



THE CABINET OFFICE
LONDON SW1A 2AS

From the National Security Adviser

22 March 2011

Dear Mr Tyrie,

CONSOLIDATED GUIDANCE TO INTELLIGENCE OFFICERS

Thank you for your letter of 10 March 2011 to the Prime Minister regarding the “Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees”, published by the Government on 6 July 2010.

Since I last replied, on the Prime Minister’s behalf, to your earlier letter of 6 October 2010 on this issue, permission has been granted by the Court for two legal challenges to the consolidated guidance to proceed. The Government is vigorously contesting these challenges. I hope you will understand that, until the outcome of this legal process is known, it would be inappropriate for me to comment in detail on the issue you raise of unlawful detention in connection with the guidance. However, for the avoidance of doubt, we reject the suggestion that the guidance requires amendment as regards unlawful detention.

You state that the guidance does not address rendition, and that this makes the guidance “defective”. In our view, the guidance does not require amendment as regards rendition. The Government is clear that it unreservedly condemns any practice of “extraordinary rendition” to torture.

You also raise the issue of publication of the Intelligence and Security Committee (ISC) review of the draft guidance. This report was, of course, a commentary on the previous Government’s draft guidance, written by previous members of the Committee. The current Government was grateful to the

previous ISC for their detailed consideration of the earlier draft, which was taken into account in finalising the guidance. There is no plan, however, to publish the previous ISC's review, given the change of administration and subsequent development of the guidance into its final published form.

P. Ricketts

Peter Ricketts

Peter Ricketts

Mr Andrew Tyrie MP
House of Commons
London
SW1A 0AA