

Britain's role in US rendition and torture revealed

By Steve James
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Two reports published last week bring out British intelligence's role in torture and kidnapping. One, published by the Intelligence and Security Committee (ISC) of Parliament, "Detainee Mistreatment and Rendition 2001-2010," contains over 151 pages listing hundreds of instances of close British collaboration with mostly US torturers.

The sheer number of abuse and torture cases testifies to a level of criminal depravity far greater than previously admitted. The Labour Party was in power for the entire period covered by the first report.

Key findings include:

- 232 cases where UK intelligence agency staff supplied questions or intelligence to other intelligence agencies after they knew or suspected that the person being questioned was suffering torture.
- 198 cases where the UK agencies obtained information "from detainees they knew had been mistreated," or where mistreatment, i.e., torture or abuse of some form, should have been suspected.
- 13 incidents where British personnel were present during torture and nine cases where British staff made "verbal threats."
- 25 cases where British staff were told by detainees they were being tortured or abused.
- 128 recorded incidents where British agencies were told by "foreign liaison services" of "detainee mistreatment."
- Three cases where British agencies paid or offered to pay for "extraordinary rendition" operations—kidnapping and illegal deportation to a secret location for torture. The report described this as "outsourcing" of action "they knew they were not allowed to carry out themselves."
- British intelligence agencies "planned or agreed to rendition operations proposed by others in 28 cases."
- In 22 further cases, intelligence was provided by the British to allow rendition to take place.
- The report cites British complicity in 23 more instances where Britain was aware that rendition was intended but its agencies "conspicuously failed to act." These cases included

British citizens or residents.

- The report notes that there is "no evidence in the primary material that any US rendition flight transited the UK with a detainee on board, although two detainees are now known to have transited through the British Overseas Territory of Diego Garcia." Recording of flights was, however, "woefully inadequate" and available records are unreliable.

The ISC explains that between 2002 and 2004, staff of the Secret Intelligence Service (SIS-MI6), the domestic counterintelligence and security agency MI5, and the Ministry of Defence interviewed detainees mostly held by the US in Afghanistan, Iraq and Guantanamo Bay, Cuba. British agencies either carried out their own "interviews," did so jointly with US agencies, or merely observed.

The committee estimated that the total number of interviews over this period was between 2,000 and 3,000. No estimate is made of how many of those interviewed were abused, but the great majority can be assumed to have suffered extreme fear and torment.

The ISC inquiry was based on 50 hours of oral evidence and the examination of 40,000 documents. Some 30,000 staff hours were expended examining the material. Participants included victims of torture and rendition and three agency staff who came forward as witnesses.

At several points the report refers to deliberately poor recordkeeping by the intelligence agencies where torture, or suspicion of torture, was involved. Former British diplomat Craig Murray told the committee in 2016 that "there was a deliberate policy of not committing the discussion on receipt of intelligence through torture to paper in the Foreign Office."

The implication is that the documented level of involvement in torture and rendition is only a fraction of what actually took place.

The report lays out the international agreements and conventions the UK has signed and ratified that were routinely ignored. These include the International Covenant on Civil and Political Rights, the European Convention on

Human Rights and the United Nations Convention Against Torture and Other Cruel or Degrading Treatment or Punishment. The latter requires states to “prevent acts of torture” and insists that “no exceptional circumstances whatsoever...may be invoked to as a justification of torture.”

The report also cites the 1949 Geneva Convention and the Statute of the International Criminal Court, which covers torture as a war crime. It notes that UK domestic law describes “complicity” in torture as something that might result from sharing intelligence in the knowledge or belief that action resulting in torture might flow from that intelligence.

The findings make clear that the thrust of policy was based on keeping up with the US in its “war on terror.” One SIS-MI6 officer told the committee that as the US “embraced torture as a methodology,” SIS chose to “find a way to deal with it and work as best they could... there were certainly SIS officers who felt that we should sort of go all the way and basically, you know, do whatever it takes.”

The same officer continued: “[S]ome people, perhaps to this day but certainly at that time, felt that the gloves were off and there was this sort of argument that...the UK needed to be much more aggressive in our approach on these issues... I think there was also this sense that we would lose our standing with the Americans if we weren’t aligned with them on this.”

The inquiry was wound up by the committee following Prime Minister Theresa May’s refusal to allow the ISC to question both low-ranking intelligence officers and previous foreign secretaries, including Labour’s Jack Straw, who was in office from 2001 to 2006.

The second report, “Detainee Mistreatment and Rendition: Current Issues,” deals with more recent and on-going questions.

Due to international outrage over torture and rendition, the British authorities eventually concluded that they had to defend themselves from “reputational risks” and litigation—in other words, war crimes charges. A “Consolidated Guidance” package of measures was introduced in 2010 to allow the intelligence agencies to find verbal formulations allowing distance to be maintained from the most egregious abuses.

The Consolidated Guidance demanded that British intelligence agencies and armed forces, according to then-Prime Minister David Cameron, “never take any action where they know or believe that torture will occur.” If they became aware of torture, they should report it.

Most contentiously, the guidance obliged staff to pass instances where there was considered to be a “serious risk” of abuse to government ministers. The government was taken to court at the time on the basis that “serious risk” was

looser than the “real risk” formulations used legally. The case was thrown out.

The guidance appears designed to assist intelligence operatives to find “work-arounds,” whereby information can continue to be extracted while the risk of torture is deemed to be reduced to something less than “serious.” This less than “serious risk” is ill-defined, subjective and can simply mean an assurance, even offered retrospectively and verbally, that torture would not take place or had not taken place. It amounts to little more than taking the word of the torturers.

The committee reported that between 2013 and 2016 there were 2,304 cases in which the intelligence services considered that the Consolidated Guidance applied. This can only mean that in all these cases, staff considered that detainees in the hands of British allies might be at “serious risk” of torture or abuse.

No record was provided of how many of these were referred to ministers. However, while in 2013 the guidance was applied on 418 occasions, by 2016 this had more than doubled to 928. The report provides no explanation for this surge, but it coincides with sharply escalating conflicts in the Middle East fuelled by the imperialist powers.

The report considers the current functionality of the agencies. One section, “Agility,” makes clear that both the Consolidated Guidance and the entire set-up of the agencies are in preparation for new wars and new attacks on the working class and democratic rights.

The head of the Government Communications Headquarters (GCHQ—the UK’s mass surveillance agency) told the committee that GCHQ, SIS/MI6 and MI5 now have a “high degree of cooperation and integration.” As an example of this, SIS told the committee that “the lessons it had learned from dealing with the [US whistle-blower Edward] Snowden leaks had enabled it to improve its response to the March 2017 WikiLeaks release on CIA computer network exploitation capabilities.” No detail was provided as to what this meant.

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