

Statement to Parliament: PM Written Statement: ISC Detainee Reports

The Government agreed with the Intelligence and Security Committee of Parliament (ISC) in December 2013 that it would enquire into the themes and issues identified in Sir Peter Gibson's Detainee Inquiry Report, take further evidence and produce a report. The ISC has now concluded its work and their report on detainee mistreatment and rendition issues has today been laid in Parliament. It is in two parts: the first on the period 2001 to 2010; the second on current issues.

The Government welcomes the publication of the ISC's reports. It is important to begin by noting the context in which the Government, including the Security and Intelligence Agencies and Armed Forces, was working in the immediate aftermath of 11 September 2001 and the deployments of Armed Forces personnel to Iraq and Afghanistan. The UK responded, alongside its international partners, to the tragic events of 9/11 with the aim of doing everything possible to prevent further loss of innocent life, both here and overseas. In Iraq and Afghanistan, the priority again was preventing loss of life.

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. It took too long to recognise that guidance and training for staff was inadequate, and too long to understand fully and take appropriate action on the risks arising from our engagement with international partners on detainee issues. The Agencies responded to what they thought were isolated allegations and incidents of mistreatment, but the ISC concludes that they should have realised the extent to which others were using unacceptable practices as part of a systematic programme. The Agencies acknowledge that they did not fully understand this quickly enough and they regret not doing so.

UK personnel are bound by applicable principles of domestic and international law. The Government does not participate in, solicit, encourage or condone the use of torture or cruel, inhuman or degrading treatment (CIDT) for any purpose. The ISC has noted, in the context of its historical report, a number of cases where intelligence and Armed Forces personnel are alleged to have threatened individuals in foreign detention. Such alleged behaviour is clearly unacceptable and the ISC's Current Issues report recognises that improvements have been made to operational processes, fostering a greater awareness of risks and establishing enhanced oversight in relation to detainee issues.

Since 2010, UK intelligence and Armed Forces personnel have operated under the published Consolidated Guidance. It provides direction for UK personnel and governs their interaction with detainees held by others overseas and the handling of intelligence derived from them. As the ISC acknowledges, very few countries in the world have attempted to set out their approach to these

matters, and let themselves be held accountable in this manner, and it is to the Security and Intelligence Agencies' and Ministry of Defence's credit that they have embedded these procedures and ensure that their personnel follow them carefully when dealing with detainees held by others. It is coupled with a world-leading independent oversight regime, underpinned by the Justice and Security Act 2013 and the Investigatory Powers Act 2016. This has given enhanced powers to the Intelligence and Security Committee to oversee the activities of the Security and Intelligence Agencies, alongside the statutory role of the Investigatory Powers Commissioner, Sir Adrian Fulford.

Working closely with international partners is an essential part of keeping this country and its people safe. In doing so UK personnel seek assurances from those countries on their treatment of individuals and make clear the UK's position on torture and CIDT. Detainee-related work remains important and at times difficult, but intelligence and Armed Forces personnel are now much better placed to meet that challenge. The lessons from what happened in the aftermath of the appalling terrorist attacks of 11 September 2001 are to be found in improved operational policy and practice, better guidance and training, and an enhanced oversight and legal framework. We should be proud of the work done by our intelligence and service personnel, often in the most difficult circumstances, but it is only right that they should be held to the highest possible standards in protecting our national security.

The Government will give further consideration to the ISC's conclusions and recommendations, noting that it has expressed a number of concerns about the Consolidated Guidance, but has said that these should be read in the spirit of continuous improvement. Formal oversight responsibility for the Consolidated Guidance rests with the Investigatory Powers Commissioner, following my direction to him under section 230 of the Investigatory Powers Act 2016, with effect from 1 September 2017. I am therefore inviting Sir Adrian to make proposals to the Government about how the Guidance could be improved, taking account of the ISC's views and those of civil society.

The Government will consider the reports in full and respond formally in due course.