

Rt. Hon. William Hague MP
Secretary of State for Foreign and Commonwealth Affairs
Foreign and Commonwealth Office
King Charles Street
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27 October 2010

Re: Extraordinary Rendition

As you know, I welcomed the Prime Minister's announcement that there is to be a judge-led inquiry into alleged UK involvement in rendition and related issues. Getting to the truth on these issues is crucial to draw a line under all of this, restore public confidence and regain the UK's moral authority internationally.

To this end, I hope that you will feel able to provide more information on the issues of Diego Garcia and rendition 'circuit flights', and when necessary request information from the US administration. This would be consistent with the Prime Minister's commitment to greater transparency.

The Inquiry

I was concerned to read in your evidence to the Foreign Affairs Committee last month, in response to a question from Sir John Stanley, that "*the work of the inquiry is primarily focused on allegations of complicity in torture [rather than rendition flights through Diego Garcia], but I do not think we prohibit it from taking its work more widely, if it wishes to do so.*"

The implication that Diego Garcia, and rendition flights more generally, will not be at the heart of the inquiry appears to be at odds with the Prime Minister's response to me following his Statement to the House on 6 July 2010: "*I can confirm that the inquiry will be able to look at all those issues [all allegations of complicity in rendition, including on rendition flights, the use of Diego Garcia and the transfer of prisoners in theatre], including rendition, extraordinary rendition and the case that the hon. Gentleman mentions involving Diego Garcia.*" Indeed, it was in response to allegations of UK

involvement in the rendition and torture of Binyam Mohamed that the Prime Minister first called for a judge-led inquiry in March 2009.ⁱ Rendition must be a primary focus of the inquiry. I made this point to Sir Peter Gibson, in proposing terms of reference and a protocol on the treatment of information by the inquiry, attached.

Diego Garcia

The action taken by the UK hitherto on this has been inadequate. The previous government failed properly to investigate the two confirmed rendition flights and further allegations of Diego Garcia's involvement in renditions. The implication of responses I received from them was that important information on these flights was being withheld by the US administration.ⁱⁱ

What information does the government now have about the two rendition flights through Diego Garcia? Are the details of the flights, including dates, times, destinations and flight logs known to the UK government? Are details of the detainees, including their names, place(s) of detention and treatment known to the UK government? If so, I would be grateful if you could provide as many of these details as possible.

More information is also needed about the agreements in place between the UK and the US for the use of Diego Garcia. It is clear that the US believes the rendition flights through Diego Garcia were not in breach of any agreements with the UK.ⁱⁱⁱ This does not appear to be the UK's position.^{iv} It is important to get to the truth on this. If they were not breached, or it is not clear whether or not they were breached, then they would appear to be inadequate. If they were breached, then this would be a serious matter. I addressed these issues in detail in a note to the Foreign Affairs Select Committee, written over two years ago. Many of them remain outstanding. I have attached that note here.

Rendition 'circuit flights'

A rendition 'circuit flight' is a flight on the way to or from carrying out a rendition. In May 2008 the then Foreign Secretary sent a list of flights to the US for specific assurances that they were not involved in renditions. He failed to ask the US to confirm whether any of the flights on the list were rendition 'circuit flights'. Given that most of the flights submitted to the Foreign Secretary by the APPG and others were alleged to have been 'circuit flights' this was an important omission.

It would be straightforward for the Government to seek assurances that none of the flights on the list it submitted to the US were on the way to, or from, rendition operations at the time of their transit through UK airspace. It would also be consistent with the Foreign Affairs Select Committee's findings on this issue.^v I would be grateful if you would consider doing this.

I will be placing a copy of this letter in the public domain.

ANDREW TYRIE

Chairman, All-Party Parliamentary Group on Extraordinary Rendition

ⁱ Furthermore, given what is known about US interrogation techniques and rendition to countries known to torture their detainees, there is much overlap between allegations of UK involvement in torture and in rendition.

ⁱⁱ **Mr. Tyrie:** To ask the Secretary of State for Foreign and Commonwealth Affairs pursuant to the answer of 25 November 2008, *Official Report*, column 1201W, on Diego Garcia: rendition, for what reasons he has not passed this information to the police; whether he has examined the possibility that criminal offences may have been committed in relation to the two rendition flights through Diego Garcia; and if he will make a statement.

Bill Rammell [*holding answer 12 January 2009*]: We have considered the possibility that criminal offences may have been committed in relation to the two rendition flights through Diego Garcia. We have very limited specific information about these flights and, despite enquiry, have not been able to establish further details that would be essential for purposes of further investigation.

ⁱⁱⁱ See Andrew Tyrie MP, 'Note to the Foreign Affairs Committee on the Legal Framework Applicable to the use of Diego Garcia in the US Rendition Programme', 1 October 2008, paragraph 3, available at www.extraordinaryrendition.org and attached.

^{iv} 'Response of the Secretary of State for Foreign and Commonwealth Affairs to the Foreign Affairs Select Committee's Annual Report on Human Rights 2008': "9. *We consider that the US Government should have sought permission from the UK before undertaking rendition operations through Diego Garcia...*"

^v Foreign Affairs Committee, 'Human Rights Report 2007', Seventh Report 2007-08, "47. *We conclude that the Government has a moral and legal obligation to ensure that flights that enter UK airspace or land at UK airports are not part of the "rendition circuit", even if they do not have a detainee on board during the time they are in UK territory. We recommend that the Government should immediately raise questions about such flights with the US authorities in order to ascertain the full scale of the rendition problem, and inform the Committee of the replies it receives in its response to this Report.*" Much of this was repeated by the Foreign Affairs Committee in its Human Rights Report 2008, Seventh Report 2008-09.