



Government response to the Intelligence and Security Committee of Parliament Reports into Detainee Mistreatment and Rendition

Presented to Parliament
by the Prime Minister
by Command of Her Majesty

November 2018



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Government response to the Intelligence and Security Committee of Parliament Reports into Detainee Mistreatment and Rendition

On 28 June 2018, the Intelligence and Security Committee of Parliament (ISC) published its Detainee Mistreatment and Rendition reports. The Government is grateful for the work the Committee undertook in its investigation into detainee matters and has now considered in detail the conclusions and recommendations set out in their reports. Today, the Government is publishing its response.

The Committee's conclusions and recommendations are in **bold** below. The Government's response is set out below each recommendation.

Detainee Mistreatment and Rendition: 2001 - 2010

- A From our examination of the primary material and our questioning of witnesses, at the point at which we concluded our Inquiry we had not found any evidence indicating that UK Agency or Defence Intelligence personnel directly carried out physical mistreatment of detainees.**

The Government welcomes the Committee's conclusion.

- B We have, to date, found evidence of officers making what could be construed as verbal threats in nine cases. It is clear that such threats are wholly unacceptable. However, the making of threats is not explicitly identified as prohibited in guidance available today: this should be rectified.**

The Prime Minister stated in the Written Ministerial Statement of 28 June 2018, that such alleged behaviour is clearly unacceptable and the Committee's "Current Issues" report recognises that the Government has improved operational processes, so that now UK personnel have a much better awareness of the risks, and there is robust and independent oversight of decisions.

As per the Consolidated Guidance, UK personnel do not participate in, solicit, encourage or condone the use of torture or cruel, inhuman or degrading treatment (CIDT) for any purpose. In no circumstances will UK personnel ever take action amounting to torture or CIDT. Threatening such action is already unacceptable and contrary to the Consolidated Guidance. The MOD's Interrogation and Tactical Questioning Policies explicitly prohibit the making of threats and have done so since 2005.

The Government will consider this recommendation further in light of any proposals from the Investigatory Powers Commissioner.

- C We have found what we consider to constitute evidence of two cases in which UK personnel were directly involved in detainee mistreatment administered by others.**

This is completely unacceptable. While one case has been investigated by the Metropolitan Police, the other has not been fully investigated. Had our Inquiry continued, we would have sought to interview all those concerned. There must be a question as to whether the Service Police investigation should be reopened.

The Ministry of Defence has asked the Service Police Legacy Investigations Team to consider whether further investigation is required in the FARADAY case.

- D The early briefings from the US Agencies in September and October 2001 should have been taken seriously. It was naïve, or complacent, to dismiss them. The Agencies (and broader HMG) had a clear warning and – while they may have considered it rhetoric at the time – it should have been sufficient to alert them to any subsequent indication that words were being matched by action.**

The Government does not agree that the early engagements with US partners were ‘dismissed’. US briefings were taken seriously – with relevant parts of the UK Government alert to the possibility that the US, having declared itself at war, would now consider it justifiable to do things that would be unacceptable outside war. However, this awareness did not enable the UK Agencies or the Government to foresee the type of detention and interrogation programme which the US would later embark upon; a programme for which there was no precedent, and the details of which were held very tightly within the US Government.

- E We have found evidence that UK personnel witnessed detainees being very seriously mistreated – such that it must have caused alarm and should have led to action**

The Government notes the Committee’s conclusion but believes that in the overwhelming majority of cases, where UK officials reported the treatment of detainees as a possible cause for concern, these were followed up with the detaining authority.

The Consolidated Guidance that has been in place since July 2010 makes clear that interviewing personnel must withdraw from an interview should they become aware of, or witness anything, which causes them to believe that there is a serious risk of unacceptable standards, or if the detainee makes specific complaints that are credible. Personnel should bring any complaints to the attention of the detaining authority, except where they believe that to do so might itself lead to unacceptable treatment of the detainee.

The Consolidated Guidance also includes specific provisions to ensure that concerns and complaints are reported. Where interviewing personnel have withdrawn from an interview, or following specific credible complaints by the detainee, senior personnel must be consulted and consideration should be given to obtaining assurances from the relevant liaison service. Where personnel believe the assurances are reliable, they may continue with the proposed interview. If personnel believe there is still a serious risk of torture or CIDT, Ministers must be notified.

- F We have seen that deployed personnel did report mistreatment that they witnessed to Head Offices, but we note that this did not happen in all cases. We have seen no evidence that they intervened themselves to prevent mistreatment or drew it to the attention of the detaining authority on a regular basis. Indeed, there seemed to be a concern not to upset the US.**

The Government does not accept that there was a concern not to upset the US. There are documented occasions when officials did raise concerns with US partners in forthright terms. As set out in paragraph 80 of the “Historic Issues” report, in the circumstances of that early period after 9/11 a combination of factors are likely to have influenced whether, or to what extent, an individual deployed overseas raised detainee issues with liaison partners.

The Consolidated Guidance that has been in place since July 2010 makes clear that interviewing personnel must withdraw from an interview should they become aware of, or witness anything, which causes them to believe that there is a serious risk of unacceptable standards, or if the detainee makes specific complaints that are credible. Personnel should bring any complaints to the attention of the detaining authority, except where they believe that to do so might itself lead to unacceptable treatment of the detainee.

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- G The conditions of detention clearly amounted to mistreatment in some cases; however, the Agencies continued to engage with detainee interviews. The ‘work-around’ of interviewing in a Portakabin just outside a detention facility was not an acceptable alternative to ceasing to engage with detainees being kept in unacceptable conditions.**

The Government notes the Committee’s conclusions and acknowledges that it took time for the intelligence community as a whole to provide staff with clear guidance on what might constitute mistreatment. During this period, the Agencies sought information from partners and detainees relating to the global terrorist threat. It also developed new guidance so there were clear instructions for staff. This does not, however, indicate any support for mistreatment.

- H When a detainee made a complaint to a UK officer about mistreatment, the Agencies had a responsibility to investigate the claims before continuing to engage with the detainee concerned. We have seen in a number of cases that they did so; however, this was not consistent. We would have wished to establish with individual witnesses why in some instances they did not raise these issues.**

As set out in paragraph 80 of the “Historic Issues” report, in the circumstances of that early period after 9/11 a combination of factors are likely to have influenced whether, or to what extent, an individual deployed overseas raised detainee issues with liaison partners.

Guidance provided to officers involved in detainee cases was initially created as a swift, practical response for small numbers of officers involved in this work. The introduction of guidance demonstrates that the Agencies were conscious of the need to equip staff with the necessary guidance to engage in detainee cases.

The Consolidated Guidance that has been in place since July 2010 makes clear that interviewing personnel must withdraw from an interview should they become aware of, or witness anything, which causes them to believe that there is a serious risk of unacceptable standards, or if the detainee makes specific complaints that are credible. Personnel should bring any complaints to the attention of the detaining authority, except where they believe that to do so might itself lead to unacceptable treatment of the detainee.

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- I **The Committee understands that the pace of work in the months following 11 September 2001, both in Afghanistan and London, was frenetic. Both deployed personnel and Head Offices were under very significant pressure, and the priority was to prevent another attack on the scale of 9/11. Nevertheless, we are puzzled as to how those at the top of the office failed to ‘join the dots’ sooner in terms of the systematic abuse of detainees that was taking place. We question how many ‘anomalies repeating themselves’ it takes to realise that what you are seeing is not an anomaly**

The Government notes the Committee’s conclusion and welcomes its recognition of the very significant pressures facing personnel in the immediate aftermath of 11 September 2001. This, coupled with a prevailing assumption that the US would act lawfully and in accordance with the same values as the UK subscribes to, helps to explain why it took time to realise that there were differences between UK and US practices.

Record keeping within the Agencies has changed significantly in the period since 2001. At the time, the Agencies did not have the sophisticated document management and aggregation mechanisms that are now in place to enable links to be made between individual instances.

- J **That being said, we have found no ‘smoking gun’ in the primary material to indicate that the Agencies deliberately overlooked reports of mistreatment and rendition by the US as a matter of institutional policy**

The Government stands by the Agencies in their work to prevent a repeat of 9/11 and welcomes the Committee’s recognition that there was no institutional policy of overlooking reports of mistreatment and rendition by the US; nor did individual staff ‘turn a blind eye’.

- K **The Agencies failed to consider whether it was appropriate to pass intelligence about a detainee to the detaining authority where mistreatment was known or reasonably suspected.**

It was never Agency or MOD policy to collaborate with a liaison partner on a case where they believed the individual concerned would be mistreated as a result of their engagement.

The Consolidated Guidance now requires personnel to consider the standards to which a detainee may have been or may be subject before feeding in questions or otherwise seeking intelligence from a detainee in the custody of a liaison service. Personnel should consider attaching conditions to any information to be passed governing the use to which it may be put and/or to obtaining assurances from the relevant liaison service.

L The Agencies failed to recognise that secret detention is, in and of itself, a form of Mistreatment

The Government notes the Committee's view.

The Government opposes any form of deprivation of liberty that amounts to placing a detained person outside the protection of the applicable law.

M Even as recently as the beginning of this Inquiry, GCHQ still held that its part was peripheral. This despite the fact that it is by far the largest sharer of material with the US. It seems to us that GCHQ was in fact aware of the risks of large-scale sharing of information with the US but regarded it as neither practical, desirable nor necessary to second guess how that material might be used.

GCHQ does not share intelligence with the US or other foreign nations where they believe it will contribute to an unlawful act. The Investigatory Powers Commissioner's Office (IPCO) oversees GCHQ's use of investigatory powers. Oversight of GCHQ's activity includes a review of GCHQ's internal handling arrangements and procedures for the sharing of any information with foreign partners.

N Defence Intelligence also appears to have failed to understand its potential involvement in mistreatment of detainees through the supply of intelligence

The MOD takes very seriously the ISC's conclusion that Defence Intelligence may have failed to understand its potential involvement in mistreatment of detainees through supplying intelligence. It is aware that a single instance of sharing information with the US in 2003, with the potential for use in targeting and detention, should have been subject to a greater level of scrutiny. The MOD judges that its current internal practices and procedures in applying the Consolidated Guidance are robust and reviews them periodically to ensure that they minimise the risk that Defence Intelligence, or any other part of MOD, could supply intelligence to a second party to be used in the circumstances described.

O The evidence clearly suggests that the UK saw itself as the poor relation to the US, and was distinctly uncomfortable at the prospect of complaining to its host.

The Government does not consider that this is a fair or accurate characterisation of the UK relationship with the US. The UK engaged with US partners on the basis of a mature relationship in intelligence sharing at a point in time that put unprecedented demands on both to prevent a repeat of 9/11.

Furthermore, the Government does not accept that the UK was reluctant to bring issues to the attention of US authorities. With relatively few exceptions, where UK officials observed what they knew at the time to be mistreatment, they raised issues with US colleagues.

P Whilst the Agencies say that they were not reluctant in principle to raise mistreatment with the US authorities, in practice this was inconsistent and might suggest that they were deliberately turning a blind eye. However, in our view, the evidence instead suggests a difficult balancing act, where the Agencies were a small player with limited access or influence.

The Government does not agree with the Committee's apparent view that the Agencies were balancing the need to protect liaison relationships with the need to ensure proper treatment of detainees. Dealing with liaison services on detainee issues did sometimes produce tensions that required careful management; it still does – something that is recognised in the Consolidated Guidance. However, as outlined in the ISC's "Historic Issues" report (paragraph 80), in the circumstances of that early period after 9/11 a combination of factors are likely to have influenced whether, or to what extent, an individual deployed overseas raised detainee issues with liaison partners.

Q Deployed personnel need clear guidance as to what they can and cannot do when deployed. That they were interviewing individuals held in detention gave the deployments to Afghanistan, Guantanamo and Iraq a new dimension. Personnel should therefore have been given specific guidance and training on their legal obligations relating to the treatment of detainees. We consider those deployed staff to have been left worryingly under-supported by their Head Offices

The Government agrees that UK personnel need clear guidance.

All relevant personnel receive training to ensure the Consolidated Guidance is applied effectively.

The Agencies' and MOD's guidance and training evolved in line with their understanding of the issues and risks surrounding their involvement with detainees. The Government acknowledges that, with hindsight, it is evident that the initial guidance and training provided to staff involved in interviewing detainees was insufficient.

The Consolidated Guidance and Agencies' Overseas Detainee Interviewing Course now gives participants the requisite knowledge and skills to safely and compliantly interview individuals in detention overseas. Attendance on the course is mandatory for anyone required to interview detainees overseas on behalf of the Agencies.

Following the findings of the Baha Mousa Public Inquiry, which were published in 2011 and covered issues relating to the treatment and interrogation of detainees, the MOD has significantly improved the preparation of personnel deployed on operations. All relevant personnel receive legal advice and training on the Law of Armed Conflict before they deploy. Since 2013, this has been supplemented with training on the application of the Consolidated Guidance. There are clear policies, training, supervision and guidance established for deployed Armed Forces personnel involved with detainees, particularly those conducting tactical questioning and interrogation.

The specific guidance for MOD's interrogators and tactical questioners has been subject to several comprehensive internal and independent reviews since 2003 and, as a matter of course, is subject to periodic legal reviews.

R By the time of the deployment to Iraq in 2003, there was no excuse for the lack of training and guidance available to deployed personnel – there was both time to prepare and an understanding of the operating environment gleaned from the earlier deployments

With the benefit of hindsight, it is clear that UK personnel were working within a new and challenging operating environment for which, in some cases, they were not prepared. It took too long for it to be recognised that guidance and training for staff was inadequate, and too long to understand fully and take appropriate action on the risks arising from our engagement with international partners on detainee issues.

The Agencies' Overseas Detainee Interviewing Course now gives participants the requisite knowledge and skills to safely and compliantly interview individuals in detention overseas. Attendance on the course is mandatory for anyone required to interview detainees overseas on behalf of the Agencies.

Following the findings of the Baha Mousa Public Inquiry, which covered issues relating to the treatment and interrogation of detainees, MOD has significantly improved the preparation of personnel deployed on operations. All personnel do now receive clear pre-deployment training and theatre-specific legal advice and training on the Law of Armed Conflict. There are clear policies, training, supervision and guidance established for deployed Armed Forces personnel involved with detainees, particularly those conducting tactical questioning and interrogation.

The specific guidance for MOD's interrogators and tactical questioners has been subject to several comprehensive internal and independent reviews since 2003 and, as a matter of course, is subject to periodic legal reviews.

S In relation to the 2004 staff surveys, we do not regard the Agencies' explanation as to why their staff only reported 15 out of 83 incidents as sufficient. (We note that it can only be supposition on the part of the current Agency Heads, who were not involved in the surveys themselves.) Had we been given access to the interviewing officers, we would have wished to explore this highly unsatisfactory situation further

The Consolidated Guidance includes specific provisions to ensure that concerns and complaints are reported (see response to conclusion E).

The Government has engaged transparently in the ISC's Detainee Inquiry, spending tens of thousands of hours exhaustively reviewing our corporate record, disclosing all relevant documents amounting to thousands of pages. Senior representatives have given many hours of oral evidence.

T It is not clear how well the guidance issued in June 2004 (and subsequently) was disseminated. If it did reach all deployed personnel, clearly some failed to follow the guidance. With that said, there were fewer cases of concern after 2004 (and less engagement with detainees generally).

The situation is very different now compared to 2004. Sir Mark Waller, the former Intelligence Services Commissioner, has stated: “It is I think important to stress that in my view the existence of the Consolidated Guidance is well known to all individuals who have to deal with circumstances to which it may apply...I have confidence that individuals and the agencies are making every effort to draw to my attention all cases when the Guidance should be considered” (2016 annual report).

U The Committee has previously expressed its concerns about Agency record-keeping. The inadequacy of the searches for documents made in 2006 and 2009 – which was only rectified in 2014 – is yet another example. Related to this are questions about what was not written down. The paucity of record-keeping gives rise to concerns as to how many similar cases of involvement in mistreatment over the 2001–2010 period may not have been accounted for. We cannot be confident in the evidence base

The Government notes the Committee’s concerns. The Agencies have acknowledged that past deficiencies in record keeping mean that the record is not complete. Nonetheless, it is extensive. Tens of thousands of relevant documents have been examined by the ISC, the Detainee Inquiry chaired by Sir Peter Gibson and the Agencies in their own internal detainee reviews. Together, these constitute a detailed account of the Agencies’ engagement with, and awareness of, cases including rendition, detention and mistreatment issues since September 2001. The Agencies therefore now have a high level of confidence that all detainee-related cases of potential concern have been scrutinised.

V In relation to the US rendition programme, there were early indications of the US’s more aggressive approach. However, the Agencies persisted in viewing cases as ‘isolated incidents’. There was therefore no co-ordinated attempt to identify the risks involved and formulate the UK’s response: the piecemeal approach led to conflicting advice and differing operational approaches.

As the Prime Minister stated in the Written Ministerial Statement of 28 June 2018, the Agencies responded to what they thought were isolated incidents of mistreatment, but the Committee concludes that they should have realised the extent to which others were using unacceptable practices as part of a systematic programme. The Agencies acknowledge and regret that they did not fully understand this quickly enough.

W The Agencies’ financing of individual rendition operations being co-ordinated by others was completely unacceptable. In our view this amounts to simple outsourcing of action which they knew they were not allowed to undertake themselves

The Government notes the Committee’s view. As reflected in the report, the Agencies have accepted that, with hindsight, it was a mistake to have made the payment in one of the cases concerned.

- X **There is no evidence that any US rendition flight transited the UK with a detainee on board, although two detainees are now known to have transited through the British Overseas Territory of Diego Garcia. The Committee has seen nothing in the primary evidence to indicate that detainees have ever been held on Diego Garcia. We note, however, that the records available are patchy and cannot be relied on, and that the policy on recording flights was woefully inadequate.**

The Government notes the Committee's conclusion and has acknowledged that there were difficulties in accessing information and files dating from the late 1990s and early 2000s. The Government has made significant improvements to records management. All incoming flight requests sent to the Foreign Office through the Diplomatic Flight Clearance process and subsequent decisions are registered electronically on the Foreign Office's records management system and are fully searchable.

The transit of two detainees through Diego Garcia was reported to Parliament by the then Foreign Secretary in February 2008.

- Y **We find GCHQ's lack of consideration of rendition and attempts to distance itself from such knowledge concerning, given the potential link between its intelligence and US rendition operations. That GCHQ regarded the treatment of any individual whose detention it had enabled as being beyond its knowledge and therefore not its business, is not – in our opinion – a valid excuse.**

GCHQ regards the unlawful rendition of a detainee as mistreatment and/or a failure of legal due process, and if this risk arises they proceed in accordance with the Consolidated Guidance. GCHQ's application of the Consolidated Guidance is overseen by the Investigatory Powers Commissioner.

- Z **The Agencies also supported the US rendition programme in other ways: endorsing rendition plans and providing intelligence to enable renditions. They were active in their support for the programme. They also condoned renditions through their conspicuous failure to take action to prevent renditions – in particular of British nationals and residents**

The Government notes the Committee's conclusion.

The Government opposes any form of deprivation of liberty that amounts to placing a detained person outside the protection of the law, including so-called extraordinary rendition.

The Government believes it was, and remains, appropriate to consider supporting the lawful transfer of terrorist suspects as a means of prosecuting wrongdoing in an appropriate jurisdiction and/or disrupting threats to the UK. The Committee has highlighted the uncertainty surrounding legal and policy aspects of rendition that prevailed in the years following the 9/11 attacks. A consequence was that, in some cases, the Agencies did not appreciate the risks or check the legality of transfers as closely as they would do now. However, the Agencies did not knowingly make a material contribution to a jurisdictional transfer that they knew or believed to be unlawful.

- AA HMG was unacceptably slow to grasp rendition policy. Discussions failed to lead to any action even after 2004: the lawfulness of involvement in such operations remained unclear and the policy question of future participation unanswered.**

As the Prime Minister stated in the Written Ministerial Statement of 28 June 2018, it took too long to understand fully and take appropriate action on the risks arising from our engagement with international partners on detainee issues. Government policy on rendition is set out in the response to the Committee's "Current Issues" report.

Detainee Mistreatment and Rendition: Current Issues

- A While some of the recommendations in the Committee's March 2010 Report on the draft Consolidated Guidance have subsequently been overtaken, the Report as a whole remains relevant to the continuing debate. We therefore regard it as essential that the Report is placed on the public record. Under the Justice and Security Act 2013, the Committee has the power to publish its own reports (previously it was reliant on the Prime Minister to publish them). We have therefore included the March 2010 Report as an Annex to this Report, placing it in the public domain for the first time.**

The Government notes the inclusion of the Committee's March 2010 Report as an annex to their 2018 Report.

- B The Committee is pleased to note that resources provided to enable the Investigatory Powers Commissioner to carry out the important task of oversight of the application of the Consolidated Guidance have increased. Any extension of the Guidance to cover other bodies must give rise to a further increase in resources to the Commissioner.**

The Home Secretary is responsible for ensuring that the Investigatory Powers Commissioner has adequate and appropriate resources properly to fulfil his scrutiny and oversight function. The Home Office recognises that an increase in the Commissioner's oversight responsibilities could necessitate the provision of additional resources. There is constructive dialogue, including on this issue, between the Home Office and the Commissioner.

- C The approach and methodology for sampling and assessing detainee-related cases put in place by Sir Mark Waller during his time as the Intelligence Services Commissioner mean that there is a high level of confidence that the Investigatory Powers Commissioner will be informed about all cases in which the Consolidated Guidance has been applied.**

The Government welcomes the Committee's conclusion.

- D We remain concerned that cases which ought to have engaged the Consolidated Guidance, but did not, might escape scrutiny and we suggest that this is an area which the Investigatory Powers Commissioner may wish to keep under review.**

The Government will work with the Investigatory Powers Commissioner to support effective oversight of all relevant cases, and will consider this recommendation further in light of any proposals from the Investigatory Powers Commissioner. In June, Sir Adrian Fulford accepted the Government's invitation to examine how the Guidance could be improved taking into account the Committee's views and those of civil society. The public consultation launched on 20 August and ran until 7 November. The Government looks forward to receiving Sir Adrian's proposals in due course.

- E We commend the previous Commissioner's approach in enabling the Agencies and MOD to discuss issues with him at an early stage. The Agencies are working with an increasing variety of overseas partners, whose standards may not be entirely clear, and scenarios may arise which are not covered by the Guidance.**

The Government will continue to support early engagement by the security and intelligence agencies, the MOD and Armed Forces with the Investigatory Powers Commissioner, particularly on complex and novel cases where the Commissioner's views and expertise will help ensure the Consolidated Guidance is effectively applied. Since his appointment, Sir Adrian has strongly indicated his desire to discuss at an appropriately early stage any difficult or contentious issue over which he has oversight.

- F The Committee notes that, in one of the cases we sampled, while the SIS officer did not correctly apply the Guidance initially, he realised his mistake immediately and correctly escalated the issue to Head Office, which referred the matter to Ministers and put in place the measures subsequently determined. It is reassuring that this demonstrates that potential breaches are raised in real time and acted upon as a matter of urgency**

The Government welcomes the Committee's recognition of good practice on the rare occasion where a mistake has occurred.

- G Of the cases sampled, a number illustrate the considerations the Agencies make when seeking adequate assurances and the ongoing checks that are made to ensure that the assurances are complied with. Specifically, the REDSHANK case illustrates the challenges of working through partners and of not being able to approach the detaining authority directly for assurances.**

The Government welcomes the Committee's recognition of the complex and challenging circumstances that UK personnel can face when working with international partners.

The REDSHANK case provides a good example of where the agencies sought and critically assessed the credibility of assurances before passing questions to a liaison service.

The Government takes great care to assess and mitigate the risk of torture and CIDT. According to the Consolidated Guidance, personnel should consider obtaining assurances as to the standards that have been or will be applied in relation to the detainee before any action is taken. Where personnel believe that the assurances are reliable, they may continue with the proposed action, informing Ministers as appropriate. If, despite any assurances obtained, personnel believe there is a serious risk of torture or CIDT taking place, Ministers must be consulted.

In circumstances where the Consolidated Guidance does not apply directly, officers will endeavour to apply the 'spirit' of the guidance. Dealing with proxies or third parties is vital to intelligence work and in turn, to national security, but can result in complexities which impact upon speed, accuracy, control and political risk of operations. Officers will always start by considering whether or not engagement with a third party could, in turn, influence or affect a detainee's rights. We have discussed this approach with, and sought the approval of, successive Commissioners.

- H The Committee notes that, in the case featuring the LOCHGILPHEAD liaison service, MI5 and SIS officers actively monitored whether assurances were being adhered to, escalating concerns and suspending co-operation when needed. This is an example of the Consolidated Guidance working as intended.**

The Government welcomes the Committee's conclusion.

- I We are reassured that the cases we have examined show that the application of the Guidance is taken seriously by officers and there is an ongoing dialogue between Field Officers and their policy and compliance colleagues in Head Office. This dialogue means that, where officers have concerns about their actions, or the actions of others, these are escalated for advice rather than ignored.**

The Government welcomes the Committee's conclusion, which is corroborated by the findings of Sir Mark Waller, the former Intelligence Services Commissioner.

The Intelligence Services Commissioner's 2016 annual report stated: "The agencies and the MOD have consistently shown that the Consolidated Guidance is being applied thoughtfully and that there is a general commitment to continual improvement of process to support officers taking decisions in this area". It also stated: "It is I think important to stress that in my view the existence of the Consolidated Guidance is well known to all individuals who have to deal with circumstances to which it may apply...I have confidence that individuals and the agencies are making every effort to draw my attention to all cases when the guidance should be considered"

- J The Committee is concerned that the Agencies and Defence Intelligence have not evaluated the overall operational impact of the Consolidated Guidance. The Committee recommends that work is done to establish what the operational impact has been, such that it can inform any future changes, whether to ways of working or to the Guidance itself**

The Agencies and MOD have not formally evaluated the operational impact of the Consolidated Guidance but conclude that the impact is likely to differ within organisations. For example, in respect of GCHQ, whilst there has been no overall evaluation of the impact which the Consolidated Guidance has had upon their operations, there have been many instances where it has caused them to restrict intelligence sharing with foreign partners. GCHQ accept such an impact in order to remove a serious risk that might contribute to mistreatment. Whenever possible GCHQ look for ways to mitigate the risk that will allow them to proceed in a way that both reduces the chance of mistreatment and gain the operational benefits of sharing for the national security of the UK.

Although it has not reviewed the operational impact of the Consolidated Guidance, the MOD judges that it does not impose significant constraints on the ability of the Armed Forces to operate.

Since being introduced, the Guidance has significantly improved senior level oversight of intelligence sharing where it relates to detainees.

The Investigatory Powers Commissioner will publish reports, including an annual report to the Prime Minister, on compliance with the Consolidated Guidance. This reporting will assess how the guidance is being applied at the operational level.

The Government will consider the Committee's recommendation further in light of the Investigatory Powers Commissioner's proposals about how the guidance could be improved. In June, Sir Adrian Fulford accepted the Government's invitation to examine how it could be improved taking into account the Committee's views and those of civil society. The public consultation launched on 20 August and ran until 7 November. The Government looks forward to receiving Sir Adrian's proposals in due course.

- K The Committee is concerned that the Cabinet Office, which owns the Consolidated Guidance, does not seem to regard it as important to evaluate or review the Guidance on an ongoing basis. The Cabinet Office must take proper ownership of the Guidance. It is too important an issue to be left unattended.**

The Government disagrees with the Committee's perception that the Cabinet Office does not seem to regard it as important to evaluate or review the Guidance on an ongoing basis.

The Cabinet Office has responsibility for the Consolidated Guidance because it is a cross-Government document and the Prime Minister has ultimate responsibility for intelligence and security issues. It is the responsibility of relevant departments and Agencies to follow the procedures set out in the Guidance.

The Cabinet Office will continue to work closely with relevant Government departments and Agencies to ensure the Guidance is effectively applied and will consider this recommendation further in light of any proposals from the Investigatory Powers Commissioner

- L The light touch review carried out in 2017 was insufficient. A full review of the Consolidated Guidance is overdue. This should encompass the points raised by the Intelligence Services Commissioner and by this Committee since 2010. HMG should also proactively consult non-governmental organisations and the EHRC.**

The Government has asked the Investigatory Powers Commissioner to consider how the Consolidated Guidance can be improved taking into account the Committee's views and those of civil society.

- M The Cabinet Office should review the Guidance periodically (at least every five years) to ensure that issues raised by the Commissioner or those bodies covered by the Guidance are addressed, and revisions made where necessary. These reviews should be published to improve transparency.**

The Government will consider this recommendation in light of any proposals from the Investigatory Powers Commissioner

- N We remain of the view that the public should be given as much information as possible about the underlying decision-making process in this area. Although we recognise that there are limits to the amount of information that can safely be made publicly available, we consider that there is more information which could be published about the way officers apply the Guidance: perhaps a précis of each of the Agencies' working-level guidance could be included as Annexes to an expanded Consolidated Guidance. This will increase transparency and hopefully improve confidence in the decision-making processes being followed.**

The Government agrees that transparency is essential for public trust and confidence in the security and intelligence agencies. It would not be appropriate for the Government to publish the underlying guidance, which includes information that is sensitive to national security. However, the Investigatory Powers Commissioner will report publicly at least annually on compliance with the Consolidated Guidance. As the Committee acknowledges, very few countries have set out their approach to these issues as the UK has done, and let themselves be accountable in this manner.

The Government will consider this recommendation further in light of any proposals from the Investigatory Powers Commissioner

- O It is clear that the Consolidated Guidance does fulfil a function: it provides a public statement of HMG's position in regard to detainee issues, and it has been received positively by the Agencies as giving them a consistent frame of reference.**

The Government agrees with the Committee's conclusion.

- P The Committee remains of the opinion that the Consolidated Guidance does not provide guidance and it is misleading to present it as such. The current review provides an opportunity to rectify this. Since some of the proposed changes will render the current title obsolete (for example, the addition of the NCA and SO15 will mean that the existing references to 'Consolidated' and 'Intelligence Officers and Service Personnel' are no longer appropriate), we recommend that it is renamed in such a way that its purpose as a framework which sets the boundaries within which the Agencies must operate is clearly apparent to the public, for example 'UK Standards for Action relating to Detention and Rendition'. The foreword should explain fully the nature of what the Framework is trying to achieve, with reference to the underlying working-level documents**

The Government will consider this recommendation in light of any proposals from the Investigatory Powers Commissioner.

- Q The bodies covered by the Consolidated Guidance also have to comply with the Overseas Security and Justice Assistance Guidance and we welcome the clarification of the position in the updated OSJA Guidance. Nevertheless, we question whether the use of two parallel frameworks is a practical solution, and remain concerned that it could lead to duplication and inefficiency. We recommend that the Consolidated**

Guidance and the OSJA Guidance are merged for those bodies that are subject to both

As the Committee recognises, the OSJA Guidance (revised in January 2017) now cross-refers to the Consolidated Guidance to clarify the relationship between the two documents:

“OSJA Guidance is based on the same principles, but covers a broader range of activity and screens for a wider range of risk at a lower level of detail. Personnel covered by the Consolidated Guidance should also refer to the OSJA Guidance prior to starting activity to ensure they have properly considered and mitigated broader human rights/International Humanitarian Law risks which may result from assistance and which fall outside the scope of Consolidated Guidance. Personnel should also consider sharing their assessments using the OSJA network to support cross-Government consistency of assessment.”

The security and intelligence agencies provide training covering both the Consolidated Guidance and OSJA Guidance to ensure they are effectively applied. The Committee acknowledges that in practice they “have not raised concerns about instances where it was difficult to identify which guidance to use”.

The Government will consider this recommendation further in light of any proposals from the Investigatory Powers Commissioner.

R Where HMG has a close working relationship with overseas partners, and * a unit overseas, it must carry some responsibility for the actions of that unit. If it does not, it leaves itself open to accusations that it is outsourcing action it cannot take itself.**

The Government does not outsource action it cannot lawfully undertake itself. The Government cannot be held responsible for the actions of other sovereign Governments and organisations over which it has no control. However, the Consolidated Guidance is clear that when we work with countries whose practices raise questions about their compliance with international legal obligations, we ensure that our cooperation accords with our own international and legal obligations. We take great care to assess whether there is a risk that a detainee will be subjected to mistreatment and promote human rights in those countries; consistent with the lead the UK has taken in international efforts to eradicate torture.

S We reiterate the recommendations made in our Report on the Intelligence relating to the Murder of Fusilier Lee Rigby, and by the Intelligence Services Commissioner: the Consolidated Guidance must specifically address the question of joint units and make clear that it applies to such units. The difference of opinion between SIS and the Commissioner and the Committee over the case of Mr Adebolajo clearly demonstrates that there is a serious problem in this area.

The Government formally responded to the Committee’s report on Intelligence relating to the murder of Fusilier Lee Rigby in February 2015.

The Government will consider this recommendation further in light of any proposals from the Investigatory Powers Commissioner.

- T We welcome the fact that both SO15 and the NCA have been brought within the scope of the Consolidated Guidance. We remain concerned that there may be other bodies that are engaged in detainee issues and are not bound by the Consolidated Guidance. We note that the Cabinet Office will be keeping this under review – this must be proactive and continuous however, as opposed to only when prompted.**

The Government intends to extend the scope of the Consolidated Guidance to apply to both SO15 and the National Crime Agency because their personnel may find themselves operating overseas in circumstances where it should be applied. Both already apply the principles of the guidance in practice. Where the security and intelligence agencies work with other HMG bodies or personnel, the same standards are applied to the whole operation in accordance with the guidance.

The Government will keep the application and scope of the Consolidated Guidance under review in consultation with the Investigatory Powers Commissioner.

- U Whilst the Agencies have said that they do not see the need for any formal memoranda of understanding when working with bodies that are not covered by the Consolidated Guidance, they recognise that this can cause difficulties. This should therefore form part of a wider and more detailed review of the Consolidated Guidance**

The Government will consider this recommendation in light of any proposals from the Investigatory Powers Commissioner.

- V The Committee recognises that securing a formal, binding, written agreement from liaison partners on standards of behaviour may not always be easy, given that it can be taken to imply suspicion, and therefore to insist on a written agreement could undermine trust and jeopardise future co-operation. We agree with the stance taken by the former Intelligence Services Commissioner that, where it is not possible to obtain a written assurance from a liaison partner, a written record of the oral assurance should be produced and sent to the liaison partner so that there is a shared understanding of expectations.**

The Government agrees with the Committee's conclusion.

In line with the former Intelligence Services Commissioner's recommendation, where it is not possible to obtain a written assurance, the Agencies record the discussion and agreement with the liaison service and send it to the liaison service as a formal note.

- W We note that statistics have not previously been collected on the number of written assurances obtained or the number of verbal assurances recorded, and we have therefore been unable to make as thorough an assessment of assurances as we would have wished. We welcome the Investigatory Powers Commissioner's intention to begin collecting this data in 2018.**

The Government notes the Committee's conclusion and will work with the Investigatory Powers Commissioner to collect additional information on assurances.

- X **The extension to the Agencies of the ability to authorise action in an emergency situation, without reference to Ministers, is sensible. However, it should not extend to situations where an official believes there is a serious risk of torture. No public official should be able to authorise torture.**

The Government understands the Committee's concern and will consider this recommendation in light of any proposals from the Investigatory Powers Commissioner.

- Y **Furthermore, use of the provisions relating to time-sensitive operational decisions must be strictly monitored: they should only be used in real emergencies. In addition, a time limit of 48 hours should be set for retrospective escalation of any case to senior personnel and, where necessary, to Ministers.**

The Consolidated Guidance is clear that in those circumstances "personnel should continue to observe this guidance so far as it is practicable and report all circumstances to senior personnel at the earliest opportunity". The Government will also report any instances to the Investigatory Powers Commissioner for examination.

The Government understands the Committee's concern and will consider this recommendation further in light of any proposals from the Investigatory Powers Commissioner.

- Z **We recognise the ambiguity inherent in the term 'serious risk' and the burden this places on individual officers. The Agencies have developed their own training on how to recognise serious risk, and they have all erred on the side of caution.**

The Government endorses the Committee's recognition that officers err on the side of caution in making these difficult judgements.

UK personnel receive training to be able to make risk assessments in a variety of challenging circumstances. When differentiating between a "serious risk" and a "less than serious risk", the Government's position is that the usual dictionary definition is applied so that a serious risk is one that is not theoretical or fanciful. The Consolidated Guidance is clear that personnel should consult senior personnel and/or legal advisers if they are in doubt about whether standards of detention and treatment are acceptable.

- AA **The Agencies have not all addressed how the term 'serious risk' is to be interpreted in their working-level guidance nor have they provided their officers with examples of the threshold to be used. This must be addressed. Further, when submitting to Ministers on the Guidance, the organisation concerned should append its working definitions to ensure that all involved are working on the same understanding.**

The Government will consider this recommendation in light of any proposals from the Investigatory Powers Commissioner.

BB The list of types of CIDT contained in the Consolidated Guidance is not intended to be exhaustive. However, rendition has been such a contentious issue that we believe it should be specifically mentioned in this list for clarity. We recognise that defining rendition has previously caused problems; however, this is not a reason to stop its inclusion – indeed, it is precisely because of the uncertainty in the term that officers should be prompted to consider it.

The Government will consider this recommendation in light of any proposals from the Investigatory Powers Commissioner.

CC It is essential that the Agencies and their personnel follow the Consolidated Guidance not just in letter but in spirit as well. We welcome the previous Intelligence Services Commissioner’s proactive approach on this matter and urge the Agencies to continue to seek the advice of the Investigatory Powers Commissioner in situations which might appear to be on the periphery of the Guidance

The Government agrees that the security and intelligence agencies should follow the spirit as well as the letter of the Consolidated Guidance.

Sir Mark Waller has reported that “UKIC will apply the principles of the Consolidated Guidance to intelligence requests, including from close trusted liaison partners...UKIC will consider on a case-by-case basis whether to share intelligence with partners, taking a conservative approach to the guidance, which I welcome.” (2016 annual report).

DD The Cabinet Office has proposed an amendment to the Guidance to refer to intelligence received from third parties. The Committee welcomes this proposed revision, which addresses the concerns of the Intelligence Services Commissioner raised in 2015.

The Government welcomes the Committee’s conclusion.

The Government intends to amend the Consolidated Guidance to clarify that it applies where UK personnel receive unsolicited intelligence from a liaison service where they know or believe the intelligence has originated from a detainee of that liaison service or the liaison service of a third country.

EE We recommend that the Guidance should also explicitly apply to non-State actors and failed States. These relationships are likely to be an increasing feature of UK intelligence work. The Agencies should endeavour to obtain assurances in such situations but Ministers should then make the final decision.

The Government will consider this recommendation in light of any proposals from the Investigatory Powers Commissioner.

FF The Committee notes that, in response to a number of recommendations from the Committee and the Commissioner that the Consolidated Guidance be amended to address three important and contentious areas (non-State actors, rendition and joint

units), HMG has said that defining these terms is too difficult. This is not an acceptable reason not to include them: if anything, it demonstrates why it is so important to reference them

The Government will consider this recommendation in light of any proposals from the Investigatory Powers Commissioner.

GG The Consolidated Guidance does not offer legal protection to officers. This is clearly demonstrated by the fact that, when SIS or GCHQ submit to Ministers under the Guidance, they seek – in parallel – an authorisation under section 7 of the Intelligence Services Act 1994.

The Government will consider this conclusion in light of any proposals from the Investigatory Powers Commissioner.

HH We recognise the Agencies' need to ensure that their officers are protected where they are acting in accordance with the Guidance and consider that the solution of seeking a section 7 authorisation to cover an action is a pragmatic one.

The Government will consider this conclusion in light of any proposals from the Investigatory Powers Commissioner.

II However, we have previously recommended that there should be greater transparency around the use of section 7 authorisations and that the scope and purpose of section 7 authorisations should explicitly be addressed in the Consolidated Guidance, and we strongly urge the Government to reconsider this recommendation.

The Government will consider this recommendation in light of any proposals from the Investigatory Powers Commissioner.

JJ The Guidance is insufficiently clear as to the role of Ministers, and what – in broad terms – can and cannot be authorised. For example, the Guidance should specifically refer to the prohibition on torture enshrined in domestic and international law to make it clear that Ministers cannot lawfully authorise action which they know or believe would result in torture.

The Consolidated Guidance already refers to the legal prohibition on torture: “There is an absolute prohibition of torture enshrined in international law and a clear definition of what constitutes torture”. The Annex to the guidance explains that torture is an offence under UK law and defined as “a public official intentionally inflicting severe mental or physical pain or suffering in the performance or purported performance of his duties”. The guidance also explains the Government’s policy regarding torture: we do not participate in, solicit, encourage or condone the use of torture for any purpose. In no circumstance will UK personnel ever take action amounting to torture or CIDT.

The Guidance sets out where Ministers must be consulted. Further information on the role of Ministers is provided in the “Note of Additional Information from the Secretary of

State for Foreign and Commonwealth Affairs, the Home Secretary and the Defence Secretary”, which was published alongside the guidance in June 2010. The note states:

“There is an absolute ban on and a clear internationally accepted definition of torture. There are no circumstances where we would authorise action in the knowledge or belief that torture would take place at the hands of a third party. If such a case were to arise we would do everything we could to prevent the torture occurring.”

The Government will consider this recommendation further in light of any proposals from the Investigatory Powers Commissioner.

KK The public must be sure that all decisions are based on the same legal and policy advice and within the same parameters – and that subjectivity is kept to a minimum. This is a structural weakness in the Guidance and the recent proposed revisions to the Guidance have not addressed these issues. The Guidance must provide clarity on what information is to be provided to Ministers when asking them to make a decision.

The Government agrees that legal and policy advice to Ministers on the application of the Consolidated Guidance needs to be consistent. According to the Guidance, Ministers need to be provided with full details, including the likelihood of torture or CIDT occurring, risks of inaction and causality of UK involvement. However, this advice needs to be tailored to the particular circumstances of individual cases. The Government has robust processes in place to ensure Ministers are provided with detailed and expert advice when deciding whether to authorise action.

The Government will consider this recommendation further in light of any proposals from the Investigatory Powers Commissioner.

LL The Committee is concerned to note that, despite past events, HMG has failed to introduce any policy or process that will ensure that allies will not use UK territory for rendition purposes without prior permission. Given the clear shift in focus signalled by the present US administration, reliance on retrospective assurances and the voluntary provision of passenger information – as at present – cannot be considered satisfactory.

The Government disagrees with the Committee’s conclusion.

The Government opposes any form of deprivation of liberty that amounts to placing a detained person outside the protection of the law, including so-called extraordinary rendition. If a foreign Government approached the Government, a request involving the transfer of a person between jurisdictions would only be granted where the purpose of the transit complied fully with international law, for instance where an individual was being transported under an international arrest warrant to face trial in compliance with international law.

The Government receives annual assurances that the United States has not held or transited any detainees through the land, air or sea of the United Kingdom or its territories.

The Government has confidence in these assurances. Our position on rendition is well-known by the international community, including the United States.

The Diplomatic Flight Clearance process requires foreign Governments to request permission for military and official aircraft to overfly UK territory or use UK mainland or Overseas Territory airfields. All flight requests are assessed and, where necessary, sent to the FCO for political clearance. In the unlikely event that a rendition flight passed unexpectedly through UK airspace, and we had strong verifiable information that an individual on-board was being rendered contrary to international law principles, we could instruct the aircraft to land at a designated airport or withdraw the aircraft's permission to overfly the UK and prevent it from taking off into UK airspace. The police would attend the plane on arrival to investigate.

MM The FCO's position that the UK is absolved from complicity in permitting transit or refuelling of a possible rendition flight, because it has no knowledge of what the aircraft has done or is doing, is not acceptable.

The Government disagrees with the Committee's conclusion.

As the then Government set out in its response to the Committee's Report on Rendition in 2007, it is not possible to check every aircraft transiting UK airspace. As with other forms of criminal activity, an intelligence-led approach is and must be employed. If individuals are reasonably suspected of committing criminal offences, or if there are reasonable grounds to suspect that aircraft are being used for unlawful purposes, then action can be taken. The nature of that action would depend on the facts and circumstances of any case.

NN While there have been small improvements made since 2007, we remain unconvinced that the Government recognises the seriousness of rendition and the potential for the UK to be complicit in actions which may lead to torture, CIDT or other forms of mistreatment.

The Government disagrees with the Committee's conclusion.

The Government's policy on rendition and the processes that are in place to prevent UK involvement in unlawful rendition are set out in its response to the Committee's reports.

OO There is no clear policy on, and not even agreement as to who has responsibility for, preventing UK complicity in unlawful rendition. We find it astonishing that, given the intense focus on this issue ten years ago, the Government has still failed to take action. Through this Report, we formally request that HMG should publish its policy on rendition, including the steps that will be taken to identify and prevent any UK complicity in unlawful rendition, within three months of publication of this request.

The Government disagrees with the Committee's conclusion.

The Foreign & Commonwealth Office (FCO) is responsible for rendition policy within Government. The Government's policy on rendition was set out by former FCO Parliamentary Under Secretary of State Tobias Ellwood during an adjournment debate on

the UK's involvement in rendition in June 2016. The Government opposes any form of deprivation of liberty that amounts to placing a detained person outside the protection of the law, including so-called extraordinary rendition. Rendition outside extradition may in certain circumstances be acceptable. For example, we would support the legally compliant transfer of an individual to safety from a place where there was no apparent legal framework, or if there was another legal basis for the transfer, such as a United Nations Security Council Resolution.

The Diplomatic Flight Clearance process is set out in response to conclusion LL.

PP The Committee is reassured that reviews now take place within the Agencies but recommends that there must be a formal, documented 'lessons learned' follow-up process in place, following any major event.

The Government welcomes the Committee's conclusion.

The Agencies are committed to continually learning lessons from their international engagement and responses to major events. It is standard practice to hold formal lesson learning exercises following such events.

Following the 2017 terror attacks, MI5 and the Police completed self-reflective internal reviews that were independently assessed by Lord David Anderson QC, which he highlighted to be a comprehensive account of the handling of intelligence and of operational improvements identified.

QQ Provision of proper training is essential if officers are to be confident in their actions and feel supported. It must be given significant consideration and viewed as an integral part of any deployment, even when operational pressures are elevated.

The Government agrees that effective training is essential.

All relevant personnel receive training to ensure the Consolidated Guidance is applied effectively.

Armed Forces personnel now receive clear guidance and training on their legal obligations relating to the treatment of detainees. All Armed Forces personnel and MOD civil servants involved in operations receive training on the Law of Armed Conflict, including the treatment of detainees. All MOD interrogators and tactical questioners are trained on their legal obligations on the relevant courses.

RR Whilst SIS and MI5 have provided assurances that their record-keeping practices have improved and continue to do so, these are as yet untested. Record-keeping is an issue that the Committee has raised repeatedly over a number of years and which has played a major part in our Report, Detainee Mistreatment and Rendition: 2001–2010. The importance of proper record-keeping must be communicated to staff and action taken to ensure that processes are followed.

The Government agrees. The Agencies communicate clearly to their staff the importance of record keeping to facilitating effective operational work and ensuring that lawful and

appropriate decision making can be demonstrated to oversight bodies. As the Committee notes, there have been improvements in this area in recent years, though the Agencies recognise that there is still more to do to ensure a consistently high standard of record keeping.

SS While communication between the Agency Heads and Ministers is greatly improved, there is a question as to whether the processes in place between the lead Departments and the Agencies are as robust as the parties believe. Information appears sometimes to get ‘stuck’ in policy Departments and steps should be taken to ensure that Ministers are kept fully informed

The Government welcomes the Committee’s recognition that communication between the heads of the security and intelligence agencies and Ministers is greatly improved. The Foreign & Commonwealth Office and Home Office work very closely with the agencies to ensure that Ministers are appropriately informed and can provide effective oversight of their work.

TT The Committee notes that the Agencies are monitoring the actions of their US liaison partners in order to identify at an early stage any shift in policy on detainees. It is essential that this is taken seriously given the grave repercussions of their failure to detect the change in US working practices that occurred after 9/11.

The Agencies and Departments have long-standing and close working relationships with the US. They have regular engagement with their US counterparts on a range of issues, including detention and detainee handling. It is through these engagements that we can monitor any formal changes in US policies and practices.

UU All three of the Agencies said that they had not undertaken any ‘what if’ modelling after 9/11 or 7/7 to address the sort of change in focus required. Both MI5 and GCHQ are however now involved in scenario-planning work. The Committee is concerned not to have received evidence of any similar approach from SIS.

SIS has now begun to pilot scenario planning in a number of its mission teams.

VV All of the Agencies and Defence Intelligence have undergone substantial structural change since 9/11 with a number of reviews and changes being implemented over the last 10–12 years. Where further major incidents have taken place, the outcomes of the Agencies’ responses to those incidents have informed post-event changes. The Committee is reassured that agility – the ability to respond quickly to an unexpected event – has been a focus in many of these change programmes and hopes that the lessons learned from the failures post 9/11 mean that the Agencies will not be caught unprepared in future.

As the Prime Minister stated in the Written Ministerial Statement of 28 June 2018, the lessons from what happened in the appalling terrorist attacks of 11 September 2001 are to be found in improved operational policy and practice, better guidance and training, and an enhanced oversight and legal framework. We are proud of the work done by our intelligence and service personnel, often in the most difficult circumstances, but it is only

right that they should be held to the highest possible standards in protecting our national security.

The Government welcomes the Committee's recognition of the emphasis that the Agencies place on agility. The challenges that the Agencies face are constantly changing and their work to improve the way in which they understand, communicate and mitigate the risks that they must take on the Government's behalf is continuous. The Government is confident that the Agencies have drawn the right lessons from the years following 9/11 and that they are embedded in current practice.

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