

ANDREW TYRIE MP



HOUSE OF COMMONS

LONDON SW1A 0AA

The Rt Hon Jack Straw MP
Foreign Secretary
Foreign & Commonwealth Office
King Charles Street
London SW1A 2AH

17th March 2007

Dear Jack

The cases of Bisher al-Rawi and Jamil el-Banna

George Mickum's article in yesterday's *Independent* raises a number of important questions. For example:

1. did the British order the arrest of Bisher al-Rawi and Jamil el-Banna in Gambia, and/or provide any information about them to foreign governments?;
2. was the UK asked by either the Gambian or US authorities to extend consular protection to them?;
3. did we know of, or assist in, their rendition to Afghanistan? If so, when?;
4. did the UK seek and/or obtain any assurances from the US in relation to their treatment in Afghanistan or Guantanamo Bay?;

5. have the British received and/or used any information which was obtained in Gambia, Afghanistan, or Guantanamo Bay?;

6. why have the British not sought their return to the UK?

I would be very grateful if you could reply to these questions so that I can circulate your answers to the members of the All Party Parliamentary Group on Extraordinary Rendition.

Yours ever

Andrew Tyrie

PP

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From The Minister of State

Dear Andrew

Thank you for your letter of 17 March to the Foreign Secretary, about the cases of Bisher al-Rawi and Jamil el-Banna. I am replying as Minister responsible for our policy on Guantanamo Bay.

It would be inappropriate for me to comment in detail on issues which relate to Mr al-Rawi's and Mr el-Banna's situation while their case remains the subject of legal proceedings. However, in relation to allegations about the circumstances of the detention of Mr al-Rawi and Mr el-Banna in The Gambia, we can confirm that the UK did not request the detention of either of the men in The Gambia and did not play any role in their transfer to Afghanistan and Guantanamo Bay.

After becoming aware of the detentions in The Gambia, the Foreign and Commonwealth Office secured the release of the British nationals detained at the same time. The Foreign and Commonwealth Office did not seek consular access to Mr al-Rawi and Mr el-Banna. This was consistent with our policy and practice in relation to non-British nationals.

Mr al-Rawi and Mr el-Banna were subsequently transferred to Afghanistan and then Guantanamo Bay. The Foreign and Commonwealth Office was only informed of this after the transfer.

As noted above, it is the long-standing policy of the UK Government not to offer consular assistance to non-British nationals (except in cases where a specific agreement to do so exists with another State). However, we agreed exceptionally in 2005 to meet the families and representatives of those detainees whom we knew were resident in the UK, including Mr al-Rawi and Mr el-Banna, but who are not British nationals, on an humanitarian basis. My predecessor, Baroness Symons, held these meetings in March and April last year. We passed on the concerns expressed to us by the families to the US authorities.



We continue to raise concerns of a humanitarian character regarding detentions at Guantanamo with the US authorities on a regular basis. We have raised issues relating to detainees who were formerly resident in the UK, with the US on a number of occasions, as part of these regular exchanges.

On your penultimate point, as you may be aware, it is not the policy of the UK Government to comment on operational intelligence matters.

*Yours
Kim*

KIM HOWELLS

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