



INTELLIGENCE AND SECURITY COMMITTEE

UK Agencies and Rendition

The Intelligence and Security Committee has, today, published its report on rendition. The Rt. Hon. Paul Murphy MP, Chairman of the Committee, commented:

“There has, rightly, been a great deal of concern expressed about possible UK involvement in the U.S. rendition programme. Our Report looks at whether the UK security and intelligence agencies had any knowledge of, or involvement in, U.S. rendition operations. In conducting our inquiry we have questioned the heads of the UK Agencies and Government Ministers. We have spoken to Liberty, Amnesty International, Andrew Tyrie MP, Chairman of the All Party Parliamentary Group on Extraordinary Rendition, lawyers and journalists, and also our U.S. counterparts.

“Our inquiry has not been helped by the fact that Government departments have had such difficulty in establishing the facts from their own records in relation to requests to conduct renditions through UK airspace. This is a matter of fundamental liberty, and we recommend that the Government ensure that proper searchable records are kept in the future.

“The Committee concludes that:

- There is no evidence of any UK Agency being directly involved in the U.S. rendition programme, including any “Extraordinary Renditions”.
- there was however one case where a UK Agency was indirectly, and inadvertently, involved in a “Rendition to Detention”. This case is that of Bisher al-Rawi and Jamil el-Banna. This was the first case where the U.S. conducted a “Rendition to Detention” of individuals entirely unrelated to the conflict in Afghanistan. We examined this case in great detail. We found that the Security Service correctly shared routine background intelligence with foreign intelligence services, but that this may have indirectly triggered the arrest and subsequent “Rendition to Detention” of Mr al-Rawi and Mr el-Banna. However we are satisfied that the Service did not intend for the men to be arrested or for a “Rendition to Detention” operation to take place – indeed when sharing the intelligence they used caveats specifically prohibiting any action being taken. The Security Service did not foresee that the U.S. authorities would disregard the caveats, given that they had honoured the caveat system for the past 20 years. This case shows a lack of regard on the part of the U.S. for UK concerns – despite strong protests - and that has serious implications for the intelligence relationship.

- overall, SIS and the Security Service were slow to appreciate this change in U.S. rendition policy. We have noted that our Agencies were under considerable pressure at the time – the focus was, of necessity, on day to day issues rather than the bigger picture – and there was a great deal of “tough talk” being used by the U.S. We nevertheless consider that the Agencies should have detected the emerging pattern of renditions sooner and used greater caution in working with the U.S. at an earlier stage. We have criticised them for this in our report.
- in fighting international terrorism it is clear that the U.S. will take whatever action it deems is necessary, within U.S. law, to protect its national security. Although the U.S. may take note of UK protests and concerns, it does not appear materially to affect their strategy: the rendition programme has revealed aspects of this usually close relationship that are surprising and concerning.
- our intelligence sharing relationship with the U.S. is vital to our efforts to counter the threat to the UK posed by global terrorism. We must remember that attacks against the UK have been disrupted, and lives saved, by intelligence obtained from this relationship. It is therefore to our Agencies credit that since 2004 they have adapted their procedures to work round these problems – to maintain the exchange of intelligence that is so critical to UK security whilst ensuring that individuals are being humanely treated.
- procedures and safeguards have now been formalised and we believe that, in most circumstances, they provide a reasonable level of confidence for the future. We have however recommended that they are strengthened in two areas. First, where despite the use of caveats and assurances there remains a real possibility that sharing intelligence with foreign liaison services might result in torture or mistreatment, current procedure requires that the case is referred to senior management or Ministers for consideration of the risks involved – we recommend that Ministerial approval should be sought in all such cases. Secondly, the Committee considers that “secret detention”, without legal or other representation, is of itself mistreatment. Therefore, where there is a real possibility of “Rendition to Detention” to a secret facility, even if it would be for a limited time, we consider that approval must never be given.

Notes for Editors:

1. The Intelligence and Security Committee (ISC) is established under the Intelligence Services Act 1994 to examine the expenditure, administration and policy of the UK's three intelligence and security Agencies: the Security Service, the Secret Intelligence Service (SIS) and the Government Communications Headquarters (GCHQ). The ISC also takes evidence from Cabinet Ministers, the Permanent Secretary Intelligence Security & Resilience, and the Defence Intelligence Staff.
2. The Committee is a cross-party Committee. Members are appointed by the Prime Minister, following consultation with the Leaders of the Opposition parties. It reports to the Prime Minister, for reasons of national security, and the Prime Minister then publishes the Reports. The published version of the Report may contain some redactions, where the Committee has agreed that to publish the material would harm national security.
3. The Committee's membership is:
Rt. Hon. Paul Murphy, MP (Chairman)
Rt. Hon. Michael Ancram QC, MP Rt. Hon. Alan Beith MP
Mr Ben Chapman MP Rt. Hon. Lord Foulkes of Cumnock
Rt. Hon. George Howarth MP Rt. Hon. Michael Mates MP
Mr Richard Ottaway MP Ms Dari Taylor MP

(Baroness Ramsay of Cartvale was a member of the Committee until 6 February 2007. Lord Foulkes of Cumnock started as a member on 7 February 2007.)

4. Copies of the Committee's Report into Rendition (Cm7171) can be purchased from TSO for £18.00. The Report can also be found on the ISC's website:
<http://www.cabinet-office.gov.uk/intelligence> .