

RELIABILITY AND THE UK'S GUIDELINES ON USING TORTURE

The Guardian has liberated the UK's policy on cooperating with liaison services that torture. ((h/t Rosalind) As the Guardian explains the policy basically sets up a bureaucracy to weigh whether the value of the information outweighs the imperative not to torture.

The interrogation policy – details of which are believed to be too sensitive to be publicly released at the government inquiry into the UK's role in torture and rendition – instructed senior intelligence officers to weigh the importance of the information being sought against the amount of pain they expected a prisoner to suffer. It was operated by the British government for almost a decade.

[snip]

One section states: "If the possibility exists that information will be or has been obtained through the mistreatment of detainees, the negative consequences may include any potential adverse effects on national security if the fact of the agency seeking or accepting information in those circumstances were to be publicly revealed.

"For instance, it is possible that in some circumstances such a revelation could result in further radicalisation, leading to an increase in the threat from terrorism."

The policy adds that such a disclosure "could result in damage to the reputation of the agencies", and that this could undermine their effectiveness.

It's bad enough that the Brits have taken such a calculating approach to torture—effectively saying, well, sometimes you've got to let the US or Uzbekistan torture for you.

But in their discussions—in effect, the last two paragraphs of the guidelines—about whether information gathered by torture is reliable or not suggests the strong possibility that they're better not asking if information came from torture.

The circumstances in which detainee information has been obtained will be relevant in assessing its reliability. Accordingly, the Agency should wherever possible seek as much context as possible, particularly if the intelligence is threat-related. However, the Agencies' ability to do this is often limited and, in any event, they may not press to be told the precise sourcing where to do so might damage co-operation and the future flow of intelligence from the liaison service in question.

It is established as a matter of law that information may be used as the basis for operational action, whatever the circumstances in which it has been obtained. However, where it is established that information has been obtained by torture, it is not possible to rely on that information in legal proceedings, for instance to justify the Agency's operational actions or to support the taking of steps against an individual, such as deportation or exclusion. LAs are able to advise on the possible application of this evidential bar in particular cases.

Much of this policy appears to designed to allow for the use of torture, while pretending that doing so doesn't implicate Britain in the torture.

But because of this insulating effort, the Brits seem likely to avoid asking about the conditions under which information was collected.

And yet they would treat it as potentially reliable intelligence, precisely when knowing torture elicited it might cause the government to reassess its accuracy.

It all seems designed to set up a industry of torture, in which abusive allies confirm their value in the war on terror by using torture to produce "leads," which the Brits will then treat as accurate in an effort to pretend that torture doesn't lie at the heart of this industry.