

The Detainee Inquiry

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From the Chairman of the Inquiry

1 July 2011

Andrew Tyrie MP
House of Commons
London
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Dear Mr Tyrie,

THE DETAINEE INQUIRY – PROVISION OF INFORMATION TO THE INQUIRY

Thank you for your further letter of 6 June. You suggest that the Inquiry, when looking at rendition, will need to take a more proactive approach and to ask overseas organisations for relevant information, and you say that the Prime Minister's letter of 6 July 2010 does not preclude requests for evidence from foreign officials.

I am afraid that I disagree with your interpretation of the Prime Minister's letter. As you yourself are aware from your note iii, he said: "The Inquiry can expect to take evidence from UK personnel and not the personnel of other countries." We do not intend to approach, directly or through the UK Government, foreign personnel or organisations. If we did, there would be two potential problems. First, as I have said to you before, the Inquiry is non-statutory and as such could not compel the production of evidence even if the individuals or organisations were present within the jurisdiction. Second, such an approach might fall outside what we envisage will be the terms of reference. The purpose of the Inquiry was outlined in the Prime Minister's letter. As he said, "This is an Inquiry into the actions of the UK, not any other state." A thorough examination of the UK Government's involvement in and awareness of alleged mistreatment, including rendition, of detainees held by other countries does not require us to seek information held by non-UK Government bodies or their personnel.

Of course, if relevant evidence is produced to us, whether by foreign nationals or organisations, or by anyone else, it will be taken into account.

Yours sincerely,



PETER GIBSON