

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

Briefing 4

October 2009

There have been developments this month in two of the areas mentioned in earlier Briefings

Parliamentary Human Rights Committee Report: Allegations of UK Complicity in Torture

The Government's reply to this report was published this month. In spite of identifying accountability as the key issue, the reply goes on to reject specific recommendations to make this a reality. Typical of its failure to address the issue of accountability directly is the response to Point 6 in the Report which asked why the Foreign secretary (and the Home Secretary) should refuse to give oral evidence to the committee. The reply states: "Through the Intelligence Services Act, Parliament – not the Government – has recognised the Intelligence and Security Committee (ISC) as the appropriate body to provide Parliamentary oversight of the security and intelligence Agencies." As a constituent of a member of that committee I am more aware than most that it is impossible to elicit any information from it, hence the Report's recommendation (also rejected) that it be re-constituted as a "proper" parliamentary committee. It is worth reading the full text of the Government's reply which is available on-line at: www.officialdocuments.gov.uk/document/cm777714/7714.asp

Binyam Mohamed's case against the Foreign Secretary

In the latest stage of this case, the High Court again rejected the Government's refusal to allow the publication of evidence for the torture of Binyam Mohamed. Clive Stafford Smith, Director of Reprieve, the legal action charity, said, "The security services insisted that the High Court cover up the documentary proof of the allegations (of torture)... The judges have made clear what we have said all along -- it is irrational to pretend that evidence of torture should be classified as a threat to national security. Rather it is proof of a crime committed against Binyam Mohamed, and as such it should be fully aired in a court of law. All along the Government has been trying to conflate national security with national embarrassment, nothing more, nothing less". The evidence has yet to be published because the Government has indicated that it intends to appeal against the judgement.

According to Craig Murray (www.craigmurray.org.uk), our former ambassador to Uzbekistan, David Miliband asked the American administration to threaten to withdraw security cooperation if this evidence was released. In the past, the revelation of such behaviour by a Minister would have led to resignation but nowadays the guilty party is being tipped for the post of High Representative for Foreign Affairs in the European Union!

Craig also refers back to the meeting at the Foreign Office to which he was summoned when he had raised objections to the Government's policy: "*After my protests at our obtaining intelligence under torture, I was astonished to be called back to London for a meeting on 8 March 2003 at which I was told that torture intelligence was legal, and that Jack Straw and Sir Richard Dearlove, Head of MI6, had decided that in the "War on Terror" we should, as a matter of policy, obtain intelligence got by torture by foreign intelligence services. At the meeting it was agreed that Sir Michael Wood, the Foreign Office's chief legal adviser, would put in writing his view that we were committing no offence by obtaining torture intelligence. This minute is that legal assurance.*"

Craig Murray May 2006

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