"consider allegations of UK involvement in rendition to Libya as part of its work"*. Mr Belhadj is the latest in a long list of survivors to refuse to participate in the Inquiry – striking a further blow to its credibility.

The group of human rights experts today argued that fixing serious problems with the Inquiry's Terms of Reference and Protocol is essential *"if the government is to demonstrate it is serious in what it says about restoring moral leadership and preventing the reoccurrence of abuses that continue to stain Britain's reputation."* These flaws include the government reserving for itself the final say on what material is published, rather than an independent mechanism.

In its current form, the Inquiry will allow no opportunity for survivors or their representatives to cross examine or otherwise test evidence from members of the UK security services, almost all of which will be given secretly. The group of human rights experts said: *"Those who were subject to torture, rendition or illegal detention and the groups who documented these abuses should surely have the opportunity to challenge the official version of events and those responsible for policy and its implementation."*

Sharp criticism of the Inquiry continues to pile in month on month. In November, the current UN Special Rapporteur on Torture, Juan Méndez, expressed concerns that the Inquiry may have been set up to fail and warned that *'A less than open and transparent inquiry would only serve to cover up abuses and encourage recurrence'*.

Interviews are available with:

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REDRESS – Kevin Laue (not television): + 44 (0) 7962 166443
Reprieve – Donald Campbell: + 44 (0) 20 7427 1082 or + 44 (0) 7791 755415

Please find the letter below.

Rt Hon David Cameron MP
Prime Minister
10 Downing Street
London SW1 2AA

6 January 2012

Dear Prime Minister,

We write in connection with revelations in recent months that the UK was involved in renditions to Libya and indications that the ‘Detainee Inquiry’ will include these new allegations in its investigation of whether the UK government was implicated in the improper treatment of detainees in overseas counter-terrorism operations.

We believe that the latest developments reinforce the case for an effective and independent inquiry into allegations of UK complicity in the mistreatment of detainees overseas.

While your announcement of this Inquiry in 2010 was widely welcomed in the UK and internationally, there is growing concern that the powers currently given to the Inquiry are seriously deficient and that it will be unable to properly fulfil the UK's human rights obligations. Without substantial changes, it will not get to the truth of Britain's involvement or ensure such abuses do not occur again.

The Inquiry has consequently failed to secure the support of victims. Abdul Hakim Belhadj, who has announced his decision to sue the British government in relation to his rendition to Libya, adds his name to a list of those who will not be participating in the Detainee Inquiry.

We strongly urge the Government to revisit the Inquiry's Terms of Reference and Protocol to address the key problems outlined below.

At present, the Inquiry lacks the powers to decide which documents or evidence to publish. While the Inquiry can argue for publication, the government has wide grounds for refusal and the final say rests with the Cabinet Secretary, who is of course answerable to the government. While some documents may need to be kept secret for legitimate national security reasons, there should be a presumption in favour of openness with the final decision on disclosure resting not with the government but with an independent body.

In its current form, the Inquiry also prevents the meaningful participation of victims, their representatives and other interested parties. With the exception of the heads of agencies, all members of the security services will give evidence behind closed doors, and there will be no opportunity effectively to cross examine or otherwise challenge that evidence. Those who were subject to torture, rendition or illegal detention and the groups who documented these abuses should surely have the opportunity to challenge the official version of events and those

responsible for policy and its implementation. The Inquiry is most unlikely to get the full picture and to identify all the policy failures and abuses without this.

We believe that revising the Inquiry's Terms of Reference and Protocol to remedy these shortcomings is essential if the government is to demonstrate it is serious in what it says about restoring moral leadership and preventing the reoccurrence of abuses that continue to stain Britain's reputation.

Yours sincerely,

Clare Algar, Executive Director of Reprieve

Kate Allen, Director of Amnesty International UK

Keith Best, Chief Executive of Freedom from Torture

Silvia Casale, former President of the European Committee for the Prevention of Torture and former Chairperson of the UN Sub-Committee on the Prevention of Torture

Shami Chakrabarti, Director of Liberty

Malcolm Evans OBE, Professor of International Law at the University of Bristol and Chair of the UN Sub-committee on the Prevention of Torture

Carla Ferstman, Director of REDRESS

David Mepham, UK Director of Human Rights Watch

Nuala Mole, Director of the AIRE Centre

Professor Manfred Nowak, Professor of International Law and Human Rights at the University of Vienna and former UN Special Rapporteur on Torture

Asim Qureshi, Executive Director of Cage Prisoners

Professor Sir Nigel Rodley, Professor of Law and Chair of the Human Rights Centre at the University of Essex and former UN Special Rapporteur on Torture

Professor Martin Scheinin, Professor of Public International Law at the European University Institute, Florence

Roger Smith, Director of JUSTICE

Brita Sydhoff, Secretary-General of the International Rehabilitation Council for Torture Victims

Wilder Tayler, Secretary-General of the International Commission of Jurists and member of the UN Sub-Committee on the Prevention of Torture

Jane Winter, Director of British Irish RIGHTS WATCH