



HOUSE OF COMMONS

LONDON SW1A 0AA

Rt Hon Sir Malcolm Rifkind QC MP
Chairman
Intelligence and Security Committee
35 Great Smith Street
London
SW1P 3BQ

11 May 2011

Dear Malcolm,

Re: Extraordinary Rendition

We discussed the issue of post-2003 detainee transfers the other day.

Sir Peter Gibson has written to tell me that, in his view, “*military detention operations should not be one of the key themes for the Inquiry*”.ⁱ This is a mistake.

It is essential that the Detainee Inquiry addresses all detainee transfers in theatre in Iraq and Afghanistan, including those post-2003, for at least two reasons. First, the confirmed case of UK forces’ involvement in rendition was in 2004.ⁱⁱ Secondly, and most important, only through a full examination of this issue can we obtain closure on rendition and restore public confidence.

The extent to which Sir Peter was asked by the Prime Minister to examine the issue of detainee transfers is unclear. In his letter to Sir Peter the Prime Minister asked him to examine whether “*the UK... [was] involved in improper treatment of detainees held by other countries in counter-terrorism operations overseas...*” This must include detainee transfers. In the House of Commons the Prime Minister confirmed to me that it did.ⁱⁱⁱ However, the same letter from the Prime Minister muddied the waters. He also wrote that “*military detention operations in Iraq and Afghanistan post-2003 are being addressed by separate arrangements made by the [MOD]*”.

Any reasonable reading of the Prime Minister’s letter suggests that Sir Peter and his team will need to engage fully with the MOD for the pre-2004 work. Therefore, it also makes sense to address the post-2003 work.

The case for relying on the ‘separate arrangements’ made by the MOD, to which the Prime Minister referred in his letter, is weak. Those arrangements appear inadequate.^{iv} Previous MOD investigations have failed to get to the truth.^v

