

<b>Institution:</b> University of Sheffield		
<b>Unit of Assessment:</b> C-19 Politics and International Studies		
<b>Title of case study:</b> Enhancing scrutiny and compelling UK government accountability for torture and human rights abuses		
<b>Period when the underpinning research was undertaken:</b> Sept 2017–2020		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Ruth Blakeley	Professor of Politics and International Relations	Sep 2017–present
<b>Period when the claimed impact occurred:</b> 2018–2020		
<b>Is this case study continued from a case study submitted in 2014?</b> N		
<p><b>1. Summary of the impact</b> (indicative maximum 100 words)</p> <p>Successive British governments have denied and downplayed the role of UK intelligence services in torturing terror suspects as part of the US-led War on Terror, suppressing evidence and limiting accountability. Blakeley is one of very few academics who has both collaborated closely with NGOs, and has directly engaged in high profile government torture investigations and consultations as an expert witness. Leading human rights NGOs have regularly worked with Blakeley to use her ground-breaking research to enhance their advocacy work. Blakeley's research and collaboration have played a central role in exposing the extent of UK collusion and the failures of accountability. This was acknowledged by the UK Intelligence and Security Committee and the United Nations, which has called for an urgent inquiry. The UK High Court drew directly on the research to rule in favour of a judicial review of the UK government's refusal to allow an independent inquiry into UK collusion in torture.</p>		
<p><b>2. Underpinning research</b> (indicative maximum 500 words)</p> <p><b>Evaluating the limitations of UK 'Consolidated Guidance' to the intelligence services and armed forces on torture and cruel, inhuman and degrading treatment (CIDT)</b></p> <p>Blakeley's research (2017 to 2020) analysed UK government 'Consolidated Guidance' issued to the intelligence services and the armed forces when cooperating with overseas partners. She gave <a href="#">oral evidence</a> (2017) to the UK Intelligence and Security Committee (ISC) investigation into Detainee Mistreatment and Rendition, highlighting weaknesses in the Consolidated Guidance. These were: the failure to define rendition as a form of CIDT; the absence of an adequate risk assessment framework and questioning whether security services were provided with adequate training in torture prevention. Blakeley, and her collaborator Dr Sam Raphael from the University of Westminster, were the only academics to give evidence. ISC findings (June 2018) concurred with Blakeley's evidence. The ISC identified hundreds of cases where UK personnel were implicated in detainee abuse in the War on Terror, despite government denials and obfuscation. After the ISC published its report, Blakeley continued her research on the Guidance. She found it was <b>specific weaknesses in the Guidance</b> [R3] - for example allowing UK personnel to take action where there was a <i>risk</i> of torture or CIDT - that explained why the ISC was able to identify so many cases of abuse [R1; R2; R3].</p> <p><i>Research findings related to impacts:</i></p> <ul style="list-style-type: none"> <li>The Guidance is too limited in scope:</li> </ul>		

- It fails to define rendition as a form of CIDT.
- It does not apply to agencies beyond the intelligence agencies and armed forces, e.g. Counter-Terror Police and National Crime Agency.
- The Guidance fails to provide an adequate risk assessment tool for determining whether torture and CIDT are a risk, increasing the likelihood that it will occur.
- Ministers are granted discretion to approve operations where torture and CIDT are a risk, in direct violation of domestic and international law [See also S6].

### Evaluating the effectiveness of UK government investigations into torture and CIDT

In 2019 and 2020, Blakeley published systematic assessments of the UK investigations into torture to evaluate their effectiveness [R1; R2].

#### *Research findings related to impacts:*

- UK government investigations were so constrained they failed to deliver redress for victims or full accountability.
- Investigators were unable to question those directly implicated in or subject to torture/CIDT.
- Measures were established to shield perpetrators from prosecution.
- Subsequent government responses have downplayed the significance of findings, and attempted to suppress them. The UK has refused to fully outlaw torture/CIDT.

### Demonstrating the policy implications of the UK's extensive involvement in CIA-led torture programmes

Blakeley collaborated with Dr Raphael (2017-2019) to produce 'CIA Torture Unredacted' [R4] which moves significantly beyond the findings of past investigations. Blakeley contributed prisoner cases, and in-depth policy-relevant analysis of the failures of British accountability. 'CIA Torture Unredacted' provides the most comprehensive account of the workings of the CIA Rendition, Detention and Interrogation (RDI) programme [R4]. It uses a pioneering combination of sophisticated analysis techniques and detailed open-source research, uncovering crucial data which the CIA attempted to hide through censorship of US Senate investigations into CIA torture. Ben Emmerson QC, Former UN Special Rapporteur on Counter-Terrorism and Human Rights, said "*Over a number of years, the authors' meticulous research has provided an invaluable tool for the UN's efforts to uncover the scale of the international criminal conspiracy that was orchestrated by the Bush-era CIA, as well as its collaborators such as the UK*".

#### *Research findings related to impacts:*

- 1) Establishes for the first time the detailed workings of the RDI programme (dates of operation of each prison, full details of prisoner transfers, facts of specific prisoners kidnapped and tortured by the CIA) and uncovers classified or redacted information in key official documents;
- 2) Systematically evaluated the UK role, which identified failures of British accountability processes, and UK government suppression of evidence.

### 3. References to the research (indicative maximum of six references)

- R1.** Blakeley, R., & Raphael, S. (2020). Accountability, denial and the future-proofing of British torture. *International Affairs*, 96(3), 691–709. <https://doi.org/10.1093/ia/iiaa017>
- R2.** Blakeley, R., & Raphael, S. (2019). The Prohibition against Torture: Why the UK Government is Falling Short and the Risks that Remain. *The Political Quarterly*, 90(3), 408–415. <https://doi.org/10.1111/1467-923x.12688>

- R3.** Blakeley, R., & Raphael, S. (2018) Submission to The Investigatory Powers Commissioner's Office (IPCO) consultation on the 'Consolidated Guidance'. October. <https://bit.ly/3r8kU0m>
- R4.** Raphael, S., Black, C., & Blakeley, R. (July 2019). *CIA Torture Unredacted*. London: The Bureau of Investigative Journalism and The Rendition Project. This is the authoritative source for CIA rendition and torture data, and the 'go to' source for litigators, as evidenced in the foreword by Clive Stafford Smith, OBE, attorney and founder of UK legal action charity, Reprieve. <https://www.therenditionproject.org.uk/documents/RDI/190710-TRP-TBIJ-CIA-Torture-Unredacted-Full.pdf>. Over 10,000 downloads since 1-Jul-2019.

#### 4. Details of the impact (indicative maximum 750 words)

Blakeley's work with the UK's leading human rights NGOs, parliamentarians, and through collaboration with the performing arts, is helping keep the issue of UK collusion in torture on the public agenda, thwarting government efforts to evade transparency and accountability. Ultimately, despite government objections, this has resulted in a High Court ruling (December 2019) in favour of a judicial review of the UK government's refusal to allow an independent inquiry into UK collusion in torture. By challenging government determination to avoid accountability, and attempts to suppress it, the research has emboldened and enabled NGOs and political campaigners to be more effective.

#### **Strengthening campaigning and advocacy by Human Rights NGOs and influencing the UN Committee Against Torture**

Following publication of the 2018 reports of the Intelligence and Security Committee investigation into Detainee Mistreatment and Rendition, Prime Minister May announced a review of the UK's Consolidated Guidance led by the Investigatory Powers Commissioner's Office (IPCO) [S1]. IPCO launched a public consultation but few of the UK's leading human rights NGOs intended to submit. They preferred to distance themselves from what they saw as flawed UK investigatory processes. Blakeley used her research findings on the Guidance failings to draft a detailed Sheffield-Westminster response to IPCO [R3]. This document persuaded five major NGOs - including Reprieve, Amnesty International, Liberty and REDRESS - to submit their [own responses](#), which echoed Blakeley's findings.

Following the IPCO Consultation, these NGOs drafted a submission to the UN Committee Against Torture (UNCAT) [S2] for its UK periodic review. The content on UK collusion in torture against terror suspects was based on Blakeley's IPCO submission. The NGOs submitted their report to the UN in Spring 2019, which REDRESS presented to the UN. REDRESS prepared by working with Blakeley and Raphael to ensure it set out robust evidence of UK torture collusion and failed accountability. Reprieve said: "*Raphael and Blakeley's findings directly shaped a number of civil society submissions to the Investigatory Powers Commissioner's review of the Consolidated Guidance, as well as to the UNCAT's periodic review of the UK.*" [S3]

Blakeley and Raphael's research, and their ongoing support for and influence on the UK's leading human rights NGOs, is reflected in UN findings and recommendations (May 2019). This included Blakeley's specific contributions on the Guidance flaws and the UK's failed accountability for collusion in torture. The UN demanded the UK government launch an independent inquiry into UK complicity in torture [S4]. Reprieve added: "... *the collective efforts from human rights NGOs to ensure accountability for past abuses in relation to torture, secret detention and rendition, would be significantly weaker if we could not draw from Raphael and Blakeley's research in this field*" [S3].

### **IPCO adoption of Blakeley's Consolidated Guidance recommendations**

Blakeley's IPCO submission, and her participation in a closed IPCO roundtable in December 2018, shaped subsequent revisions of the Consolidated Guidance, published by the government in July 2019 [S5]. Blakeley was one of four academics invited to attend the IPCO roundtable, and was the only academic expert on torture. IPCO significantly revised the Guidance in line with Blakeley's research findings [R1-R3]. This included renaming the Guidance to *The Principles Relating to the Detention and Interviewing of Detainees Overseas and the Passing and Receipt of Intelligence Relating to Detainees* [S5]. By reframing the *Guidance to Principles*, the government is acknowledging Blakeley's and the ISC's findings that the document does not provide specific guidance or constitute an adequate risk assessment tool.

### **Contributed to legal action against the UK Government, leading to judicial review**

On 18 July 2019 the government stated it would not launch an independent inquiry into UK complicity in torture [S6]. This was met with cross-party consternation across the Houses of Parliament including from then MPs D Davis, E Thornberry, D Grieve and K Clarke, who criticised the government for: repeated failures of oversight and investigation; failing to adequately overhaul the Consolidated Guidance; and failing to prohibit ministers from approving operations where torture/CIDT are a risk. Thornberry was critical of the government for not engaging fully with the recommendations made to the IPCO consultation. Thornberry had also previously written to Prime Minister May asking for clarification over whether the Trump administration had put pressure on the UK government not to hold an inquiry. Subsequently, Reprieve, and cross-party MPs David Davis and Dan Jarvis, launched legal action in the High Court for judicial review of the refusal to hold a public inquiry, arguing that Britain is in breach of its obligations under Article 3 of the European Convention on Human Rights [S6]. On 25 Nov 2019, the High Court granted permission for the judicial review. The judge was persuaded of the merits of the case because of the failures of prior UK investigations, despite extensive evidence that British personnel were involved in torture, a key finding of Blakeley's research and of the ISC [S7].

Dan Jarvis MP consulted personally with Blakeley in a meeting on 30 January 2020 to inform preparations for the court hearing, scheduled for July 2020. Jarvis has emphasised the significance of Blakeley and Raphael's research for his legal action, and efforts to amend elements of the Overseas Operations Bill [E8]: "*Professor Blakeley and Dr Raphael's research findings have provided key evidence for my work in this field. They are two of the world's leading academics on human rights abuses. Their efforts have underpinned international advocacy and legal campaigns, as well as influencing parliament, and exposed the extent of UK complicity and failures of accountability.*" Jarvis used Blakeley and Raphael's findings to inform a suite of amendments designed to ensure torture was excluded from the Bill. He noted that the robustness and accessibility of Blakeley's and Raphael's research means politicians and human rights NGOs can use the findings to continue holding the government to account: "*Professor Blakeley and Dr Raphael's research findings are of critical importance in helping ensure that our efforts to stop torture and maintain public awareness are grounded in academic evidence. Their work is fundamental to our fight for justice*" [E8].

### **Shaping public perceptions of torture and raising awareness of government secrecy**

Beyond the impact on NGOs and politicians, Blakeley's research has also enhanced public understanding and awareness of torture and UK government suppression. The Guardian, [FT](#), Times, [Scotsman](#) and Herald all cited Blakeley's research findings, raising public awareness [e.g. see S9] and the central London launch of *CIA Torture Unredacted* (10 July 2019) attracted an audience of over 250, including members of the public alongside journalists, NGOs and politicians. A Scottish playwright drew direct inspiration from Blakeley's research to produce a



critically-acclaimed theatre production, 'Rendition', funded through Lottery and Creative Scotland grants [S10]. Blakeley collaborated closely with the playwright in the work's development [R1-R4]. Following a five-night sold-out run in Edinburgh (March 2019), which included a Q&A with Blakeley, the play was performed in Sheffield in November 2019 as part of the ESRC funded Festival of Social Sciences. Learning outcomes were high; 90% of those attendees who completed an evaluation said they had learnt something and will take action as a result [S10]. The performance has been seen by more than 300 people across the UK, providing audiences with the opportunity to directly engage with a moving and powerful visual representation of research findings on human rights abuses and failed government accountability.

#### 5. Sources to corroborate the impact (indicative maximum of 10 references)

- S1. Ministry of Defence, *MoD policy on the passing or receipt of intelligence relating to detained or captured persons*, November 2018 – obtained by Raphael through a FOI request, and indicates that MoD is acting in breach of Consolidated Guidance and UK law, supporting Blakeley's findings on the weaknesses and limitations of the Guidance. E9 provides evidence of the government's consequent decision to review the guidance (<http://bit.ly/3cQEppI>).
- S2. REDRESS et al, *The UK's Implementation of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Civil Society Alternative Report*, March 2019 (<https://bit.ly/3tGhPpY>).
- S3. Testimonial letter from Maya Foa, Joint Executive Director, Reprieve (legal action charity)
- S4. UN Committee Against Torture, *Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland*, Session 66, CAT/C/GBR/CO/6, 17 May 2019 (Paragraph 35, p.7) <https://bit.ly/2PfmQgw>. UN calls on UK to launch an Inquiry into UK's role in Rendition and Torture. Blakeley's criticisms of Consolidated Guidance including "serious risk" of torture highlighted by the UN (Paragraph 36, p7).
- S5. The Principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees. UK Cabinet Office. July 2019 (<https://bit.ly/3cQnRO5>). Blakeley was one of four academics invited to attend the IPCO roundtable, and was the only academic expert on torture. (The others were surveillance experts and did not contribute evidence relating to preventing torture and CIDT).
- S6. Owen Bowcott, 'Rendition: refusal to hold UK public inquiry to face judicial review', *The Guardian*, 2 December 2019, referencing Dan Jarvis MP and David Davis MP legal action (<http://bit.ly/3vIQiGr>).
- S7. Honorable Mr Justice Hilliard, 'The Queen on the application of (1) Reprieve (2) Rt Hon David Davis MP (3) Dan Jarvis MBE MP versus The Prime Minister. Application for permission to apply for Judicial Review. Judge's Decision', UK High Court of Justice, 25 Nov 2019.
- S8. Testimonial letter from Dan Jarvis MP
- S9. Media sources: David Bond, 'MOD's contradictory guidance on torture to be reviewed', *FT*, 20 May 2019 (<http://on.ft.com/3vJNOaO>). Martyn Mclaughlin, 'MSPs warn Sturgeon of "deep concern" over police rendition investigations', *The Scotsman*, 22 February 2020 (<http://bit.ly/3cQEIAv>).
- S10. 'Rendition - immersive new work explores vulnerability and power through visual theatre' Creative Scotland [blog](http://bit.ly/3c0YhGV) article published 28 February, 2019 (<http://bit.ly/3c0YhGV>). Audience feedback analysis, University of Sheffield Public Engagement.