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UK Government's Official Guidance on Torture

Thank you for contacting me about the consolidated guidance on interviewing detainees.

The current consolidated guidance, published in 2010, sets out the principles for the interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees.

There is an absolute prohibition of torture in international law and a clear definition of what constitutes torture. Let me be clear that the Government does not participate in, solicit or encourage the use of torture. Where it works with other countries to interview detainees, the essential requirements of the guidance are that detainees must be treated fairly, humanely, and with dignity and respect. Where personnel believe detainees may be subject to unacceptable standards in the custody of a foreign liaison service, Ministers must be consulted and complaints will be brought to the detaining authority, except where we believe that to do so might itself lead to unacceptable treatment of the detainee. In situations where there is a serious risk of torture at the hands of a third party, our presumption will be not to proceed.

Following the recommendations of Sir Mark Waller, the then Intelligence Services Commissioner (in his 2016 report on the Government's responsibilities in relation to partner counter-terrorism units overseas), the Government is working to identify what, if any, further changes could be made to the consolidated guidance. Please be assured that the Government has engaged with both the Intelligence Services Commissioner and Investigatory Powers Commissioner, to whom the Prime Minister has passed oversight of the guidance. In addition, the views of the Intelligence and Security Committee of Parliament have also been sought in the context of their current inquiry into detainee matters.

My colleagues and I value the input of the Intelligence and Security Committee and the Commissioners who provide independent oversight of our intelligence agencies. I assure you that the updated guidance paper will be made public and laid before Parliament once it has been finalised.

Thank you again for taking the time to contact me.

Kind regards,

Craig Whittaker MP

