

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 March 2006

Dear Jack,

Understanding with the US administration on rendition

During the debate on the Civil Aviation Bill in the Lords on the 8th of March, Lord Davis, your ministerial colleague, was asked by Baroness Williams whether an understanding exists between the US administration and the UK government to enable permissions to be granted before facilities are made available for rendition. Lord Davis replied that this issue was 'fairly complex'.

I would be very grateful if you could clarify:

- whether any such understanding has ever existed;
- whether any such understanding has ever been put into public domain;
- whether any steps have been taken to renew these understandings since September, 2001 and, if so, whether they have been varied in any way;
- if a renewed understanding has been reached since 2001, whether you will release it into the public domain;
- whether the government can confirm that, in all cases, the terms of any understanding have been fully met;

- what procedures are in place now, and what procedures have been in place in the past, to give the public confidence that the terms have been fully met.

Finally, as you may also be aware, the All Party Group is seeking to establish whether flights operated by US intelligence services (whether not they may be suspected of being engaged in rendition) are civil or state flights for the purposes of the Chicago convention. Unfortunately, when this question was last asked of Ministers, it was not answered (see response to Lord Lester 20th Dec 2005: Column WA252). I would be grateful for a reply on this point.

Yours ever,

Andrew

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From The Minister of State

19 April 2006

Our reference: 26473

Andrew Tyrie Esq MP
House of Commons
LONDON
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Dear Andrew

Thank you for your letter of 15 March to the Foreign Secretary about rendition. I am replying as Minister responsible for counter-terrorism.

As you know, in recent weeks, I have been as open as possible with the House on issues surrounding "extraordinary rendition".

The Government's position on this matter is in the public domain. We are clear that the United States would not rendite a suspect through UK territory or airspace without our permission. We have worked closely with the United States, both before and after September 2001, to achieve our shared goal of fighting terrorism. As part of that close co-operation, we have made clear to the US authorities, including in recent months:

- i) that we expect them to seek permission to render detainees via UK territory and airspace (including Overseas Territories);
- ii) that we will grant permission only if we are satisfied that the rendition would accord with UK law and our international obligations, and
- iii) how we understand our obligations under the UN Convention Against Torture.

During the British Presidency of the European Union, I also took an initiative to raise the issue of renditions with US Secretary of State Rice. Dr Rice's statement of 5 December made clear that the US government has for decades rendered terrorist suspects from one country to another, and set out the basis on which it does so.

I set all of this out in my Written Ministerial Statement of 20 January. In that Statement I also referred to requests in 1998, which further indicate continuity in our contacts with the US on this matter.



On your question of the status of US flights as civil or state for the purposes of the Chicago Convention, it is not possible to give a definitive answer, as the status of the flight will depend on the functions it is carrying out at any specific time.

*Yours
Kim*

KIM HOWELLS

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