

Rt. Hon. Dr Liam Fox MP
Secretary of State for Defence
Ministry of Defence
Floor 5, Main Building
Whitehall
London
SW1A 2HB

6 October 2010

Re: Freedom of Information Requests

In recent years I have made a number of requests for information on rendition and detainee handovers from the Ministry of Defence under the Freedom of Information Act (FOIA). The vast majority of the information I requested was not disclosed by your predecessors.

I am grateful to you for providing some of the information found to have been wrongly withheld by the Information Commissioner, in your letter of 30 July 2010. As you know, I have appealed to the Information Tribunal against the Information Commissioner's decisions on other issues. I hope that some of the other requested information can also be disclosed, with the aim of avoiding litigation.

With this aim, and in the light of the recently announced inquiry into these issues and the Prime Minister's commitment to greater transparency across government, I am writing to re-submit FOIA requests on these issues. The original requests were made at least two years ago. Both the government and circumstances relating to the public interest have changed since then.

I am aware that responding to these requests, either individually or in aggregate, may result in the cost limit under the Freedom of Information Act being exceeded. In this event, I would be grateful if you could deal with as many of my requests as possible within the applicable cost limit. I have tried to break the requests down to help with this.

I have also listed the requests in order of priority (numerically and alphabetically), and to the extent that the costs limit is applicable, would ask that they be dealt with in the order set out below.

The Requests

1. On 31 January 2008 the then Secretary of State for Defence wrote to me, stating that: *“Whenever we have passed an individual from UK jurisdiction into the jurisdiction of the Iraqi, Afghan or US authorities, we have had in place an understanding that they would not transfer that individual to a third country without first seeking our consent or at least informing us of their intention.”* I would like to request all information relating to any understandings, formal agreements, memorandums of understanding and/or associated correspondence, agreed after 11 September 2001:
 - (a) between the UK and US authorities concerning the in-theatre transfer of individuals from UK jurisdiction to US jurisdiction and the subsequent treatment of those individuals;
 - (b) between the UK and Afghan authorities concerning the in-theatre transfer of individuals from UK jurisdiction to Afghan jurisdiction and the subsequent treatment of those individuals;
 - (c) between the UK and Iraqi authorities concerning the in-theatre transfer of individuals from UK jurisdiction to Iraqi jurisdiction and the subsequent treatment of those individuals.
2. All information relating to the formal or informal policy (if any) in place since the invasion of Afghanistan in 2001 that UK Forces operating within a Joint US/UK Task Force in Afghanistan or Iraq would detain or capture individuals but not arrest them, specifically:
 - (a) any documentary record(s) of the policy;
 - (b) all information relating to advice (legal or otherwise) concerning the policy;
 - (c) all information relating to the purpose of the policy;
 - (d) all information relating to the application of the policy in Afghanistan and Iraq.

3. All information contained in the report "Review of Detention Practices in Iraq and Afghanistan" authored by Lieutenant General GCM Lamb CMG, DSO, OBE, Commander Field Army.
4. An anonymised list of all individuals detained or captured by UK soldiers operating with the Joint US/UK Task Force referred to by Mr Ben Griffin in his statement of 25 February 2008, together with an explanation of what you have treated as detention and capture, and an indication in each case of:
 - (a) the date of detention and/or capture;
 - (b) the date of transfer (if any) to the authority or control of another jurisdiction;
 - (c) the jurisdiction (if any) to which the detainee was transferred;
 - (d) the location of the transfer (if any);
 - (e) the known places and dates of detention;and an indication in each case whether the individual was transferred to:
 - (f) a detention facility under the authority and control of British forces;
 - (g) a detention facility under the joint authority and control of British forces;
 - (h) any other detention facility (please specify);
 - (i) more than one detention facility;
 - (j) no detention facility;
 - (k) Guantanamo Bay Detention Camp;
 - (l) Bagram Theatre Internment Facility;
 - (m) Balad Special Forces Base;

- (n) Camp Nama BIAP;
 - (o) Abu Ghraib Prison;
 - (p) any other detention facility; or
 - (q) any other third country.
5. I would like to make a request in the same terms as Requests 4 – 4(q) in relation to all other individuals that have been detained or captured jointly by British Forces and forces of another country in Iraq or Afghanistan. Please make clear in each case which force was acting jointly with UK Forces.
6. I would like to make a request in the same terms as Requests 4 – 4(q) in relation to all other individuals that have been detained or captured by British Forces in Iraq or Afghanistan.

I realise that this will be a lot of work for officials in your Department. My staff on the APPG and I are very happy to be contacted to clarify specific requests, or to discuss if it would be helpful to restrict any of the requests further.

I would ask that you contact me as soon as possible if you consider that the cost limit may be exceeded in relation to any of the above requests. I would appreciate it if any aspects of the above requests that fall outside of the costs limit could be deemed renewed after 60 days. Alternatively, if it would be of assistance, I will renew the requests in further correspondence.

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

ANDREW TYRIE

Chairman, All Party Parliamentary Group on Extraordinary Rendition