

ANDREW TYRIE MP



HOUSE OF COMMONS

LONDON SW1A 0AA

Andrew Dismore Esq MP
Chairman
The Joint Committee on Human Rights
House of Commons
London SW1A 0AA

27th April 2006

A handwritten signature in black ink, appearing to read "Andrew Dismore".

I am the Chairman of the All Party Parliamentary Group on Extraordinary Rendition. Our purpose is to look into allegations that the UK has been involved in the practice of Extraordinary Rendition, and to try and ensure that it is not involved in rendition in the future. Specific allegations have been made that:

- US aircraft have flown over UK airspace, and/or landed at UK airports or air bases for the purposes of conducting extraordinary renditions;
- the UK has either not kept or not disclosed records of such flights;
- the UK has shared information with the US which led to the extraordinary rendition of two British residents;
- the UK has used information that has been obtained as a result of extraordinary rendition.

On Tuesday 28th March, the All Party Parliamentary Group on Extraordinary Rendition held an information session with Wahab al-Rawi, Sabah el-Banna, and the lawyers representing Bisher al-Rawi and Jamil el-Banna: Brent Mickum and Gareth Pierce.

The following MPs and Peers were present: Andrew Tyrie; Chris Mullin; Ed Davey; Dr Evan Harris; Baroness Ludford; Michael Moore; John Penrose. I submit to the Committee an uncorrected transcript, along with copies of the documents which were considered at the event.

The purpose of the meeting was to obtain information on the alleged rendition of British residents Mr el-Banna and Mr al-Rawi. In particular, I sought to establish whether the men had been rendered, whether the UK knew about it, and whether the UK supported it. As far as I have been able to establish, a rendition did take place. I do not have sufficient information to reach a conclusion on the second and third questions.

For the information of your Committee, the APPG has a number of activities pending: in relation to allegations of UK involvement, I have written to the Council of Europe's investigator Dick Marty and am sharing information with him; I have established contact with the Temporary Committee of the European Parliament, and am also sharing information with them. I am presently attempting to form links to US Senators who can assist in furthering enquiries on specific matters in the US. The APPG will be publishing a report of its findings to date in the coming weeks.

In relation to future flights, we have been looking into possible weaknesses in the current legislative and administrative framework governing rendition flights. This work may lead to proposals for legislative change or guidance in implementation of existing law.

There are limits to what we can do. As an All Party Group, we have an informal status and no power to call witnesses or call for documents. You are in a much stronger position. Both I and the members of the APPG would be delighted if you were able to find the time in the busy Committee schedule to consider investigating some of the matters which are beyond our reach.

I am aware that your current enquiry into UK compliance with the UN Convention Against Torture has drawn to a close, and information on individual cases was not within the remit of the enquiry, but further information on the following issues would be of immense value in progressing scrutiny over the UK's possible role in the practice of extraordinary rendition:

- what safeguards are presently in place to ensure that information passed to foreign governments does not lead to the torture of the person named?;

- has the UK received any information which was obtained from Mr el-Banna or Mr al-Rawi whilst they were detained in Afghanistan?;
- what matters have UK officials discussed with Mr el-Banna and Mr al-Rawi whilst they have been detained in Guantanamo?

There are a number of additional questions which may arise. I would be very happy to meet one of your Committee Specialists to discuss the possible questions further.

As my office mentioned to your clerk, we are intending to put these letters into the public domain on our website as we do with almost all our APPG work.

I have written to the Chairmen of the Foreign Affairs Committee and the Intelligence and Security Committee in similar vein asking them to look into the following questions:

Foreign Affairs Committee

Clarifying whether Mr el-Banna and Mr al-Rawi sought or received consular assistance from the UK. If they did, in what form was it made and via which authorities – the Gambians or the US – was the request transmitted?

Clarifying the scope of the contact between British and US officials about the rendition of the two men to Afghanistan.

~~Establishing whether any information was received between the period of the men leaving the Gambia and their arrival in Guantanamo.~~

Intelligence and Security Committee

Was Bisher Al-Rawi working for MI5? If so, in what capacity?

Why were the US not informed that the battery charger had been established to be an innocent device?

If the men were not charged when in UK custody, why were they described as Islamic extremists in a telegram to the US and Gambians?

Were any UK intelligence officials present at or aware of the questioning by the US of the men, either in the Gambia, or subsequently in Afghanistan?

Does the Security Service still categorize Mr el-Banna and Mr al-Rawi as Islamist extremists?

Who was the person who met Mr Wahab al-Rawi at Gatwick Airport on his return from the Gambia and what did he ask?

Yes,

Andrew

ANDREW TYRIE



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17 May 2006

Dear Andrew,

Thank you for your letter of 27 April and enclosures bringing us up-to-date on the work of the All Party Parliamentary Group on Extraordinary Renditions. The information you have provided is naturally of great interest to us, and we think your group has performed extremely valuable work in keeping this important subject high on the political agenda.

As you know, we have been considering the subject of alleged extraordinary renditions using UK airspace or airfields as part of a wider inquiry into all aspects of UK compliance with UNCAT. In that context we have been considering two main human rights related issues: first, whether the UK Government has conducted sufficiently rigorous inquiries into alleged past renditions to discharge its positive obligations under UNCAT, and indeed the ECHR and customary international law, to prevent and investigate acts of torture; and, secondly, what measures might need to be put in place to ensure that those obligations are met in the future.

You ask us to follow up three specific points which have arisen from your work. The timing of your request is awkward in that we have concluded taking evidence in our UNCAT inquiry and are about to consider a Chairman's draft report. Our inquiry has already lasted considerably longer than we expected at the outset, and we think it is important that we introduce no more delay into the agreement and publication of this report, which deals with a number of other important matters apart from extraordinary renditions. In addition, as you mention, our inquiry is not looking at individual cases such as those of Mr el-Banna and Mr al-Rawi. This is not a matter of a choice we have made in this inquiry: our terms of reference preclude us from considering or investigating individual cases in any of our work. For these reasons we are unfortunately unable to do as you have asked.

We have taken into account the information you have supplied us, but I cannot of course give any indication of what my Committee's report is likely to say about extraordinary renditions before it is published. I will ensure a copy of the report is sent to your group on publication and we would be most grateful for any comments you have on it.

I am happy for you to publish this reply on your website if you wish to do so.

ANDREW DISMORE MP
Chair, Joint Committee on Human Rights

Andrew Tyrie MP
House of Commons