

ORAL STATEMENT
DETAINEE INQUIRY

The Lord Chancellor and Secretary of State for Justice
(Kenneth Clarke, QC):

With permission, Mr Speaker, I wish to make a statement.

This Government stands firmly against torture and cruel, inhuman and degrading treatment or punishment. We do not condone it, nor do we ask others to do it on our behalf.

In July 2010, the Prime Minister announced a package of measures to this House designed to deal with allegations about British

involvement in the mistreatment of detainees held by other States overseas. As he told the House then, those allegations are not proven, but their consequences are serious. In his words, “Our reputation as a country that believes in human rights, justice, fairness and the rule of law-indeed, much of what the services exist to protect-risks being tarnished. Public confidence is being eroded, with people doubting the ability of our services to protect us and questioning the rules under which they operate.”

No-one should be in any doubt about the vital nature of the work that our security and

intelligence agencies perform on our behalf or the debt that they are owed by all of us.

Without public recognition, the men and women of the services take the gravest personal risks to protect the security of our country.

So in his statement 18 months ago the Prime Minister set out a package of measures designed to ensure not just that we can get to the bottom of allegations of mistreatment, but to make sure that we learn any lessons, improve the framework for litigation where sensitive material is involved and enable our

Security and Intelligence Agencies to get on with their vital job.

Mr Speaker, since July 2010 the Government has taken a number of steps to fulfil this commitment. We have published for the first time the Consolidated Guidance for intelligence officers and service personnel on dealing with foreign liaison services regarding detainees held in their custody, to make clear the basis on which our security and intelligence services operate.

We have also secured a mediated settlement of the Guantanamo Bay civil damages cases,

about which I made a statement to this House on 16 November 2010. And I made a statement to this House on 19 October 2011 on the publication of the Government's Green Paper on Justice and Security, which aims to improve our Courts' ability to handle intelligence and other sensitive material and to strengthen the Parliamentary and independent bodies that oversee the Security and Intelligence Services. We will set out our response to the consultation on the Green Paper in due course.

We also established an Inquiry, under Sir Peter Gibson, to examine whether, and if so to

what extent, the British Government and its intelligence agencies were involved in improper treatment of detainees held by other countries in counter-terrorism operations overseas, or were aware of improper treatment of detainees in operations in which the UK was involved. Since then, the Gibson Inquiry has been in a preparatory phase, with the panel focussing on a review of key underlying material.

The Inquiry has had the full co-operation of Departments and agencies during its preparations and has received a large volume of material in response to its requests for

information, which it is in the process of considering.

We have, however, always been clear, however, that the Detainee Inquiry would not be able to start formally until all related police investigations had been concluded.

Last week, the Director of Public Prosecutions and the Metropolitan Police Service made a joint statement that they would not charge any named individuals in the Security Service and Secret Intelligence Service in relation to the investigations in Operations HINTON and IDEN. However, they also announced that

allegations made in two specific cases concerning the alleged rendition of named individuals to Libya and their alleged ill-treatment there were so serious that it was in the public interest for them to be investigated now rather than at the conclusion of the Gibson Detainee Inquiry.

I made a Written Ministerial Statement on Monday this week explaining that the Government was considering the implications for the Detainee Inquiry of these new police investigations.

The Government will continue to co-operate fully with the police and the Crown Prosecution Service in their investigations. And we remain committed to drawing a line under these issues. As part of this process the Agencies will continue to review their records and we will ensure that this process is thorough and comprehensive. We and the Agencies are absolutely clear that where there are any questions about knowledge of improper treatment of detainees they must be fully examined and, where necessary, investigated. And looking to the future, we will carefully review the responses to the Green Paper about the oversight of the Agencies.

However, these further police investigations may take some considerable time to conclude. The Government fully intends to hold a judge-led inquiry into these issues once it is possible to do so and all related police investigations have been concluded. But there now appears no prospect of the Gibson Inquiry being able to start in the foreseeable future.

So following consultation with Sir Peter Gibson, the Inquiry Chair, we have decided to bring the work of his Inquiry to a conclusion. We have agreed with Sir Peter that the Inquiry should provide the Government with a report

on its preparatory work to date, highlighting particular themes or issues which might be the subject of further examination. The Government is clear that as much of this report as possible will be made public.

We will continue to keep Parliament fully informed of progress. The Government fully intends to hold an independent, judge-led Inquiry, once all police investigations have concluded, to establish the full facts and draw a line under these issues.

Mr Speaker, I commend this statement to the House.

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