

UK reneges on promised independent inquiry on rendition, torture

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21 December 2013

The Conservative-Liberal Democrat coalition has abandoned its promise to carry out an independent inquiry into Britain's involvement in "extraordinary rendition", detention and torture carried out by the US Central Intelligence Agency (CIA). Instead, the inquiry will be undertaken by Parliament's Intelligence and Security Committee (ISC), whose record is one of covering up the activities of the intelligence services.

Only last month, the ISC questioned the head of the internal security service MI5, Andrew Parker; the director of the Government Communications Headquarters (GCHQ), Sir Iain Lobban; and Sir John Sawers, head of the foreign intelligence department MI6. The hearing was meant to demonstrate unprecedented openness and accountability to Parliament of the secret state apparatus, after revelations by US National Security Agency whistleblower Edward Snowden that the UK agencies worked with the US to monitor the Internet and phone activity of most of the world's citizens.

It turned into a political charade in which Britain's top spies were given a platform from which to justify their actions by constantly citing the threat posed by terrorism. There was little in the way of probing questioning, and it subsequently emerged that the spy chiefs had been provided with the questions in advance.

The ISC inquiry did not even touch on the GCHQ's own mass surveillance programme, Tempora, which Snowden insists is even larger and less regulated than that of the US.

Clare Algar, executive director of the human rights organisation Reprieve, criticised the decision to hand the investigation to the ISC: "If the government takes this course, it will be breaking its promise to hold a genuine, independent inquiry into the UK's involvement in torture.

"Worse still, it will be handing the task to a committee of MPs hand-picked by the prime minister which has consistently missed major scandals involving the security services. The ISC not only lacks independence—it has also sadly been proven to be completely hopeless as a watchdog.

"[Prime Minister] David Cameron, [Deputy Prime Minister] Nick Clegg and [Cabinet Office Minister] Ken Clarke have all personally pledged to hold an independent, judge-led inquiry into torture—they must not abandon their promise in favour of a whitewash."

During the so-called war on terror, up to 54 foreign governments including the Labour government under Prime Minister Tony Blair are believed to have helped the CIA set up "black sites" in their own countries, provided intelligence to kidnap, interrogated and tortured detainees and allowed their airspace and airports to be used for secret flights transporting detainees.

For years after 9/11, Blair and other ministers including former foreign secretary Jack Straw denied allegations of British involvement in mistreatment of detainees. A 2007 ISC report claimed there was "no evidence that the UK agencies were complicit in any 'extraordinary rendition' operations."

Straw insisted, "The position of successive foreign secretaries, including me, is that we were opposed to unlawful rendition, opposed to torture or similar methods and not only did we not agree with it, we were not complicit in it, nor did we turn a blind eye to it."

These denials were proved to be barefaced lies during court cases brought by detainees—above all that of British resident Binyam Mohamed, who was held as a suspected "enemy combatant" in Guantanamo Bay between 2004 and 2009. The US eventually dropped all charges against Mohamed and released him. In

February 2010, UK courts proved MI5 complicity in Mohamed's unlawful interrogation and torture, and he was awarded £1 million in compensation.

The court ruling also forced the British government to publish a summary of 42 classified CIA documents proving that MI5 was aware that Mohamed was being mistreated.

After the trial, the Labour government's top lawyer, Jonathan Sumption QC, privately wrote to the judges criticising their ruling for telling the public that MI5 did not respect human rights, had not repudiated "coercive interrogation" methods, deliberately misled Parliament, and had a "culture of suppression."

Public distrust of the intelligence services had reached such a level that the May 2010 election manifesto of the Liberal Democrats pledged to "Hold a full judicial inquiry into allegations of British complicity in torture and state kidnapping."

Shortly after the election, Cameron told Parliament that despite "not proven" allegations "made about the UK's involvement in the rendition of detainees in the aftermath of 9/11", he was appointing Sir Peter Gibson, former senior Court of Appeal judge and then commissioner for the intelligence services, to head an "independent inquiry."

Cameron insisted, "I do not think for a moment that we should believe that the ISC should be doing this piece of work. For public confidence, and for independence from parliament, party and government, it is right to have a judge-led inquiry."

Even before Gibson was really able to get his inquiry off the ground, it was sent into crisis following the 2011 NATO intervention in Libya. When Muammar Gaddafi's regime was toppled and government offices looted, top-secret files were discovered containing correspondence with US and British intelligence services. They showed that before Blair's visit to Libya in 2004, accompanied by the signing of lucrative oil contracts and eulogies to Gaddafi for joining in "a common cause, with us, in the fight against al-Qaeda extremism and terrorism," the US and Britain began rendering Gaddafi's political opponents back to Libya.

One fax in the files from MI6 to Libyan intelligence described the location of Libyan Islamic Fighting Group leader Abdel-Hakim Belhaj (later commander of the Tripoli Military Council during the war) before he was abducted by the CIA in Thailand and flown back to

Libya, where US and British agents took part in his interrogation. Another fax from then MI6 chief Sir Mark Allen told the then Libyan intelligence head, Moussa Koussa, "This is the least we could do for you and for Libya."

Another prominent Gaddafi oppositionist, Sami al-Saadi, was also kidnapped and sent back to Libya, along with his wife and four children.

Gibson's inquiry was suspended in January 2012 on the pretext that the Metropolitan Police would conduct a criminal investigation into the allegations. Then Justice Minister Ken Clarke promised MPs, "The government fully intends to hold a judge-led inquiry into these issues once it is possible to do so and all related police investigations have been concluded."

Gibson's preliminary report was mothballed for 18 months until it was released Thursday. He raised 27 unanswered questions including "whether there was an apparent willingness, at least at some levels within the agencies, to condone, encourage or take advantage of a rendition operation" conducted by the US.

He specifically referred to the cases of Belhaj and al-Saadi, declaring, "There are serious allegations of UK involvement in rendition in relation to the two Libya nationals. These plainly required investigation."

Gibson also revealed that shortly after 9/11, Straw wrote to Home Secretary David Blunkett, asking for a "feasibility study" to see if the law could be changed to allow rendition to the UK.

Earlier this month, in its first-ever public hearing, the European Court of Human Rights began an investigation into a secret CIA rendition prison in the remote Polish village of Stare Kiejkuty and the torture of detainees. Poland refuses to work with the court, saying that it could compromise a domestic investigation, which has gone on for five years without an outcome.



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