



Intelligence and Security Committee

The Handling of Detainees by UK Intelligence Personnel in Afghanistan, Guantanamo Bay and Iraq

Chairman:

The Rt. Hon. Ann Taylor, MP



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From: The Chairman, The Rt Hon Ann Taylor MP

**INTELLIGENCE AND SECURITY
COMMITTEE**

70 Whitehall
London SW1A 2AS

1 March 2005

Rt Hon Tony Blair MP
Prime Minister
10 Downing Street
London SW1A 2AA

Dear Tony,

I enclose the Intelligence and Security Committee's *Report on the Handling of Detainees by UK Intelligence Personnel in Afghanistan, Guantanamo Bay and Iraq*. This Report covers the contact between detainees and the SIS, Security Service, both military and civilian DIS staff and military intelligence personnel in Afghanistan, Guantanamo Bay and Iraq.

We look forward to discussing it with you.

Yours sincerely

Ann

ANN TAYLOR

THE INTELLIGENCE AND SECURITY COMMITTEE

The Intelligence and Security Committee is established under the Intelligence Services Act 1994 to examine the policy, administration and expenditure of the Security Service, Secret Intelligence Service (SIS) and Government Communications Headquarters (GCHQ). The Committee has developed its oversight remit, with the Government's agreement, to include examination of the work of the Joint Intelligence Committee (JIC), the Intelligence and Security Secretariat, which includes the Assessments Staff in the Cabinet Office, and the Defence Intelligence Staff (DIS) – part of the Ministry of Defence (MoD).

The Committee's membership:

Rt. Hon. Ann Taylor, MP (Chairman)

Rt. Hon. James Arbuthnot, MP

Rt. Hon. The Lord Archer of Sandwell QC

Rt. Hon. Kevin Barron, MP

Rt. Hon. Alan Beith, MP

Rt. Hon. Alan Howarth CBE, MP

Rt. Hon. Michael Mates, MP

Rt. Hon. Joyce Quin, MP

Rt. Hon. Gavin Strang, MP

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INTRODUCTION

1. After the 11 September 2001 terrorist attacks on the USA, the US and UK undertook military operations in Afghanistan with the aim of destroying the Al Qaeda terrorist group. The UK intelligence and security Agencies faced an urgent requirement to obtain time-sensitive intelligence to assess and counter the threat to the UK and its interests from this global terrorist group. Secret Intelligence Service (SIS), Security Service and military intelligence personnel were deployed to Afghanistan in order to interview detainees who represented a potentially important source of intelligence. Members of both Agencies subsequently visited a purpose-built facility for detainees at the US base at Guantanamo Bay, on the island of Cuba, for the same reasons.

2. In March 2003 a US led coalition, again including the UK, invaded Iraq and overthrew the regime of Saddam Hussein. Those who were captured, detained or interned during military operations were then interviewed – predominately by military intelligence personnel, the SIS, and military and (in a support role) civilian Defence Intelligence Staff (DIS).

3. The Intelligence and Security Committee first raised the matter of detainees with the Prime Minister on 10 June 2003. Our work on the handling of detainees by UK intelligence personnel began in January 2004, when we wrote to the Prime Minister to ask about the involvement of the Security Service and the SIS in interviewing detainees in Afghanistan, Guantanamo Bay and elsewhere.

4. In May 2004 there was a great deal of public shock following the publication of pictures showing the way in which a group of US soldiers at Abu Ghraib prison in Iraq had treated the detainees in their care. Allegations of detainee abuse by UK soldiers, some of which were also based on photographs, were made at the same time. Subsequent questions from the Committee prompted the SIS and the DIS to ask their staffs if any activities, which were or could have been contrary to the Geneva Conventions or UK policy and had not previously been reported, had taken place. The Security Service had already undertaken a similar inquiry in June 2002 relating to Afghanistan and Guantanamo Bay.

5. In our Annual Report 2003–04¹ we reported our findings to date, which were as follows:

“During the year, we also questioned the Prime Minister about a number of terrorism related allegations involving the UK and its intelligence and security Agencies. We asked if any US prisoners had been or were being held on Diego Garcia. He replied that the US authorities and the British Representative had confirmed that there were not, and never had been, any terrorist detainees held on

¹ Cm 6240

the island nor on any of the vessels anchored there. The Prime Minister added, in response to other questions, that the Agencies had interviewed detainees in Guantanamo Bay and elsewhere to gather information that might prove valuable in the protection of the UK and its citizens from terrorism. He told us in May this year:

*‘... that information gleaned from interviews in Guantanamo Bay and Bagram has made an important contribution to identifying and countering threats from Islamic extremist terrorist activity in the UK and elsewhere. It has enabled the identification of key terrorist organisations ****

****. Interviews in Iraq have produced intelligence leads that have facilitated follow on operations and arrests leading to the disruption of planned attacks against British and other coalition forces and against civilian targets.’*

We also wrote to the Prime Minister to ask if any of the Agencies’ staff or military intelligence personnel had been involved in or witnessed any abuse of detainees in Afghanistan, Iraq or Guantanamo Bay. He replied just as we were completing this Report. In his letter, the Prime Minister gave us as full an answer as he could because it had not yet been possible to speak to all the officers involved. He undertook to inform us if any further information of relevance emerged, stating that:

‘On this basis:

- a. Interviews of detainees conducted or observed by UK intelligence personnel have, with the following exception, been conducted in a manner consistent with the principles laid down in the Geneva Convention. In June 2003, two SIS officers interviewed an Iraqi detainee suspected of involvement in the Iraqi WMD [weapons of mass destruction] programme, and being held at a US *** detention facility in Baghdad. The detainee was brought in hooded and shackled by the US military, and remained so during the one-hour interview. The SIS officers understood these measures to be for security purposes, and did not report it at the time since they were not then aware that hooding was unacceptable. The detainee showed no signs of distress and made no complaint of being hooded or otherwise during the interview.*
- b. Some of the detainees questioned by UK intelligence personnel have complained – either during their detention or subsequently – about their treatment in detention.*
- c. UK intelligence personnel interviewing or witnessing the interview of detainees are instructed to report if they believe detainees are being treated in an inhumane or degrading way. None of those involved witnessed any evidence of detainee abuse of the type that the US*

authorities have acknowledged has occurred in Iraq. But on a few occasions SIS and Security Service staff did become aware, either through their own observations or comments from detainees, that some detainees were being held in austere conditions or treated inappropriately. The concerns of these staff were passed on to the US authorities, either locally or via intelligence or diplomatic channels.’”

6. We stated that we would continue to investigate these matters. Since then the Committee has taken further written and oral evidence from witnesses, including the Foreign, Home and Defence Secretaries and the heads of the Security Service, the SIS and the DIS. We have taken evidence from the UK Armed Forces on the activities of military intelligence personnel and *** in both Afghanistan and Iraq and from Human Rights Watch and Amnesty International. We have also consulted the International Committee of the Red Cross.

7. Whilst the UK co-operates with the US both against terrorism and in Iraq, each country has significantly different rules governing the handling, detention, interrogation and classification of prisoners of war, detainees and internees. The UK rules governing detention and interrogation are covered in more detail later in this Report and accord with the Geneva Conventions and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

8. The UK regards all personnel captured in Afghanistan as protected by the Geneva Conventions. However, the UK is not, and never has been, the detaining authority at Guantanamo Bay and, with the following exceptions, the UK has never been the detaining authority in Afghanistan:

- a. two people who were wounded and, following treatment on HMS *Illustrious*, were repatriated via the International Committee of the Red Cross;
- b. one person detained for two days in May 2002;
- c. three people held for two hours in December 2003; and
- d. one person whom Ministry of Defence (MoD) officials believe to have been held by the International Security Assistance Force at a British base for 15 hours in December 2003.

9. The US authorities have not shared the view that the personnel captured in Afghanistan are protected by the Conventions. They have stated that their detainees can be held indefinitely, although some have been released or returned to their country of origin. Those that have been moved to, and are held at, Guantanamo Bay can be subject to a military tribunal, which may pass the death sentence. From an early stage of the action in Afghanistan, concern has been expressed about the way detainees were being

held and treated by the US authorities. The validity of these and related processes is currently being tested in US Federal courts.

10. In Iraq the UK, US and, since 28 June 2004, the Iraqi Interim Government have been detaining authorities. Although people captured by the UK in Iraq have been regarded as prisoners of war, security internees or criminal detainees, in this Report we use the term ‘detainee’ to cover all categories. We define UK intelligence personnel as the professional intelligence officers in the Security Service and the SIS, as well as the military and civilian intelligence personnel in the DIS and in the Armed Forces.

11. In relation to the US detention powers and interrogation regimes, we do not have any oversight remit over the US authorities. We have consulted our congressional colleagues in the USA, who have told us that they are closely monitoring these matters. Additionally, the US Department of Defense (DoD) has produced a number of reports on the military detention operations in Afghanistan, Guantanamo Bay and Iraq. One of these US reports, that of the *Independent Panel To Review DoD Detention Operations*, which was published in June 2004, records that “*from the [Afghanistan] war’s inception through the end of 2002 ... more aggressive interrogation [than US Army’s 17 standard interrogation techniques set out in FM 34-52] appears to have been on-going.*” The Panel also noted that as it “*did not have full access to information involving the role of the Central Intelligence Agency (CIA) in detention operations, this is an area the Panel believes needs further investigation and review.*”

12. The US Independent Panel produced appendices that recorded the number of interrogation techniques available for use by the US military during different time periods in Guantanamo Bay, Afghanistan and Iraq, and the different techniques authorised for use in Guantanamo Bay. Some of these techniques, which include environment manipulation, sleep adjustment and the use of false flags (the interrogator impersonates someone else, including a representative of another country), are still in operation today.

Aim and Structure

13. The purpose of this Report is to establish:

- a. whether or not UK intelligence personnel were involved in or witnessed any abuses or behaviour contrary to the international Conventions or UK policy and if such behaviour took place or was seen, whether any action was taken;
- b. whether or not UK intelligence personnel were sufficiently well trained before they came into contact with the detainees; and
- c. when Ministers were informed of any staff concerns about the abuse of detainees.

14. UK intelligence personnel conducted or witnessed more than 2,000 interviews in Afghanistan, Guantanamo Bay and Iraq. Our investigations indicate that there were fewer than 15 occasions when there were actual or potential breaches of either UK policy or the international Conventions involving or reported by UK intelligence personnel. We have been told that there are no such incidents that have not been reported to us.

15. This Report first covers the rules governing the treatment and interrogation of detainees. Three main sections follow:

- a. The questioning and the witnessing of questioning by Security Service, SIS and military intelligence personnel of the US-held detainees in Afghanistan and their observations. There were over 100 such interviews.
- b. The questioning and the witnessing of questioning by Security Service and SIS personnel of the US-held detainees in Guantanamo Bay and their observations. There were over 100 such interviews.
- c. The questioning and the witnessing of questioning of US or UK/Iraqi-held detainees in Iraq by Security Service, SIS, UK military intelligence personnel and military and civilian DIS staff, and their observations. There were approximately 2,000 of these interviews, the vast majority of which were conducted by UK military intelligence personnel and/or SIS officers.

16. We then summarise our findings and make recommendations and conclusions. A chronology is appended as Annex A.

17. The treatment and holding conditions of these detainees by the relevant holding authorities are not within the remit of this Committee – in the case of the detainees held by the UK military, they are within the remit of the House of Commons Defence Select Committee. Nor does the Report cover the tactical questioning of detainees on the battlefield by soldiers, as oversight again rests with the Defence Select Committee.

18. We include what the UK authorities have told us in response to our questions about the holding or treatment of what the media and human rights organisations call “*ghost prisoners*”. We understand this term to cover individuals detained by the US authorities whose holding conditions and locations have not been disclosed to the International Committee of the Red Cross.

International Agreements and UK Policy

19. There are four key international agreements on the treatment of detainees, which the UK has signed and ratified: the UN Universal Declaration of Human Rights; the Geneva Conventions, which cover the conduct of military action including war and armed conflict; the International Covenant on Civil and Political Rights; and the UN

Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Extracts from these agreements are reproduced below and the full texts can be found on the websites listed in the footnote.²

20. The following Articles of the UN Universal Declaration of Human Rights are relevant:

“Article 3: Everyone has the right to life, liberty and security of person.”

“Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

“Article 6: Everyone has the right to recognition everywhere as a person before law.”

“Article 9: No one shall be subjected to arbitrary arrest, detention or exile.”

21. Article 3 of the Geneva Conventions prohibits:

“violence to life and person, in particular murder of all kinds, mutilation, cruel treatment, and torture”. It also prohibits “outrages upon personal dignity, in particular, humiliating and degrading treatment”.

22. Article 6 of the International Covenant on Civil and Political Rights states that:

“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

23. Article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment states that:

“For the purposes of this Convention, the term ‘torture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

² The UN Universal Declaration of Human Rights can be found at www.unhchr.ch/udhr/lang/eng.htm

The Geneva Conventions can be found at www.icrc.org

The International Covenant on Civil and Political Rights can be found at www.unhchr.ch/html/menu3/b/a_ccpr.htm and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment can be found at www.unhchr.ch/html.menu3/b/h_cat39.htm

24. Article 2 of the Convention states that:

“No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”

25. And Article 15 states that:

“Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.”

26. In addition to these international agreements, all UK personnel are bound by an undertaking made by the then Prime Minister in 1972 that the techniques of hooding, wall standing, sleep deprivation, food deprivation and white noise would *“not be used in future as an aid to interrogation”*.³ All UK personnel are also bound by the Human Rights Act 1998, which incorporated the European Convention on Human Rights into UK law.

27. Within government the lead department for investigating the treatment of UK citizens detained abroad and representing their interests is the Foreign and Commonwealth Office (FCO), supported by other departments and organisations as necessary. Among the UK Agencies, the Security Service took the lead in interviewing detained UK nationals for the purpose of intelligence gathering. If no Security Service officers were available, SIS officers undertook this task. The Security Service conducted all the interviews of UK nationals in Guantanamo Bay. The same is true for Afghanistan, with the following exception that, in a two-week period, individual SIS officers interviewed two UK nationals in Afghanistan prior to the detainees’ transfer to Guantanamo Bay. In Iraq, three SIS officers interviewed a UK national twice, with the other detained UK national ***

***.

28. Since all SIS and Security Service activities in Afghanistan, Guantanamo Bay and Iraq are governed by the Intelligence Services Act 1994 and the Security Service Act 1989 respectively, any individual complaints about treatment by members of the SIS or Security Service should be addressed to the Investigatory Powers Tribunal, which is the statutory body that investigates such complaints. Any complaints about the actions of the military should be addressed to the MoD.

³ Hansard, 2 March 1972, columns 743–744

Specific Military Rules

29. The UK Armed Forces are trained in the Laws of Armed Conflict and the Geneva Conventions. The Joint Services Intelligence Organisation's training documentation "states that the following techniques are expressly and explicitly forbidden:

- a. *Physical punishment of any sort (beatings etc)*
- b. *The use of stress positions*
- c. *Intentional sleep deprivation*
- d. *Withdrawal of food, water or medical treatment*
- e. *Degrading treatment (sexual embarrassment, religious taunting etc)*
- f. *The use of 'white noise'*
- g. *Torture methods such as thumb screws etc".⁴*

30. The use of hooding during interrogation or tactical questioning is regarded as unacceptable and contrary to the Geneva Conventions and the Laws of Armed Conflict. The hooding of detainees during capture/arrest or transit was permitted if there was a clearly justifiable military reason. However, the Chief of Joint Operations issued a formal direction in September 2003 that hooding was to cease. We were also told that a similar order had been given by the General Officer Commanding 1 (UK) Armoured Division in Iraq during April 2003 but that this direction was lost when responsibility was handed over to 3 (UK) Armoured Division in July 2003.

Intelligence and Torture

31. There is a great deal of concern about the possible or actual use of intelligence obtained by torture or cruel and inhumane treatment. The UK Government is:

"emphatically and vehemently oppose[d] to torture as a matter of fundamental principle ... we have a very strong record in advocating the case against torture, urging other states not to use torture and most certainly not urging states to use torture and pass that information on to us".⁵

32. It is for debate as to whether intelligence, which may have been obtained by other countries through torture, or through cruel or inhumane treatment, should be rejected as a matter of principle, or whether it is a Government's overriding duty to preserve the

⁴ Taken from an MoD provided attachment to a Cabinet Office letter

⁵ Oral evidence from the Under Secretary of State Bill Rammell to the Foreign Affairs Committee, 11 January 2005

safety of its citizens and thus any intelligence – however obtained – should be evaluated and acted upon as necessary. There are separate questions as to whether intelligence obtained under torture is likely to be reliable, and whether principled refusal would deter those who might use such methods.

33. We do not attempt to answer these difficult questions, on which opinions are divided. However, the Foreign Secretary told us:⁶

“... there are certainly circumstances where we may get intelligence from a liaison partner where we know, not least through our own Human Rights monitoring, that their practices are well below the line. But you never get intelligence which says, ‘here is intelligence and by the way we conducted this under torture’ ... One of the things that is done with intelligence that comes from liaison partners, obviously an assessment is made about its provenance. Because it does not follow that if it is extracted under torture, it is automatically untrue. But there is a much higher probability of it being embellished.

But my last point ... is a real area of moral hazard which is that if you do get a bit of information which seems to be completely credible, which may have been extracted through unacceptable practices, do you ignore it? And my answer to that is, the moment at which it is put before you, you have to make an assessment about its credibility. Because, just in terms of the moral calculus, [what] if we had been told through liaison partners that September 11th was going to happen, with all the details [of how the information was obtained]. Now, torture is completely unacceptable and [we would] query whether that was the reason why we got the information ... but you cannot ignore it if the price of ignoring it is 3,000 people dead.”

⁶ Evidence from the Foreign Secretary, 11 November 2004

THE FIGHT AGAINST TERRORISM

34. Counter-terrorism work, both international and Irish related, has been a priority for the UK's intelligence and security Agencies for many years. In the US, the authorities have investigated and responded to the global terrorist threat, but the 11 September 2001 attacks on the US mainland resulted in a key change in American attitudes towards terrorism. As part of this development, the US Congress passed an Authorisation for the Use of Military Force on 18 September 2001 and the US-led coalition initiated military action against Afghanistan on 7 October 2001.

Afghanistan

35. The SIS was already conducting counter-drugs and international terrorism work on Afghanistan. They had established a network of contacts and, following these terrorist attacks, they devoted significant effort against Al Qaeda and the Taliban. On 28 September 2001, the Foreign Secretary approved the deployment of *** SIS officers to Afghanistan to support the US-led military and covert action.

36. The first detainees were captured by the US authorities and held at Mazar-e-Sharrif in November 2001.⁷ That month, in anticipation of the detention in Afghanistan of terrorist suspects with UK connections and the possibility that UK intelligence personnel might need to interview them, the Security Service consulted the Crown Prosecution Service. It was concluded that any interviews conducted in Afghanistan “*would not inhibit future prosecutions of any detainees where this was considered to be an appropriate course of action*”.⁸

37. By late 2001, the SIS had deployed a total of *** officers to Afghanistan. In mid-December 2001 they began to interview detainees held by the Northern Alliance, which was the coalition of anti-Taliban fighters being supported by the US and UK in Afghanistan. They were also exploring, with the US military authorities, the possibility of gaining access to US-held detainees.

38. The observance of human rights is an important part of the Agencies' general training. However, prior to their deployment to Afghanistan, the SIS officers were not given specific training on the rights of detainees and the Geneva Conventions, nor were they aware of the 1972 announcement banning certain interrogation techniques.

39. The SIS and Security Service told us that both organisations “*operate in a culture that respects human rights*” and that “*coercive interrogation techniques are alien to both*”

⁷ Report of the Independent Panel To Review DoD Detention Operations, 2004

⁸ Memorandum to the Intelligence and Security Committee from the Cabinet Office, 7 September 2004

services' general ethics, methodology and training".⁹ They therefore regarded the normal level of training, which emphasised the requirements of the Human Rights Act 1998, as sufficient for the staff deploying to Afghanistan.

40. When the opportunities arose for the SIS to interview detainees, in mid-December 2001 in the case of Northern Alliance held detainees and early January 2002 in the case of US held detainees, the FCO was not informed. The SIS told us that because they saw no apparent political sensitivities associated with these interviews, there was no need to inform the FCO or the Foreign Secretary. The SIS is only required to consult the Foreign Secretary when operations are politically or operationally sensitive, or if they require specific authorisation under the Intelligence Services Act 1994 or the Regulation of Investigatory Powers Act 2000.

41. When they gave evidence to us, FCO officials stated that "*the Foreign Secretary was indeed consulted before SIS officers were deployed to Afghanistan, but not subsequently during the deployment when the opportunity arose to interview detainees. This is normal practice when there are no apparent political sensitivities involved*".

42. On 12 December 2001 the regular meeting of senior officials on counter-terrorism, chaired by the Cabinet Office, agreed that Security Service personnel should interview detainees in Afghanistan if the US authorities permitted it. The decision was regarded as routine and was included in a letter sent to the then Foreign Policy Adviser to the Prime Minister, Sir David Manning, and copied to the private offices of the Foreign, Home and Defence Secretaries. Normally the deployment of Agency staff does not require Ministerial approval, however the Security Service told us that they:

"... recognised at the very beginning that deployments might be contentious and therefore we did think long and hard about it and it was discussed with others including the Foreign Office and the Home Office and even though we didn't directly seek ministerial approval, we believe at the time ministers were consulted".¹⁰

43. As the detainees were in the custody of the Coalition Forces, and access and other arrangements for the deployment had to be facilitated by the MoD, the Defence Secretary took the Ministerial lead in responding and, on 21 December 2001, agreed that the MoD would provide support for the Security Service deployment to Afghanistan. The first Security Service staff arrived in Bagram on 9 January 2002, and they began to interview the detainees a few days later.

44. The Foreign Secretary has told us that he was aware of the deployment but did not need to give his specific approval. The Home Office has been unable to inform us when

⁹ Memorandum to the Intelligence and Security Committee from the Cabinet Office, 7 September 2004

¹⁰ Director General, Security Service, 14 September 2004

the then Home Secretary, who was the Minister accountable for the Security Service, was informed about this deployment. The Security Service had specifically informed the then Home Secretary and Home Office officials on 28 January 2002 about the deployments to Afghanistan, although it had been mentioned informally in bilateral meetings prior to that date.

45. As it was exceptional for the Agencies to interview individuals detained by other countries as a result of armed conflict, we believe that the Secretaries of State accountable for the Agencies ought to have been consulted prior to the interviewing of detainees in Afghanistan. We recommend that, in any future cases in which the UK is involved in armed conflict with another state or terrorist organisations, Ministers are consulted before staff are deployed to interview detainees held by another country.

46. On 10 January 2002, the first day that the SIS had access to US-held detainees, an SIS officer conducted an interview of a detainee. Whilst he was satisfied that there was nothing during the interview which could have been a breach of the Geneva Conventions, he reported back to London his:

*“... observations on the circumstances of the handling of [the] detainee by the US military before the beginning of the interview. ****

****.*

****.”¹¹*

47. These comments raised concerns about the US treatment of detainees and the following day – 11 January 2002 – instructions were sent to the SIS officer and copied to all SIS and Security Service officers in Afghanistan, as follows:

“With regard to the status of the prisoners, under the various Geneva Conventions and protocols, all prisoners, however they are described, are entitled to the same levels of protection. You have commented on their treatment. It appears from your description that they may not be being treated in accordance with the appropriate standards. Given that they are not within our custody or control, the law does not require you to intervene to prevent this. That said, HMG’s stated commitment to human rights makes it important that the Americans understand that we cannot be party to such ill treatment nor can we be seen to condone it. In no case should they be coerced during or in conjunction with an SIS interview of them. If circumstances allow, you should consider drawing this to the attention of a suitably senior US official locally.

¹¹ Letter from the SIS to the Intelligence and Security Committee, 24 September 2004

It is important that you do not engage in any activity yourself that involves inhumane or degrading treatment of prisoners. As a representative of a UK public authority, you are obliged to act in accordance with the Human Rights Act 2000 which prohibits torture, or inhumane or degrading treatment. Also as a Crown Servant, you are bound by Section 31 of the Criminal Justice Act 1948, which makes acts carried out overseas in the course of your official duties subject to UK criminal law. In other words, your actions incur criminal liability in the same way as if you were carrying out those acts in the UK.”

48. Following receipt of these instructions, the SIS officer in Afghanistan took no further action and the SIS informed us that while he remained in Afghanistan for a further three weeks, he did not witness any further instances of this kind. The SIS told us that they regarded this as an isolated incident. Ministers were not informed about this incident until July 2004.

49. However, from January 2002 the Security Service ensured that all officers involved in interviews of detainees were briefed individually by a senior manager prior to their deployments.

50. There are many lessons to be learnt from this episode. The SIS officer correctly reported his observations and SIS headquarters responded promptly with instructions. But these instructions did not go far enough: they should have required the SIS officer to report his concerns to the senior US official. They should also have required all officers to report any similar matters in the future to both the US authorities and to their respective headquarters in the UK. Furthermore, the Foreign Secretary should have been informed immediately that an officer had reported that a serious potential abuse by the US military had occurred and that instructions had, as a consequence, been issued to all deployed staff from the SIS and Security Service.

51. As we have previously noted, the UK regarded all the detainees as subject to the provisions of the Geneva Conventions. However, on 7 February 2002 the US President stated as US policy that the Geneva Conventions did not apply to the conflict with Al Qaeda. He continued that, although the Conventions did apply to the conflict with Afghanistan, the Taliban were unlawful combatants and therefore did not qualify for prisoner of war status. The President, however, ordered that detainees were to be treated *“humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva”*.

52. We have been told that in March 2002 an SIS officer in Afghanistan was told ***

The SIS officer returned the matter back to London but no action was taken either locally or by the SIS in London. Again we were told that this was because it was regarded as an isolated incident. Ministers were not informed of this matter until August 2004.

53. In April 2002 “an SIS officer was present at an interview conducted by the US military of a detainee in Afghanistan who complained of time in isolation and who had previously had a nervous breakdown. The detainee was aware that he was in isolation for his own protection ***

***. The SIS officer asked the US officer in charge of the interview for better treatment”¹² but we were told that he was unable to follow up the situation. Ministers were not told about this event until August 2004.

54. In June 2002, the Security Service discussed with FCO officials a US report that referred to the hooding, withholding of blankets and sleep deprivation of a detainee in Afghanistan. The matter was raised promptly with the US authorities, although there is no record that any further action was taken or that the matter was pursued by either the Security Service or the FCO. The Security Service has stated that the general terms of this report were raised with Ministers in late 2002 (although no Minister has confirmed this) and the specifics of the case were not drawn to Ministers’ attention until June 2004.

55. In July 2002, a Security Service officer reported to senior management that whilst in Afghanistan a US official had referred to “*getting a detainee ready*”, which appeared to involve sleep deprivation, hooding and the use of stress positions. The officer reported that they had commented to the US official that this was inappropriate but that the Security Service’s senior management took no further action. We were told that this was primarily because the report was based on second-hand information and the Security Service had raised the general point the previous month. The detainee, when re-interviewed later that month, provided a list of grievances, which included the use of constant bright lights. The Security Service officer raised the complaints with the US officer in charge of the facility at the time but no further follow-up action was taken. Ministers were not informed about this case until June 2004.

56. Neither the Security Service nor the SIS has interviewed detainees in Afghanistan since July 2002.

Guantanamo Bay

57. On 12 January 2002, the US authorities moved the first group of detainees to Guantanamo Bay, Cuba, from Afghanistan in a publicly reported operation. Both the Security Service and the FCO had access to detained UK nationals from 17 January 2002 for the purpose of interviews. The Home Secretary and senior Home Office officials had been informed on 16 January that the Security Service was being granted access to these detainees, with further details provided on 28 January 2002. The FCO and Security

¹² Memorandum from the Cabinet Office, 7 September 2004

Service were aware that the International Committee of the Red Cross had been given access to Guantanamo Bay.

58. We have been told that in the margins of the 31 January 2002 meeting of Permanent Secretaries, what were reported to us as being “*anecdotal reports, some second or third hand, of ‘undue exuberance’ by American personnel at Guantanamo Bay*”¹³ were mentioned. The Permanent Secretary at the FCO sought more details but the Security Service could add nothing to the original comment. No action was taken by the FCO and Ministers were not informed that the matter had been raised until June 2004.

59. In March 2002, the Foreign Secretary, with the agreement of the then Home Secretary, approved an SIS/Security Service joint submission recommending that intelligence personnel should interview detainees at Guantanamo Bay. The Security Service told us that it:

*“... reflected on the fact that this [interviewing detainees in Guantanamo Bay] was tricky and difficult and would be liable to be contentious, which is why we informed Ministers that we were intending to do this. But we felt that it was important to take all opportunities to collect intelligence ...”*¹⁴

60. The Security Service also told us that at this time they had received, through the FCO, assurances from the US State Department that the detainees were being treated “*humanely*”. The Security Service and the SIS arranged for advice to be given orally to staff prior to their deployment. This advice included instructions “*that interviews must be free from pressure or coercion, must not include inhumane or degrading treatment, and that staff should withdraw if they considered the interview regime to be unacceptably harsh or unreasonable*”.¹⁵ It was also made clear that the UK personnel would only interview detainees who had agreed to speak to them.

61. The UK Government had expressed publicly at the time of the first transfers of detainees to Guantanamo Bay a sense of unhappiness about the process and the need for the US to abide by international law. UK Ministers expressed the need for the detainees to be properly treated and, if necessary, submitted to due process. By May 2002, British officials from the FCO and Security Service had visited Guantanamo Bay three times, during which the UK nationals had made no complaints about their treatment. The Foreign Secretary had raised the circumstances of the UK nationals being held in Guantanamo Bay with the then US Secretary of State, Colin Powell. The Foreign Secretary was also satisfied with the US authorities’ assurances that the detainees were

¹³ Letter from the Security Service, 6 October 2004

¹⁴ Director General, Security Service, 20 January 2005

¹⁵ Memorandum to the Intelligence and Security Committee from the Cabinet Office, 7 September 2004

being treated humanly and consistently with the principles of the Geneva Conventions. The SIS conducted their last interview in Guantanamo Bay during November 2002.

62. The FCO told us that officials had received reports from non-governmental organisations (NGOs) between 2002 and 2004, which included references to unconfirmed allegations of abuse by the US authorities at Guantanamo Bay and in Afghanistan.

63. In June 2003, a group of Pakistani and Afghan detainees were the first detainees to be freed by the US authorities from Guantanamo Bay. After their release they made public allegations about their treatment whilst being held there.

64. On 10 June 2003 we raised the issue of the detainees and their treatment by the US authorities with the Prime Minister during our meeting to discuss our Annual Report 2002–03. We then wrote to him on 8 January 2004, as follows:

“As you know, the Intelligence and Security Committee has taken an interest in the holding of detainees in Guantanamo Bay by the US Military. Since we saw you last year to discuss our Annual Report, there have been a number of press reports and discussions in both Houses of Parliament on this matter and the holding of detainees from the US ‘war against terrorism’ on Diego Garcia. The Committee is aware that the Government is addressing the matter of the UK nationals held in Guantanamo Bay and we all hope that a satisfactory outcome can be reached.

The Committee has two additional concerns on these detentions. The first is that media reports have suggested that some of these US held detainees have been held on Diego Garcia, which, it has been suggested, would be against UK law. We would be grateful for your assurance that no US detainees are or have been held on Diego Garcia.

The second concern covers the Security Service and SIS members that have questioned or observed the questioning of US detainees in Guantanamo Bay and elsewhere. We would be grateful for an explanation of the basis and authorities underpinning the Agencies’ participation in these actions.”

65. In his response, dated 14 January 2004, the Prime Minister confirmed that there was no truth in the stories that detainees had been held on Diego Garcia or on any of the vessels anchored there. He added that detainees had not transited the island.¹⁶ Turning to the matter of the questioning of detainees, the Prime Minister said:

“You also asked about the involvement of Security Service and SIS personnel in the questioning of detainees at Guantanamo Bay and elsewhere. Security Service and

¹⁶ We confirmed on 24 February 2005 that the situation had not changed

SIS officers have questioned and observed the questioning of UK and non-UK detainees at Guantanamo Bay and Bagram. The purpose has been to gather information that might prove valuable to the protection of the UK and its citizens from terrorism, rather than to obtain evidence for use in criminal proceedings. The detainees have therefore only been asked questions of direct concern to the UK's national security. The Government has a responsibility to gather information about threats to the security of the UK. We have made the fact of visits by British Intelligence officers public, including to Parliament."

66. On 19 February 2004, the FCO announced that agreement had been reached with the US authorities to release five of the nine British detainees in Guantanamo Bay.

67. In February 2004, the Security Service made their last visit to Guantanamo Bay. The officers, who had conducted interviews of detainees that month, reported that some of the detainees were depressed and withdrawn and that their mental condition was deteriorating. One had complained about being held in solitary confinement for over a year, not seeing daylight for four months, being denied reading material and restriction of mail.

68. The Security Service raised these complaints with the US authorities via intelligence channels and informed Sir Nigel Sheinwald (the Prime Minister's Foreign Policy Adviser), together with senior officials in the Foreign and Home Offices, of these complaints on 25 February 2004. Sir Nigel Sheinwald informed the Prime Minister, who commented that the detainees should "*be treated properly*". Sir Nigel also asked that this be conveyed to the US at a senior level. We have been told that the Foreign Secretary raised the complaints on 29 February 2004 with the then US Secretary of State, Colin Powell. The then Home Secretary was also informed about them and the fact that they had been raised via intelligence channels. He requested for them to be raised through official channels and he himself raised them with his US counterparts in March 2004.

69. On 9 March 2004 the five released British detainees arrived back in the UK, where they were questioned by the police and later freed.

70. On 15 March, Sir Nigel Sheinwald raised the February complaints with both Condoleezza Rice (the then US National Security Adviser) and Paul Wolfowitz (the US Deputy Secretary of Defense), and in May 2004 the complaints were again raised by the Foreign Secretary with Colin Powell. Later, at an official level, the US authorities acknowledged the accuracy of some of the concerns and stated that improvements had been made.

71. We took evidence from Amnesty International and Human Rights Watch on the treatment of detainees by UK intelligence personnel. We also saw various reports produced by human rights organisations, based on accounts by detainees after their release from Guantanamo Bay, which include allegations of ill-treatment whilst in US

detention. Amnesty International, which had raised its concerns about the detention of detainees at Guantanamo Bay with the Foreign Secretary in January 2002, drew our attention to two specific allegations from released British detainees concerning their treatment by UK intelligence personnel.

72. We are not the statutory body that investigates individual complaints into the activities of the UK intelligence and security Agencies; that is the Investigatory Powers Tribunal. During the course of our investigation we have questioned the Security Service and the SIS about their treatment of UK nationals and residents. The Director General of the Security Service has assured us that, following internal review, she is confident that none of her staff acted improperly. As we have no oversight remit over the US detaining authorities, reports of ill-treatment by US personnel are not a matter for us.

Military Intelligence

73. During 2002 and 2003 the UK Foreign and Defence Secretaries jointly authorised the deployment of military HUMINT teams to Afghanistan. These teams, which consisted of military intelligence personnel, supported the deployed forces and did not contain any DIS personnel. We have been told that UK *** in Afghanistan did not interview detainees.

74. The UK military personnel in Afghanistan conducted no joint interrogations with either SIS or Security Service personnel, nor did they attend US interviews as observers. They also did not see the US written Standard Operating Procedures for detention or interrogation. However, we were told that when a UK military team of seven, together with four interpreters, was deployed to a UK compound in Bagram between 9 April and 29 July 2002:

“... on approximately 10 occasions US personnel observed the UK military interrogations to ensure that the UK procedures conformed to the Geneva Conventions and satisfied US rules and regulations. The US personnel were tasked to attend all interviews but ceased the practice once it became apparent that UK procedures were in line with US requirements and practices.”¹⁷

75. The MoD also stated that:

“... although, as a consequence of the limitations imposed by the operational environment, conditions in Bagram were noted as austere, there are no records of adverse comments being formally reported by UK military personnel in Afghanistan.”¹⁸

76. No military intelligence or DIS staff were deployed to or visited Guantanamo Bay.

¹⁷ Letter from Private Secretary/Defence Secretary, 13 December 2004

¹⁸ Letter from Private Secretary/Defence Secretary, 13 December 2004

“Ghost Prisoners”

77. Concern has been raised by the media and human rights organisations about the treatment and welfare of the so-called “ghost prisoners”. These are individuals that the US authorities are holding at undisclosed locations under unknown conditions and to whom the International Committee of the Red Cross does not have access. The US authorities authorised the 9/11 Commission to identify 10 of these individuals,¹⁹ as the product of their interrogations was key to the Commission’s report. We asked the UK Agencies if they had any knowledge of these individuals and whether they had interviewed them or received intelligence from them.

78. The Security Service made the following comments, which are shared by the SIS:

“Clearly the US is holding some Al Qaida members in detention, other than at Guantanamo, but we do not know the locations or terms of their detention and do not have access to them. The US authorities are under no obligation to disclose to us details of all their detainees and there would be no reason for them to do so unless there is a clear link to the UK. We have however received intelligence of the highest value from detainees, to whom we have not had access and whose location is unknown to us, some of which has led to the frustration of terrorist attacks in the UK or against UK interests.”

¹⁹ Khalid Sheikh Mohammed, Abu Zubaydah, Riduwan Isamuddin (also known as Hambali), Abd al Rahim al Nashiri, Tawfiq bin Attash (also known as Khallad), Ramzi Binalshibh, Mohamed al Kahtani, Ahmad Khalil Ibrahim Samir al Ani, Ali Abd al Rahman al Faqasi al Ghamdi (also known as Abu Bakr al Azdi) and Hassan Ghul

IRAQ

79. Immediately prior to the invasion of Iraq on 17 March 2003, a Memorandum of Understanding was concluded between the US, UK and Australia dealing with the procedures for the transfer of custody of prisoners of war, internees and detainees. During and after the invasion, both the US and UK detained Iraqi personnel. They were held in a number of facilities in Iraq and, depending on who they were, some of them were interviewed by the SIS, UK Armed Forces intelligence personnel, military and civilian DIS staff and, in a handful of cases, the Security Service.

80. The security situation in Iraq and the operating conditions were, and still are, very difficult. Uniformed military intelligence personnel were armed and civilian intelligence officers, including civilian members of the DIS, need to be protected by the military. The UK intelligence personnel were deployed to interview or observe the interviewing of detainees for five tasks:

- a. to gather intelligence within Iraq;
- b. to act as part of the Iraq Survey Group (ISG);
- c. to conduct interviews of personnel associated with the Iraqi weapons of mass destruction programme (including the validation of pre-invasion intelligence);
- d. to examine captured weapon systems for intelligence purposes; and
- e. to gain information for the purpose of protecting the Coalition Forces from imminent threats and to build up an intelligence picture.

81. The Foreign and Defence Secretaries jointly authorised the deployment of military HUMINT teams to Iraq. The Chief of Defence Intelligence (CDI) stressed that military intelligence personnel are regularly trained in the law of armed conflict, which includes the Geneva Conventions, and so they were conversant with the rules for handling prisoners of war and detainees prior to deployment. However, none of the civilian intelligence personnel (SIS, Security Service or DIS) were provided with any training concerning the Geneva Conventions.

82. The CDI also stated that only trained interrogators were actually used to conduct interviews but the DIS civilian technical experts supporting these interviews, who were either in the interview room or outside it, had no training on the principles of interrogation.

83. Hooding during interrogation was, as we have reported earlier, already prohibited. Hooding was permitted on arrest/capture and during transit, but the then General Officer Commanding 1 (UK) Armoured Division (1 Div), which was the UK's contribution to the ground force invading Iraq:

*“...recollects that he issued an order to his division that hooding – as a temporary method of detention – should cease in April 2003. We cannot establish the precise date because it was given as a verbal order and the direction was lost when 3 Div (which became MND(SE)) took over from 1 Div on 12 July 2003.”*²⁰

84. Whilst it is clear that this order was not propagated to the SIS and Security Service staff in Iraq, it is not clear if their military escorts were informed. A further renewed guidance on the detention of civilians was issued by 1 Div on 20 May 2003, with the instruction that it was to be passed down to the lowest level. This guidance reinforced the fact that the Law of Armed Conflict and the Geneva Conventions still applied, but it also highlighted that the International Committee of the Red Cross:

*“...have advised that they have received a number of complaints about the handling of detainees by Coalition Forces. A number of these cases are currently being investigated by the SIB [Special Investigation Branch, Military Police] but all units in Theatre are to ensure that all persons detained by UK forces are treated with humanity and dignity at all times.”*²¹

85. The first public suggestion that Iraqis detained by the UK had been abused occurred on 30 May 2003 when *The Sun* newspaper published photographs of British soldiers allegedly abusing Iraqi prisoners earlier that month. A Military Police investigation was then undertaken and a number of soldiers were court-martialled in early 2005. They were not intelligence personnel.

86. On 30 May 2003, the first set of Standard Operating Procedures (SOPs) was issued by 1 Div, setting out general internment and detention procedures. On 26 June a second set of SOPs was issued, which supplemented the earlier set. Whilst these did not explicitly prohibit techniques, they did *“reinforce the requirement for UK military personnel to act lawfully and in compliance with the Geneva Conventions”*.²²

UK Intelligence Personnel

87. Three events, relating to detainees in Iraq, were reported to us as having occurred in June 2003:

- a. Two SIS officers interviewed an Iraqi detainee in a US facility for an hour. The detainee had been associated with the WMD programme, and was brought to the officers by the US military shackled and hooded. They believed that these measures were for security purposes and had not been told that hooding was

²⁰ Letter from Private Secretary/Defence Secretary, 10 January 2005

²¹ Enclosure 1 to FRAGO 152 – 1 (UK) ARMD DIV Miscellaneous FRAGO issued 202230DMAY03

²² Letter from Private Secretary/Defence Secretary, 13 December 2004

unacceptable to the UK. This occurrence was only reported in May 2004 when the Agencies, in order to respond to our questions, asked all personnel involved with the interviewing of detainees if any abuse or other action contrary to UK policy or rules had occurred. Ministers were not told about this incident until May 2004, when it was reported within the SIS as part of the staff survey resulting from our questions. We were told of this event once it came to light and we reported it in our Annual Report²³ last year. This was a breach of UK Policy.

- b. SIS officers interviewed another Iraqi associated with the Iraqi WMD programme in a US facility. They reported that the living conditions were unacceptable and that the general treatment of the detainees left much to be desired. A DIS officer, who also saw this detainee, raised concerns with the SIS that the detainee had not been able to make family contact. The SIS raised these concerns with the US authorities and the detainee was allowed to make contact. By the autumn of 2003, when an SIS officer paid three visits to the facility, the living conditions appeared to have improved.
- c. A detainee had complained to a DIS officer of having been punched prior to his arrival at the detention centre. However, the DIS officer did not raise this complaint with anyone at the time, only informing his superiors when a trawl of DIS staff was conducted in June 2004 in order to meet our request for information.

88. During the trawl of DIS staff, another officer expressed concern as to why a particular detainee had been held as a prisoner of war, but again the officer took no action to pursue the matter.

89. Also in June 2003, the ISG recognised the need for the ISG Joint Interrogation and Debriefing Cell to receive in-theatre training on interrogation techniques and the Geneva Conventions. This training was then provided weekly for anyone who needed it. The CDI said that:

“For our civilian experts, this was not a new business; going out and supporting the SIS and others is a routine part of the work. I think it is true to say that on this occasion they were closer to the front line, they were more intimately involved with the interrogation process than was our experience in the past ... it was still supporting professional interrogators, but more intimately: they were present at more interviews, rather than just prompting questions.”

90. In July 2003, a DIS officer who had been present during a US interview of a detainee associated with the Iraqi WMD programme informed the SIS that the detainee had expressed concern about a lack of family contact and access to the International

²³ Cm 6240

Committee of the Red Cross. These concerns were also raised with the US interviewer. The SIS arranged for the detainee to have family contact by telephone. Ministers were not informed about this event until August 2004.

91. The Defence Secretary, in a Parliamentary Answer,²⁴ stated that “*an amended Standard Operating Instructions on the Policy for Apprehending, Handling and Processing Detainees and Internees was issued [by the UK Commander Joint Operations] on 30 September 2003 [to all military commands]. The following section of the document contains the relevant information.*

- a. Apprehended individuals are to be treated at all times fairly, humanely and with respect for his or her personal dignity;*
- b. Apprehended individuals are to be protected from dangers and the elements;*
- c. Apprehended individuals are not to be kept in direct sunlight for long periods;*
- d. Medical care is to be provided if required;*
- e. Food and water are to be provided as necessary, having regard to any national, ethnic or religious dietary requirements;*
- f. Physical and mental torture, corporal punishment, humiliating or degrading treatment, or the threat of such, is prohibited;*
- g. The use of hooding and stress positions are prohibited;*
- h. Females are to be separated from males;*
- i. Juveniles (under 15) are to be segregated from other apprehended individuals unless to do so would impose solitary confinement on the individual; and*
- j. It is a command responsibility to ensure that all apprehended individuals are treated in accordance with these principles.”*

92. In January 2004, an SIS officer, ***

***, became aware of a possible contravention of the Geneva Conventions by the US military at the Battlefield Interrogation Facility in Baghdad Airport. The SIS’s senior representative raised these concerns with the US officer in command of the facility, who assured him that all activities were conducted in accordance with the Geneva Conventions and that all suspected or alleged breaches were investigated. When the SIS representative sought further reassurance from Lieutenant General Sanchez, the Commander of Coalition Forces in Iraq, he was told on 21 January 2004 that an

²⁴ PQ 172994 Mr Redwood to the Secretary of State for Defence, answered on 7 July 2004

investigation had been launched into reports of detainee abuse. Ministers were not told about this event until May 2004.

93. In fact, US Central Command, under whose command operations in Iraq and Afghanistan were being conducted, had issued the following news release on 16 January 2004:

“DETAINEE TREATMENT INVESTIGATION

BAGHDAD, Iraq – An investigation has been initiated into reported incidents of detainee abuse at a Coalition Forces detention facility. The release of specific incidents could hinder the investigation, which is in its early stages. The investigation will be conducted in a thorough and professional manner. The Coalition is committed to treating all persons under its control with dignity, respect and humanity. Lt. Gen. Ricardo S. Sanchez, the Commanding General, has reiterated this requirement to all members of CJTF-7.”

94. It later became known that the facility referred to in the news release was Abu Ghraib prison and not the Baghdad Battlefield Interrogation Facility about which the SIS had raised concerns with General Sanchez. We do not know the outcome of the investigation into possible detainee abuse at the Facility.

95. A UK military interrogation team was deployed to Abu Ghraib prison between January and March 2004. During this period, which was “*substantially after the period [late 2003] in which concerns about US handling of prisoners at the facility had been identified*”,²⁵ the Officer Commanding the team had “*full visibility of the US [standard operating] procedures [for the handling of detainees]*” and the team “*was happy that they fell within the requirements laid down in the Geneva Conventions*”.²⁶ We were told in the same letter that “*a number of [UK] personnel were embedded with the US. It is possible that they may have had visibility of some of the US SOPs [Standard Operating Procedures for the handling of detainees] but we have no record of them raising any concerns*”.²⁷

96. However, in February 2004, a UK military officer reported that he had observed a US-held detainee in Abu Ghraib prison being heavily manhandled whilst being moved from a cell to an interrogation room. The UK officer reported the matter to the US authorities, who informed him that the US Judge Advocate’s Department would investigate the incident.

²⁵ Letter from Private Secretary/Defence Secretary, 13 December 2004

²⁶ Letter from Private Secretary/Defence Secretary, 13 December 2004

²⁷ We have confirmed with the MoD that these comments cover the UK military legal officer embedded with Combined Joint Task Force 7 (CJTF-7) who saw and commented on the CJTF document Interrogation and Counter-Resistance Policy in 2003

97. In the same month the International Committee of the Red Cross produced its *Report of the International Committee of the Red Cross (ICRC) on the Treatment by the Coalition Forces of Prisoners of War and other Protected Persons by the Geneva Conventions in Iraq during Arrest, Internment and Interrogation*. This made reference to the alleged abuse of detainees in coalition facilities and is the subject of separate investigations by the authorities in the UK and US. UK Ministers did not see this report until May 2004, after the pictures of the abuse at the US run facility at Abu Ghraib were made public on 28 April 2004.

98. In April 2004, a detainee arrested by the Iraqi Civil Defence Corps (ICDC), and who was being held in a joint UK/ICDC facility, was handed over to UK military personnel whilst hooded. The detainee remained hooded whilst he was then brought by them to an interview with an SIS officer, in which the detainee remained hooded. The SIS officer was not aware of any rules against hooding and regarded it as reasonable under the circumstances to protect the officer's identity and that of those involved in the detention. However, this was a breach of UK policy. During the course of the interview it became apparent that the detainee should be freed and the SIS officer ensured that the individual was released. This incident only came to light during the SIS survey of staff, which it conducted in response to our questions. We were told that the relevant UK military command was informed and Ministers were not informed about the event until August 2004. The Prime Minister notified us in September 2004.

99. In June 2004, a UK military interrogator stated that he believed the US were holding a detainee unnecessarily. The Deputy Commander of the ISG, a UK Brigadier, reviewed the case but concluded that continued detention was justified as the detainee was still a potential source of intelligence.

100. On 28 June 2004, when sovereignty was passed to the interim Iraqi authorities, the UK members of the ISG ceased interrogating detainees as the UK Government was uncertain about the legal basis on which the detainees who had been interviewed by the ISG continued to be detained. The Agencies continued to interview detainees as part of their work to validate pre-invasion intelligence and in pursuit of other statutory tasks.

ADDITIONAL EVIDENCE

101. In response to our questions we were informed of the following:

- a. The UK Government officially asked the US authorities in May 2004 if interrogation techniques such as hooding, sleep and food deprivation had been used in Guantanamo Bay and Iraq.
- b. In June 2004, the US administration confirmed that such techniques had been authorised for a limited period – in Guantanamo Bay between November 2002 and January 2003, and in Iraq until May 2004. The US has confirmed that these techniques were not applied to UK nationals.
- c. In June 2004, the Security Service wrote to the then Home Secretary to provide him with details of all the concerns that had been reported by the Security Service between January 2002 and February 2004.
- d. The Security Service, when asked if they believed that the cases of detainee mistreatment they had reported were indicative of a systematic policy, replied that they did not know.
- e. The SIS believes that the two cases involving their officers were due to their officers being unaware of the UK policy and that all the others were isolated incidents rather than a systematic US policy.
- f. Whilst the Security Service kept detailed records of every interview they conducted, the SIS only recorded details of interviews from which intelligence was obtained. This difference was partly due to the difference in the number of interviews conducted (hundreds as opposed to tens) and the conditions that the SIS were operating under in Afghanistan and Iraq.
- g. In June 2004, formal guidance on the treatment of detainees, based on the Standard Operating Instruction (SOI) issued by the MoD in September 2003, was issued to SIS officers.
- h. On 1 July 2004 the Security Service issued additional formal written guidance to all officers involved in detainee interviews, which again was based on the MoD SOI.
- i. On 9 August 2004 further guidance was then issued to Security Service officers to supplement the earlier guidance by outlining the doctrine under the Geneva Conventions relating to the treatment of prisoners of war.

- j. In August 2004, the DIS issued a DIS Standing Instruction (DISSI) on the involvement of DIS staff in interviews of detainees, which set out the rules for the involvement of DIS staff in the interviewing of detainees held in the custody of the UK or other governments and required them to be briefed appropriately.

102. In October 2004 we were informed that an SIS officer who had interviewed a detainee at a US base in Iraq on ***

***. We were told that the SIS had ***

***.

***.

103. The Committee asked a number of human rights organisations if they had heard of or had evidence of any human rights abuses by UK intelligence personnel in Iraq. They told us that, whilst there had been a number of events and situations now in the public domain involving UK forces, they had no reports about any concerns or complaints relating to the actions of UK intelligence personnel.

104. On 6 January 2005, the US military authorities announced a further review of the allegations of detainee abuse at Guantanamo Bay.

105. On 11 January 2005, the Foreign Secretary informed Parliament that the US had agreed to release the remaining four UK citizens in Guantanamo Bay. They returned to the UK on 25 January and were interviewed by the police prior to being released the next day.

106. On 22 February 2005, the Foreign Secretary informed Parliament²⁸ that two UK citizens were being detained by coalition forces in Iraq as “*security internees*” in accordance with United Nations Security Council Resolution 1546. A UK national was being held by the US forces at Camp Bucca and the other, a dual UK/Iraqi national, was being held by UK forces at Shaibah. ***.

107. On 23 February 2005, the Foreign Secretary wrote to inform us that the FCO was investigating reports from two individuals, neither of whom was from the UK Agencies, about alleged abuses of detainees in Afghanistan by non-UK authorities. The FCO is following up these allegations with the US State Department.

²⁸ Hansard, 22 February 2005, column 13WS

CONCLUSIONS AND RECOMMENDATIONS

108. In compiling this Report, the Intelligence and Security Committee has taken evidence on:

- a. whether or not UK intelligence personnel were involved in or witnessed any abuses or behaviour contrary to the international Conventions or UK policy, and if such behaviour took place or was seen, whether any action was taken;
- b. whether or not UK intelligence personnel were sufficiently well trained before they came into contact with detainees; and
- c. when Ministers were informed of any staff concerns about the abuse of detainees.

109. In relation to the US detention powers and interrogation regimes, we do not have any oversight remit. Our congressional colleagues in the USA have told us that they are closely monitoring these matters.

110. UK intelligence personnel conducted or witnessed just over 2,000 interviews in Afghanistan, Guantanamo Bay and Iraq. Our investigations have indicated that there were fewer than 15 occasions when UK intelligence personnel reported actual or potential breaches of UK policy or the international Conventions. We have asked for assurances and have been told that there were no other occasions.

111. The incidents described in this Report occurred in what were very difficult and unusual operating conditions. The lack of specific training relevant to these exceptional circumstances added to the problems faced by the UK intelligence personnel.

112. The UK intelligence community has a duty to obtain intelligence for the purpose of protecting the UK from terrorist threats and the Agencies saw access to the detainees as a source of such intelligence. The Agencies told us that this access and the additional intelligence offered by the US authorities were provided on a privileged basis, which could have been withdrawn.

113. It was difficult to balance this duty to obtain intelligence, which proved to be valuable, from detainees for the protection of the UK and the need both to abide by the UK's interpretation of international Conventions and to adhere to UK policy. It was further complicated because the US interpretations were different to the UK view.

Afghanistan and Guantanamo Bay

114. The UK was not the detaining authority in Guantanamo Bay and, with the few exceptions mentioned in paragraph 8, the same is true for Afghanistan. Access to detainees was controlled and administered by the US authorities.

115. The deployment of UK intelligence personnel to Afghanistan and Guantanamo Bay was solely to gain intelligence that might prove valuable in the protection of the UK and its citizens from terrorism. We were told that detainees were only asked questions of direct concern to the UK's national security.

116. We have been told by the Prime Minister and by the Agencies that the information gained from interviews in Afghanistan and Guantanamo Bay made an important contribution to identifying and countering threats from Islamic extremist terrorist activity in the UK and elsewhere. The Agencies have also received intelligence from detainees, to whom they had not had access and whose locations and terms of detention are unknown, which has been of the "*highest value*".

117. As it was exceptional for the Agencies to interview individuals detained by other countries as a result of armed conflict, we believe that the Secretaries of State accountable for the Agencies ought to have been consulted prior to the interviewing of detainees in Afghanistan. **We recommend that, in all future operations in which the UK is involved in armed conflict with another state or with terrorist organisations, Ministers are consulted before staff are deployed to interview detainees held by another country.**

118. The SIS and Security Service personnel deployed to Afghanistan and Guantanamo Bay were not sufficiently trained in the Geneva Conventions, nor were they aware which interrogation techniques the UK had specifically banned in 1972.

119. Following an interview in January 2002, an SIS officer correctly reported his observations about the events surrounding the actual interview and SIS headquarters responded promptly with instructions, which were shared with the Security Service. But these instructions were not definitive enough: they should have required the SIS officer to report all concerns to the senior US official. They should also have required all officers to report any similar matters in the future to both the US authorities and their respective headquarters in the UK. Furthermore, as this was a contentious matter, the Foreign Secretary should have been informed both that an officer had reported a serious potential abuse by the US military and that instructions had, as a consequence, been issued to all deployed staff from the SIS and the Security Service.

Iraq

120. The SIS, Security Service and civilian DIS staff were not sufficiently trained in the Geneva Conventions prior to their deployment to Iraq, and they were not aware of the interrogation techniques that the UK had specifically banned. Nor were they or their military protection teams informed when the hooding of detainees during transit was prohibited in 2003. Additionally, the DIS civilian experts, who were assisting interviewers, were not briefed on the principles of interrogation.

121. There were two occasions when the SIS interviewed detainees who were hooded. The interviewers thought that this was to protect their identities and were unaware that it was prohibited to interview hooded detainees. These occasions were a breach of UK policy and should not have happened. Both instances occurred due to the lack of training prior to deployment. **We recommend that, prior to their deployment, UK intelligence personnel are clearly instructed as to their duties and responsibilities in respect of the treatment of detainees and of the reporting procedures in the event of concerns.**

General Points

122. Apart from the limited and specific breaches to which we have referred, we have found no evidence that UK intelligence personnel abused detainees.

123. In his letter of 24 May 2004 to the Intelligence and Security Committee, the Prime Minister said that *“UK intelligence personnel interviewing or witnessing the interviews of detainees are instructed to report if they believe detainees are being treated in an inhumane or degrading way”*. In fact the instructions issued by the SIS and the Security Service to their staff before June 2004 only required them to *“consider drawing this [the inappropriate treatment of detainees] to the attention of a suitable senior US official locally if circumstances allow”*.

124. The Prime Minister’s letter also stated that *“The concerns of these staff were passed on to the US authorities, either locally or via intelligence or diplomatic channels”*. Our investigations have shown that most, but not all, of the specific concerns were reported to the US authorities.

125. We have reported that on a number of occasions when UK officials informed the US authorities of their concerns, these were not fully followed up by the UK. All such reports should be followed up by the UK authorities and, so far as it is within their power, fully investigated.

126. Within the UK intelligence community there was a tendency to deal with each report of potential abuse as an isolated incident and therefore there was no comprehensive approach to the handling of these reports by the involved UK intelligence personnel. The fact that Ministers were not informed in a timely manner about the majority of the reports

or incidents further inhibited the development of a comprehensive policy. **We recommend that Ministers are informed immediately when any UK official has concerns about the treatment of detainees.**

Training

127. UK intelligence personnel were insufficiently trained prior to their deployments to Afghanistan, Guantanamo Bay and Iraq.

128. By September 2004, the SIS, Security Service and DIS had each issued guidance to staff involved in the interviewing of detainees, which included the Geneva Conventions and UK policy and therefore addressed this training deficiency.

129. We are concerned at how long it took to issue this formal guidance. The need for this should have been recognised much earlier. The guidance, linked to training, should certainly have been issued prior to the invasion of Iraq and updated as necessary.

Procedures

130. The US authorities did not share with the UK intelligence personnel in Afghanistan, Guantanamo Bay or Iraq (except during the period January to March 2004 in Abu Ghraib prison) the techniques that they regarded as acceptable aids to interrogation.

131. We recommend that the UK authorities should seek agreement with allies on the methods and standards for the detention, interviewing or interrogation of people detained in future operations.

CHRONOLOGY

11 September 2001	Terrorist attacks on the USA.	The UK and US each determined that Al Qaeda planned, financed and carried out the attacks.
18 September 2001	US Congress passed an Authorisation for the Use of Military Force.	
28 September 2001	Foreign Secretary approved deployment of *** SIS personnel to Afghanistan.	
7 October 2001	US-led coalition attacked Taliban targets in Afghanistan.	
November 2001	Security Service held discussions with the Crown Prosecution Service.	Amongst other things, it was agreed that interviews would not prejudice prosecutions of detainees.
November 2001	US held first detainees in Afghanistan.	
12 December 2001	Meeting of senior officials, chaired by the Cabinet Office, agreed that Security Service personnel should interview detainees in Afghanistan if the US authorities permitted it. The decision was regarded as routine and included in a letter sent to the then Foreign Policy Adviser to the Prime Minister and copied to the private offices of the Foreign, Home and Defence Secretaries.	

December 2001	SIS deployment to Afghanistan ***. SIS began interviewing detainees held by the Northern Alliance.	
21 December 2001	Defence Secretary agreed that the MoD would provide support to the Security Service deployment in Afghanistan.	
9 January 2002	Security Service began deploying to Afghanistan and started interviewing detainees a few days later.	
10 January 2002	First SIS interview of US-held detainee in Afghanistan. Whilst the SIS officer was satisfied that there was nothing during the interview which could have been a breach of the Geneva Conventions, he reported back to London his “ <i>observations on the circumstances of the handling of [the] detainee by the US military before the beginning of the interview.</i> ” *** *** ***. *** *** ***.”	Officer told to consider raising the matter with the US authorities. The officer did not. The SIS believed it was an isolated incident. Ministers informed in July 2004.
11 January 2002	Guidance issued to SIS and Security Service personnel and included advice that stated all prisoners, however they are described, were entitled to “ <i>the same levels of protection</i> ” under the Geneva Conventions and protocols.	

12 January 2002	US authorities moved the first group of detainees to Guantanamo Bay, Cuba, from Afghanistan. The UK Government had expressed, at the time of the first transfers of detainees to Guantanamo, a sense of unhappiness about the process and the need for the US to abide by international law.	
16 January 2002	Director General of the Security Service informed the Home Secretary that staff were visiting Guantanamo Bay and would be interviewing detained UK nationals.	
17 January 2002	Security Service and FCO given access to detained UK nationals at Guantanamo Bay, when visiting to discuss access arrangements.	
28 January 2002	Home Secretary was advised directly that Security Service personnel had deployed to Afghanistan and was updated on the visits to Guantanamo Bay.	
29 January 2002	Amnesty International wrote to the Foreign Secretary with concerns about a variety of aspects of the detention of suspected Al Qaeda and Taleban prisoners at Guantanamo Bay.	Foreign Secretary replied on 29 May 2002.

31 January 2002	<p>In the margins of a meeting of Permanent Secretaries there were ‘anecdotal reports’, some second or third hand, of ‘undue exuberance’ by American personnel at Guantanamo Bay. The FCO sought more details, but the Security Service could add nothing to the original comment. No action was taken by the FCO.</p>	Ministers informed in June 2004.
After January 2002	<p>Security Service staff briefed individually by a senior manager before deployment.</p>	
7 February 2002	<p>US President stated as US policy that the Geneva Conventions did not apply to the conflict with Al Qaeda. Further, although the Conventions did apply to the conflict with Afghanistan, the Taliban were unlawful combatants and therefore did not qualify for prisoner of war status. The President ordered that detainees were to be treated “<i>humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva</i>”.</p>	
March 2002	<p>The Foreign Secretary, with the agreement of the then Home Secretary, approved an SIS/Security Service joint submission recommending that intelligence personnel should interview detainees at Guantanamo Bay.</p>	<p>The Security Service told us that at this time they had received, through the FCO, assurances from the US State Department that the detainees at Guantanamo Bay were being treated “<i>humanely</i>”.</p>

March 2002	An SIS officer in Afghanistan was told ***.	Matter referred back to London but no action taken because it was regarded as an isolated incident. Ministers informed in August 2004.
April 2002	An SIS officer was present at an interview conducted by the US military of a detainee in Afghanistan who complained of time in isolation and who had previously had a nervous breakdown. The detainee was aware that he was in isolation for his own protection ***.	SIS officer asked the US officer in charge of the interview for better treatment but was unable to follow up the situation. Ministers informed in August 2004.
May 2002	By May 2002, British officials from the FCO and the Security Service had visited Guantanamo Bay three times, during which the interviewed UK nationals had made no complaints about their treatment.	
June 2002	Security Service discussed with FCO officials a US report that referred to hooding, withholding blankets and sleep deprivation in the case of a detainee in Afghanistan.	Matter raised promptly with US authorities. No record that any further action was taken. Ministers told in general terms in late 2002 and more specifically in June 2004.
July 2002	Security Service officer reported to senior management that whilst in Afghanistan a US official had referred to “ <i>getting a detainee ready</i> ”, which appeared to involve sleep deprivation, hooding and the use of stress positions. The detainee, when interviewed later that month, provided a list of grievances that included the use of constant bright lights.	Security Service officer commented to the US official that this was inappropriate. Senior management took no further action. We were told this was because the report was based on second-hand information and the general point had been raised the previous month. Ministers informed in June 2004.

November 2002	SIS conducted last interview at Guantanamo Bay.	
During 2002/2003	FCO received reports from NGOs of unconfirmed allegations of abuses by the US, including the use of stress and duress techniques.	
During 2003	Foreign and Defence Secretaries agree to the deployment of HUMINT teams to Iraq and Afghanistan.	
March 2003	Prior to the invasion of Iraq, a Memorandum of Understanding was concluded between the US, UK and Australia dealing with the procedures for the transfer of custody of prisoners of war, internees and detainees in Iraq.	
20 March 2003	US-led coalition invaded Iraq.	
April 2003	General Officer Commanding 1 (UK) Armoured Division (in Iraq) gave an order that hooding – as a temporary method of detention – should cease.	
20 May 2003	Guidance on the detention of civilians in Iraq was issued by 1 (UK) Armoured Division, with the instruction that it was to be passed down to the lowest level.	

30 May 2003	<i>The Sun</i> newspaper published photographs of British soldiers allegedly abusing Iraqi prisoners earlier that month.	A Military Police investigation was undertaken and a number of soldiers were convicted of serious offences in early 2005. They were not intelligence personnel.
30 May 2003	First set of Standard Operating Procedures (SOPs) was issued by 1 (UK) Armoured Division, setting out general internment and detention procedures (in Iraq).	
June 2003	Iraqi Survey Group recognised the need for in-theatre training on interrogation techniques and the Geneva Conventions for its Joint Interrogation and Debriefing Cell.	
June 2003	A group of Pakistani and Afghani detainees were the first detainees to be freed by the US authorities from Guantanamo Bay. After their release they made public allegations about their treatment whilst being held there.	
June 2003	Two SIS officers interviewed an Iraqi detainee for an hour. He had been brought (shackled and hooded) to the officers by the US.	The SIS officers believed these measures were for security purposes and had not been told that hooding was unacceptable to the UK. The occurrence was only reported in May 2004 in response to the Intelligence and Security Committee's inquiries. Ministers informed in May 2004.

<p>June 2003</p>	<p>SIS officers interviewed another Iraqi associated with the Iraqi WMD programme in a US facility. SIS reported that the living conditions were unacceptable and that the general treatment of the detainees left much to be desired. A DIS officer, who also saw this detainee, raised concerns with the SIS that the detainee had not been able to make family contact.</p>	<p>SIS raised concerns with US authorities and the detainee was allowed to make contact. By autumn 2003, when an SIS officer paid three visits to the facility, living conditions appeared to have improved. Ministers informed in May 2004.</p>
<p>June 2003</p>	<p>Detainee complained to DIS officer of having been punched prior to his arrival at a detention centre (in Iraq).</p>	<p>DIS officer did not raise this complaint at the time ... only informing his superiors when a trawl of DIS staff was conducted in June 2004 in order to meet the Intelligence and Security Committee's request for information.</p>
<p>26 June 2003</p>	<p>Second set of SOPS was issued by UK military in Iraq, supplementing the earlier set (issued on 30 May 2003).</p>	
<p>July 2003</p>	<p>DIS officer who had been present during a US interview of a detainee associated with the Iraqi WMD programme informed the SIS that the detainee had expressed concerns about a lack of family contact and access to the International Committee of the Red Cross.</p>	<p>Concerns were raised with the US interviewer. The SIS arranged for the detainee to have family contact. Ministers informed in August 2004.</p>

30 September 2003	The UK Commander Joint Operations issued an amended version of the <i>Standard Operating Instructions on the Policy for Apprehending, Handling and Processing Detainees and Internees</i> .	This prohibited the use of hooding in all circumstances in the transfer of detention.
During 2004	Foreign and Defence Secretaries agreed to the deployment of HUMINT teams to Iraq and Afghanistan.	
16 January 2004	US Central Command announced investigation into reported incidents at a coalition detention facility. (Later reported to be Abu Ghraib prison.)	
January 2004	An SIS officer, ***, became aware of a possible contravention of the Geneva Conventions by the US military at the Battlefield Interrogation Facility in Baghdad Airport.	SIS's senior representative raised these concerns with the US officer in command of the facility, who assured him that all activities were in accordance with the Geneva Conventions and that all suspected or alleged breaches were investigated. Reassurance sought (by the SIS) from Lt Gen. Sanchez, Commander of Coalition Forces in Iraq, who confirmed on 21 January 2004 that an investigation into reports of detainee abuse had been launched. Ministers informed in May 2004.

February 2004	International Committee of the Red Cross report identified concerns about the US treatment of detainees in Abu Ghraib prison.	
19 February 2004	FCO announced that agreement had been reached with the US authorities to release five of the nine British detainees in Guantanamo Bay.	
February 2004	Security Service's last visit to Guantanamo Bay. The officers, who had conducted interviews of detainees at Guantanamo Bay that month, reported that some of the detainees were depressed and withdrawn and that their mental condition was deteriorating.	<p>i. Security Service raised these complaints with the US authorities via intelligence channels and informed the Prime Minister's Foreign Policy Adviser (Sir Nigel Sheinwald) together with senior officials in the Foreign and Home Offices on 25 February.</p> <p>ii. Sir Nigel Sheinwald informed the Prime Minister who commented that the detainees should "<i>be treated properly</i>". Sir Nigel asked that this be conveyed to the US at a senior level.</p> <p>iii. Foreign Secretary raised the complaints on 29 February with the then US Secretary of State (Colin Powell).</p> <p>iv. The then Home Secretary was informed of the complaints and the fact that they had been raised via intelligence channels. He requested from them to be raised through official channels. Ministers informed at the time.</p>

March 2004	Home Secretary raised concerns about conditions at Guantanamo Bay with his US counterparts.	
9 March 2004	Five released British detainees from Guantanamo Bay arrived back in the UK.	
15 March 2004	Sir Nigel Sheinwald raised the February complaints with both Condoleezza Rice (the then US National Security Adviser) and Paul Wolfowitz (US Deputy Secretary of Defense).	
April 2004	A detainee arrested by the Iraqi Civil Defence Corps (ICDC) and being held in a joint UK/ICDC facility was brought hooded by UK military personnel to an interview with an SIS officer and remained hooded during the interview.	The SIS officer was not aware of any rules against hooding and regarded it as reasonable under the circumstances to protect his identity and that of those involved in the detention. During the course of the interview it became apparent that the detainee should be freed and the SIS officer ensured that the individual was released. Ministers informed in August 2004.
28 April 2004	US media published the first photographs showing prisoner abuse at Abu Ghraib.	
May 2004	The Foreign Secretary raised concerns with Colin Powell about the treatment of detainees.	

May 2004	Officials raised concerns with the Foreign Secretary about interrogation techniques in Afghanistan and unconfirmed reports relating to Guantanamo Bay and Iraq.	SIS inform Ministers of 2002/2003 incidents that had been so far identified through the survey of staff.
June 2004	During trawl of DIS staff for information requested by the Intelligence and Security Committee, a DIS officer expressed concern as to why a particular detainee had been held as a prisoner of war. No action was taken to pursue the matter at the time.	Deputy Commander of the ISG, a UK Brigadier, reviewed the case but concluded that the person's continued detention was justified.
June 2004	Further letter from the Security Service to the Home Secretary providing details of concerns it had raised between January 2002 and February 2004.	These were all believed to be isolated incidents rather than a systematic policy.
June 2004	Instructions on detainee treatment issued to SIS staff.	
26 June 2004	1 (UK) Armoured Division issued a second set of SOPs to supplement the set issued on 30 May.	
28 June 2004	Sovereignty passed back to the interim Iraqi authorities. UK members of the ISG ceased interrogating detainees as the UK Government was uncertain about the legality of conducting such interviews, but the Agencies continued to interview detainees as part of their work to validate pre-invasion intelligence and other statutory tasks.	

1 July 2004	Instructions on detainee treatment issued to Security Service staff.	
9 August 2004	Supplementary guidance on detainee treatment issued to Security Service staff.	
27 August 2004	DIS issued Standing Instruction on interviewing detainees.	
22 September 2004	An SIS officer interviewed a detainee at a US base in Iraq ***. ***.	SIS *** ***, Intelligence and Security Committee informed on 15 October 2004 by the Prime Minister.
6 January 2005	US military authorities announced a further review of the allegations of detainee abuse at Guantanamo Bay.	
11 January 2005	The Foreign Secretary informed Parliament that the US had agreed to release the remaining four UK citizens in Guantanamo Bay.	
25 January 2005	Four UK nationals returned to the UK from Guantanamo Bay.	
26 January 2005	Four UK nationals released from UK custody after being questioned by the police.	

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