

ANDREW TYRIE MP



HOUSE OF COMMONS

LONDON SW1A 0AA

Dr Kim Howells MP
Minister of State
Foreign and Commonwealth Office
King Charles Street
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20th September 2007

Dear Kim,

I am writing to thank you for attending the Westminster Hall debate on Extraordinary Rendition on 26 June 2007, especially as you had only just returned from Washington.

The debate raised a number of issues, some of which were resolved on the day, but many that were not. There are a number of matters on which I would appreciate clarification. The publication of the Intelligence and Security Committee Report into Rendition came too late for the Westminster Hall debate, and so I also include questions relating to their findings in this letter.

Westminster Hall Debate – 26 June 2007

During the debate I asked you a number of questions, some of which due to understandable time constraints you were not able to answer on the day.

1. What is the Government's view on the claim by George Bush that intelligence gathered from renditions thwarted specific attacks on the UK, including attacks aimed at Canary Wharf and Heathrow airport?
2. Does the UK Government believe that extraordinary rendition is morally wrong, as they now believe that Guantanamo Bay is wrong?

3. What assessment has been made of its overall effectiveness as an anti-terrorist tool?
4. Do the Government agree with Sir Richard Dearlove's comments that rendition has damaged the ability of the UK and the US to recruit high-quality spies?
5. What is the UK's policy on the CIA's programme of so-called high-value prisoner transfers?
6. Does the Government believe that when a CIA chartered plane comes to the UK, it falls in the category of state aircraft for the purpose of permission, or in the category of civilian aircraft?
7. What steps has the Government taken to check allegations that UK intelligence personnel travelled in a number of planes that were being used for rendition?

The Intelligence and Security Committee Report into Rendition

The Intelligence and Security Committee Report into Rendition was published on 25 July 2007. In Conclusion Y the Report states:

What the rendition programme has shown is that in what it refers to as "the war on terror" the U.S. will take whatever action it deems necessary, within U.S. law, to protect its national security from those it considers to pose a serious threat. Although the U.S. may take note of UK protests and concerns, this does not appear materially to affect its strategy on rendition.

Thanks to this Report we now know that the US Administration ignored express requests from our intelligence services during the rendition of British residents Jamil el-Banna and Bisher al-Rawi to Guantanamo Bay. We know that UK protests and concerns do not "appear materially to affect [the US] strategy on rendition". We also know that the Intelligence Services were complicit, albeit unintentionally, in the renditions of Bisher al-Rawi and Jamil el-Banna to Guantanamo Bay. Yet Government policy is to 'expect' the US to seek permission to render detainees via UK territory and airspace.

Several Ministers have made it clear to me in private how concerned they are about this issue. Harriet Harman MP has voiced her concerns in public. She said that we needed to:

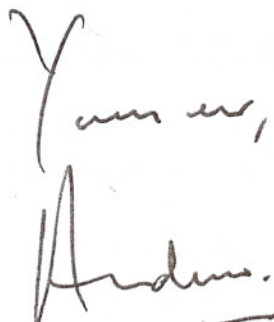
[B]e absolutely certain that we don't have a situation where we are complicit in torture because our airspace is being used or planes are landing in our country and then taking off again.

If a member of the Government cannot be certain that we are not complicit in torture then something is seriously awry.

In a written answer on 12 December 2005 Rt Hon Jack Straw MP made it clear that what little we know about UK complicity in the rendition policy has come from officials' personal recollections and that scarcely any documentation has been retained¹.

8. In the light of these facts and the findings of the Intelligence and Security Committee, have your officials considered the merits of new legislation on this issue as promised during the debate?
9. If so, what is their assessment?
10. What harm could the introduction of new legislation do, to both the accountability of the Government and public confidence that our international obligations are being respected?

I am putting this letter in the public domain.



ANDREW TYRIE

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