

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

8th December 2005

Dear Jack,

As you know, on Monday 5th we created the All Party Parliamentary Group on Extraordinary Rendition. You may have noticed that some of its work has already been reported by the press.

Menzies Campbell, Chris Mullin and I would be very grateful if you could spare the time to meet us to discuss this.

Yours ever,

Andrew

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YATES, CHRIS

HOUSE OF COMMONS

LONDON SW1A 0AA

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

9th December 2005

Dear Sir,

I enclose an e-mail I have received from Chris Yates, an aviation analyst for the Jane's Information Group.

I would be most grateful for your comments.

Yours sincerely,

Andrew

ANDREW TYRIE

MARSH, Ann

From: MARSH, Ann

Sent: 14 December 2005 14:30

To: 'yatesconsulting@mac.com'

Subject: Rendition flights

This is just to let you know that your e-mail was sent to Jack Straw on 9th December. Andrew will let you know as soon as he receives a reply.

With best wishes

Ann

Ann Marsh
PA to Andrew Tyrie
020 7219 6371

14/12/2005

MARSH, Ann

From: Chris Yates [yatesconsulting@mac.com]

Sent: 23 November 2005 15:41

To: TYRIE, Andrew

Subject: Re: RENDITION FLIGHTS

Andrew,

Thanks for your prompt reply.

In principle I am happy to stick my head in the lion's mouth and for you to use the information as the basis for questions to the Foreign Secretary, though I can well imagine Jack Straw's non committal reply, not to mention the potential fallout.

It might also be interesting to table a question to Adam Ingram requesting the Ministry of Defence produce logs of civil and specifically US registered Gulfstream G5 and Boeing 737 BBJ aircraft that have visited UK military airfields since 2001.

Should your proposed cross party committee wish to really dig deep on this issue, it would be quite fascinating to obtain data on landings and take-off's of these aircraft at the civil airfields in question. Furthermore, National Air Traffic Services (NATS) should also hold information on their use of UK airspace.

I would reiterate that I possess photographic evidence of these aircraft at some but by no means all of the UK airfields involved on specific dates.

Should the relevant logs not show their presence on those dates then one can draw a certain conclusion.

Should you not have checked my background as yet then please be aware of the following:

As well as being a Jane's Analyst and Editor, I also consult independently on aviation related issues including aviation terrorism, aviation security, aviation safety and other matters globally. I work extensively on the continuing 9/11 investigation from the post atrocity legal standpoint and offer strategic advice to airlines, airports and other entities at moments of crisis.

You might therefore imagine that I do not make comment idly.

Should you wish to discuss further by telephone or in person at any time please feel free to contact me.

Naturally, I would appreciate a heads up when questions might be asked in the Commons or elsewhere so that I might be prepare appropriately for any potential fallout.

Best Regards,

CHRIS YATES

On 23/11/05 12:55 pm, "TYRIE, Andrew" <tyriea@parliament.uk> wrote:

Dear Mr Yates

Many thanks for your extremely helpful e-mail. Are you happy for me to send it to the Foreign Secretary and ask him for a reply?

With best wishes

23/11/2005

Andrew Tyrie

-----Original Message-----

From: Chris Yates [mailto:yatesconsulting@mac.com]

Sent: 23 November 2005 01:18

To: GRADY, Spencer

Cc: TYRIE, Andrew

Subject: RENDITION FLIGHTS

For attention: Sir Menzies Campbell CBE QC MP
Andrew Tyrie MP

Sirs,

I am an aviation analyst and editor for the world renowned Jane's Information Group.

In this capacity I have conducted an in-depth study of the supposed CIA operated rendition flights and commented publicly on the same on television and in print for programmes such as CH4 Despatches and newspapers like the Guardian and others.

I find it inconceivable that our government appears to have no knowledge of these flights, given the weight of evidence to the contrary already in the public domain.

I began researching this air activity in the second quarter of 2004 and have found significant evidence that the aircraft involved, a Gulfstream G5 and a Boeing 737 BBJ, have operated innumerable times from UK civil and military airfields. My research has revealed that these two aircraft roam globally and, although ostensibly in the US civil registry, have special dispensation to use US military air facilities around world. In the course of my research, I have amassed certain technical information on both of the aircraft involved, with the aid of others discovered that the operators of both these aircraft are nothing more than shell companies, obtained photographic evidence of the aircraft at various UK and overseas airports, and personally debriefed all of the photographers involved. In addition, I have examined some flight logs, tracked their movement around the globe through various means including airport movement logs and databases held by such like as the European air traffic control agency Eurocontrol.

To my certain knowledge these aircraft have operated through Prestwick, Glasgow and Luton civil airport facilities and operated into Mildenhall, Northolt and Brize Norton military and combined civil/military facilities.

Given that these aircraft also stage through Shannon Airport on the West Coast of Ireland, it is my professional opinion that these flights have traversed UK airspace many more times than they have actually landed here.

In relation to military and civil/military facilities the Ministry of Defence must hold information on these flights since, by its own admission, it records all civil registered flights landing and taking off from military airfields. Given that flights are required to file flight plans with the appropriate authorities stating origin, destination, routing and other salient data, this must be retained by the Ministry and National Air Traffic Services (since civil registered flights are typical charged for overflight in UK airspace).

BAA plc (owners of Glasgow Airport), Infratil Limited (owners of Prestwick Airport) and TBI Group plc (owners of Luton Airport) must also possess information on these flights since commercial operators charge fees for landing and take-off, ground handling and, where appropriate, refuelling services.

While there appears to be no direct evidence that individuals who were allegedly spirited away on these flights ever touched UK soil, it appears inconceivable, given the movement of the aircraft at each instance they visited the UK, that at least some individuals did.

One instance springs to mind where both aircraft (then registered N379P and N313P respectively) appeared in Glasgow on the same day and within the same time window, and apparently departing within a short time of each other. A question therefore occurs as to whether this may have been a prisoner transfer conducted on UK soil?

In a separate instance N379P spent time in Luton and quite possibly for maintenance. Luton airport is the home of Gulfstream maintenance in Europe. On the day of departure of this aircraft it was monitored and logged by Eurocontrol's Height Monitoring Unit (HMU) for compliance to Reduced Vertical Separation Minima (RVSM) operations in European airspace. This would suggest that the aircraft underwent a refit of some kind of its flight management and, possibly, navigational systems here in the UK.

Should one wish to hide a Gulfstream here in Europe then Luton would be the ideal location given the preponderance of such aircraft at the airport on any given day, week or month.

Given the above, I find it somewhat difficult to believe that this government has not had at least some residual knowledge of these operations in support of the so called war on terrorism.

If I can be of assistance in your further investigation of these matters then please feel free to contact me.

Sincerely,

CHRIS YATES

Telephone: 0161 905 3976
Cellphone 1: 07813 920586
Cellphone 2: 07977 362337

MARSH, Ann

From: Louise.Kendall@fco.gov.uk
Sent: 09 December 2005 15:09
To: MARSH, Ann
Subject: Invitation to Dr Rice

Dear Ann

I'm writing just to let you know that our Embassy in Washington have received the letter addressed to Dr Rice, and will be forwarding it today. If you need to follow up, please feel free to contact Dr Rice's office directly, or via the US Embassy in London.

Regards

Louise

Louise Kendall
US Desk
North America Team
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

Tel: 020 7008 2664
Fax: 020 7008 2560
Louise.Kendall@fco.gov.uk

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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

15th December 2005

Dear Jack,

Extraordinary Rendition

Further to my letter of 8th December, I enclose a list of questions which I feel now need to be answered.

Yours,

Andrew

ANDREW TYRIE

QUESTIONS

1. Questions to the US administration

- What questions have been asked by the UK Government of the US administration? In particular has the UK Government asked:
 - the US administration to explain its purpose in rendering detainees for questioning to countries known to practise torture?
 - whether the US administration has information on any of the flights cited in the Guardian article of 12th September 2005?
 - now that the US Government has admitted that it has rendered detainees to other countries for questioning, has the Government asked whether any and, if so, how many detainees have passed through UK air space or airports?

2. Requests by the US administration

- Has the US administration sought permission for any state flights to pass over UK airspace or land in the UK, for the transfer of detainees? Has any agency of the US administration, including the CIA, asked for such permission? Has a blanket authorisation ever been granted for the passage of such flights?

3. The Chicago Convention

- For what reason does the Government believe that the Chicago Convention is an obstacle to the investigation of rendition flights? Does the Government consider that the Convention inhibits the application of domestic criminal law, as well as other international conventions incorporated into UK Law such as the UN Convention against Torture and the European Convention on Human Rights?

4. Domestic investigation of flights.

- When the Foreign Secretary said that he has checked all records, did this include the Ministry of Defence's comprehensive records of civil registered flights which land and take off from military airfields?

- Have national air traffic services data and records been checked for records of such flights?
- Have BAA (who own Glasgow Airport), Infratil (who own Prestwick airport) and the TBI Group (who own Luton airport) been asked to check their records?

5. Records of transit applications

- The Foreign Secretary has said that he can find no such records. The Home Office has told me in answer to a PQ on 13th July 2005 that "records of the transit applications are not kept once the transit has been completed". Why is this?
- Are records of transit applications stored electronically? If so, what efforts have been made to recover them, even if deleted from computer records?

6. Criteria for the refusal of the use of British facilities

- Will the Government publish detailed criteria setting out the circumstances in which it would refuse the use of British facilities, or access to British airspace with respect to a rendition?

7. Differences between US and UK law

- Has the Government at any time reminded the US administration of the higher threshold that must be passed in order to meet UK legal obligations with respect to the UN Convention against Torture?
- Has clarification been given to the US administration that the UK enforces the generally accepted definition of torture under the UN Convention against Torture and that in the UK the US's less stringent definition does not apply?
- Has an explanation been given that UK law will have been breached if there are grounds to believe that rendition may carry a real risk of torture and that the US interpretation that such a rendition would become unlawful only "if [it is] more likely than not" that the person would be tortured, is insufficient?

8. The Saad Madni case¹

- What efforts have the government made to establish whether:
 - this Gulfstream 5 did stop in the UK?
 - Mr Madni was on board?
 - the US sought permission for this flight to refuel?
 - the UK gave permission for the flight to refuel?
 - if permission was sought, Mr Madni was likely to be tortured as a result of this transfer?

9. Former British detainees

- Have any detainees, originally held by British authorities and subsequently passed into American hands, been rendered to third countries which are known to practise torture?
- If so, how many?
- If so, what steps has the Government taken to fulfil its enduring duty of care under international law to those passed from UK custody to American custody?

¹ In the case of Saad Iqbal Madni, it was alleged that: The Gulfstream V on to which Iqbal was bundled and flown to Egypt left Cairo on January 15 [2002] and headed for Scotland. After a brief stopover at Prestwick, probably to refuel, it departed again for Washington. Iqbal was held in Cairo for two years before appearing in Guantánamo, where he told other detainees who have since been released that he was tortured by having electrodes placed on his knees. It also appears that his bladder was damaged during interrogation. See Destination Cairo: human rights fears over CIA flights. Ian Cobain, Stephen Grey, Richard Norton Taylor. The Guardian, September 12 2005.

10. Future renditions

- **Given the recent widespread public concern, and allegations of illegal rendition, what steps has the Government put in place to assure itself that the UK will not, in future, be used for the purpose of rendering detainees to third countries in a manner which may be illegal?**