

The Rt Hon Jack Straw MP
Secretary of State for Justice
Ministry of Justice
102 Petty France
London SW1H 9AJ

**Equality and
Human Rights
Commission**

equalityhumanrights.com

Our ref: TP/MMcC/280Straw
Date: 17th February 2010

Dear Jack,

Allegations of complicity in torture

I wrote to you on 14 August 2009 regarding the Commission's concerns about allegations that UK officials may have been involved in encouraging or of complicity with acts of torture committed by foreign intelligence agencies. Those allegations had at that time been aired in reports by both the Joint Committee on Human Rights and the Foreign Affairs Committee. I proposed discussions at officer level.

A meeting took place on 24 September 2009 between officials from the Government and the Commission. It was agreed that the Commission would consider its position following the publication, in late October 2009, of the Government's responses to the Parliamentary Committee reports.

Since then, the Human Rights Watch (HRW) report, "Cruel Britannia", and the UN "Joint study on secret detention of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances" (A/HRC/13/42) have been published.

As an 'A' status National Human Rights Institution the Commission is

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The Equality and Human Rights Commission was established by the Equality Act 2006 as the Commission for Equality and Human Rights.

expected to participate at UN level in debate about the UK's compliance with its international legal obligations, particularly under International Human Rights treaties, such as the Convention Against Torture. It would be inexplicable for the Commission to ignore the HRW report or the UN joint study, particularly in the context of the outcome of Binyam Mohammed's case in the Court of Appeal last week.

The Commission welcomes the Government's statement in response to this joint study. The Government has stated unequivocally that the allegations are unsubstantiated and that it does not condone or support torture carried out by foreign agencies. However, the Commission does not believe that the Government's response to these allegations is sufficient in itself and believes that not enough has been done to reassure the Commission and the public that these allegations are unfounded.

In the opinion of the Commission, the UK Government needs urgently to put in place a review process to assess the truth or otherwise of all these allegations. Any review process must satisfy both the Commission and the public that:

- those carrying out the review will be given complete access to all of the relevant materials,
- the review team are completely independent of Government and appointed in a transparent and independent manner;
- whilst ensuring that any real and substantial risks to national security are protected, the review will be as open and transparent as possible, putting as much material in the public domain as possible and holding as many evidence sessions in public as possible; and
- the Government will publish the findings of the review as soon as possible with the fewest redactions consistent with the protection of national security.

I attach the Commission's statement to the UN for consideration by the Human Rights Council during its thirteenth session.

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I would also take this opportunity to reiterate our previous concerns about the Government's delay in reporting to UN Committee Against Torture. This is over a year late, which is inexplicable in this context.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Trevor Phillips', with a large, stylized flourish above the name.

Trevor Phillips

Chair of the Equality and Human Rights Commission

Cc.

David Miliband, Secretary of State for Foreign and Commonwealth Affairs

Alan Johnson, Secretary of State for the Home Department

Glenys Kinnock, Minister of State for the UN and Human Rights

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