



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



Ref: CommHR/DM/sf 071-2018

The Rt. Honourable Theresa MAY, MP
Prime Minister of the United Kingdom

Strasbourg, 10 August 2018

Dear Prime Minister,

I am writing to you in relation to the results of the inquiry of the Parliament's Intelligence and Security Committee (ISC) on detainee mistreatment and rendition following the terrorist attacks of 11 September 2001, which were published on 28 June. It is my understanding that you will provide a formal response to the ISC's findings shortly, including on the question of whether a further investigation will be initiated.

Since the first allegations of complicity of Council of Europe member states in renditions, secret detention, torture and ill-treatment, my predecessors have called on those states to ensure full transparency and accountability for their involvement. Today, further progress in this area remains necessary, including in the United Kingdom. This is evidenced by the fact that the ISC found that many questions around the United Kingdom's involvement "remain unanswered and uninvestigated".

I take note of the fact that previous UK governments have stated their intention to initiate a judge-led inquiry, fully independent of Parliament, party and Government, but ultimately failed to do so. In my view, such a judge-led inquiry is necessary, and would be the most appropriate way to continue the work of the ISC, which faced a number of limitations in its terms and conditions.

As the Council of Europe Commissioner for Human Rights, I urge you to initiate such an inquiry, with access to all necessary documentation and persons to ensure full transparency and accountability of the process.

I believe that agreeing to such an inquiry would be a very constructive step for the United Kingdom, and for the protection of human rights while countering terrorism in Europe more generally. I am acutely aware of the challenges the United Kingdom faces in this area, both domestically and internationally. A new and full inquiry can ensure all necessary lessons of the past are learned. These lessons can then be used to strengthen the human rights compliance of current policies and practices that aim to address those challenges, including the oversight of those agencies and services responsible for implementing them.

Initiating such an inquiry would also send out a positive signal to other Council of Europe member states facing similar challenges, a number of which are also still to provide a full account of their involvement in rendition and secret detention programmes in the post-9/11 era. It would deliver a strong message to the United Kingdom's partners in the fight against terrorism that it is committed to combating impunity and to meeting the challenge of terrorism in full respect of its international human rights obligations.

Yours sincerely,

Dunja Mijatović