

17 May 2007

Rt Hon Douglas Alexander MP  
Secretary of State for Transport  
Department for Transport  
76 Marsham Street  
London SW1P 4DR

Dear Sir

**Extraordinary rendition – APPG draft measure**

I write on behalf of JUSTICE to express our support for the House of Commons All Party Parliamentary Group on Extraordinary Rendition ('APPG') draft measure to safeguard the rights of individuals subject to renditions.

As you know, any involvement by UK authorities with renditions – i.e. the forcible transfer of persons to countries where they face a real risk of torture, ill-treatment or other flagrant denial of basic rights – would violate its obligations under the European Convention on Human Rights and the UN Convention Against Torture. It is therefore of the utmost importance that the UK should have in place a legal framework to ensure that this country does not facilitate, unknowingly or otherwise, such transfers.

Louise Arbour, the UN High Commissioner for Human Rights, has referred to the practice of extraordinary rendition as 'a complete repudiation of the law and of the justice system' and stated that 'no State resting its very identity on the rule of law should have recourse or even be a passive accomplice to such practices' (Chatham House, 15 February 2006). In April 2006, our then-Chairman and former Law Lord, Lord Steyn described the term 'extraordinary rendition' as 'a fancy phrase for kidnapping' and cautioned that complicity of UK officials with renditions would constitute criminal conduct. In May 2006, Professor Philippe Sands QC, delivering the second JUSTICE lecture on the international rule of law, similarly described the practice of extraordinary rendition as 'an international crime' and 'a stake through the heart of the international legal order'.

The same month, the Joint Committee on Human Rights concluded that there was 'a reasonable suspicion that certain aircraft passing through the UK may have been carrying suspects to countries where they may have faced torture, or to have been returning from rendering suspects to such countries' (19<sup>th</sup> report, para 168). In July 2006, the European Parliament adopted a resolution deploring the failure of Member States to adopt 'procedures aimed at verifying whether civilian aircraft were being used for purposes incompatible with internationally established human rights standards' (see INI/2006/202).

We agree with the APPG that the current law governing the transfer of detainees via the UK is not sufficient to safeguard the rights of those detainees. In our view, the APPG measures would help to remedy the deficiencies in the current law, in particular by requiring proper scrutiny of requests from foreign governments for the transit of a detainee via the UK. In our view, it would be possible to give effect to these measures by way of an amendment to the Air Navigation Order. We therefore invite you to do so at the earliest possible convenience.

Yours faithfully,

Roger Smith  
Director of JUSTICE