

QUAKER CONCERN FOR THE ABOLITION OF TORTURE (Q-CAT)

Briefing 31 into MI5 and MI6 torture collusion claims abandoned

January 2012 Gibson inquiry

Owen Bowcott, Ian Cobain and Richard Norton-Taylor – Guardian 18/01/12

The judge-led inquiry into the UK's alleged role in the torture and rendition of detainees after the 9/11 attacks, already boycotted by most human rights groups, has been scrapped by the government. The surprise decision to abandon the investigation led by Sir Peter Gibson into MI5 and MI6 officers' participation, which carried out only preparatory research, was announced in parliament by the justice secretary, Ken Clarke.

The Detainee Inquiry will produce a report for the government before being dissolved. Clarke stressed that the government was still committed to holding an independent inquiry once police complete their checks. Parliament's intelligence and security committee, which is examining MI6 links with Muammar Gaddafi's regime, has nonetheless pledged to continue its work.

Last week the Crown Prosecution Service and the Metropolitan police established a joint panel to look into evidence that the intelligence agencies were involved in the secret rendition of two Libyans back to Gaddafi's regime in 2004...

From the moment it was set up, the inquiry was beset with seemingly intractable problems. Ministers and senior intelligence officials insisted that much of it must be held in secret, while human rights groups and lawyers representing rendition and torture victims said they could never trust such an arrangement.

Clarke said Scotland Yard detectives had taken three years to decide there was insufficient evidence to bring charges in relation to claims by Guantánamo Bay detainees. It would be unreasonable to keep the Gibson inquiry panel waiting for a further unknown period. Any new inquiry "may require a fresh group of people to carry it out", he said.

Richard Stein, head of human rights at law firm Leigh Day & Co, who is representing the two Libyans, said: "If there is to be a future inquiry following the police investigations into my clients' allegations, then it must have credibility, allowing the official version of events to be challenged."

Critics – and there were many – said the government had failed to grasp that transparency was essential to dispel the deep-rooted suspicion that the inquiry would be a dishonest process. All too often in the years after 9/11, they argued, official secrecy and denials, and in camera courtroom procedure, concealed evidence of serious criminal wrongdoing on the part both of MI5 and MI6, and the ministers of the last government to whom the agencies answered.

Critics pointed out that the control principle would have allowed the CIA rather than the inquiry to decide whether the public should learn how that agency was treating detainees at Bagram and Guantánamo, both before and during interrogations conducted by British intelligence officers.

Intelligence oversight not fit for purpose – *Guardian Letters 19/01/12*

The fact the government has ended the Gibson inquiry into torture allegations (Report, 19 January) on the grounds of further police investigations of the Libyan cases underlines the inadequacy of arrangements for oversight of intelligence agencies in the UK. First, given the seriousness of collusion in torture, the police will want to investigate the Libyan cases urgently. And given the documentary evidence found in Tripoli, including identification of relevant intelligence personnel and, presumably, a documentary trail of authorisation material in the Foreign Office, why should this take as long as Ken Clarke suggests?

Second, even if, as promised, an eventual judge-led inquiry is established, it will need to be on firmer grounds than Gibson's so that victims, their lawyers and civil society organisations agree to participate. Means must be found to enable victims to engage with the evidence of their mistreatment. Even so, such an improved inquiry would be no substitute for setting up a permanent, independent office for the monitoring and investigation of intelligence activities in which the staff have complete access to the agencies' personnel and files. This is a necessary complement to the strengthened intelligence and security committee envisaged in the recent green paper. Current arrangements cannot command public confidence in the security and intelligence agencies that the government seeks to achieve via oversight, and this latest development will simply add to the existing suspicion that this lack of confidence is not wholly unjustified. □

Peter Gill University of Liverpool, Professor Mark Phythian University of Leicester, authors of Intelligence in an Insecure World

Britain presses Jordan over Abu Qatada after deportation attempt blocked – *Guardian 23/01/12*

Britain has opened urgent talks with Jordan in an attempt to address the ruling by the European court of human rights last week blocking the deportation of terror suspect Abu Qatada from the UK. The British ambassador to Jordan is pressing authorities in the country for a binding undertaking that Qatada, who is being held in Long Lartin maximum security prison in Worcestershire, would face a fair trial if he were sent back. Monday's fresh diplomatic initiative was disclosed by the Home Office at a hearing of the special immigration appeals commission (Siac) in London to consider a joint application for habeas corpus and for bail on behalf of Qatada.

Mr Justice Mitting promised to deliver a decision on 6 February on whether Qatada should be released from custody, saying a quick verdict was essential after six-and-a-half years during which he had been held in detention or under 22-hour curfew.

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