



HOUSE OF COMMONS

LONDON SW1A 0AA

Rt. Hon. David Miliband MP
Secretary of State for Foreign and Commonwealth Affairs
Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH

24 July 2008

Dear David,

Re: Terrorist Suspects (Renditions) Written Statement

I refer to your Terrorists Suspects (Renditions) Statement of 3 July 2008. I will write to you separately about the Foreign Affairs Committee's Human Rights Annual Report 2007.

I understand that the US informed you that "*there have been no other instances in which US intelligence flights landed in the United Kingdom, our Overseas Territories, or the Crown Dependencies, with a detainee on board since 11 September 2001*". I should be grateful if you would confirm that the term "*US intelligence flights*" covers all flights which could conceivably have been involved in renditions (including flights by both civil and state aircraft). Please would you also confirm whether the US cross-checked the list of flights with their own records, before providing the renewed assurances on this issue.

I would also be grateful if you could confirm that when you said "*there have been no other instances in which US intelligence flights landed in the United Kingdom...*", you were specifically excluding rendition flights through UK airspace with a detainee onboard that did not land at a UK airport. You have previously said that you would ask the US about such flights, in a letter to Foreign Affairs Committee Chairman Mike Gapes MP, of 18 March 2008: "*our purpose here is to identify whether rendition (i.e. of an individual) through UK territory or airspace in fact occurred*". This clearly includes the rendition of an individual through UK airspace, regardless of whether or not the flight landed at a UK airport.

The majority of the flights I set out in a letter to you, dated 29 February 2008, were included on the list that was sent to the US. I would be grateful, however, if you would clarify some specific points in relation to the compiling of that list of flights. For the sake of convenience, I refer to specific groups of flights in the order that I listed them in my letter of 29 February 2008.

- i. You included all but one of the 73 flights named by Alistair Darling in his Answer to a Question by Michael Moore MP on 17 March 2006¹. Please explain why flight N129QS, which travelled from Washington DC to Stansted, and then on to Riyadh on 23 February 2005, was omitted.
- ii. The ISC listed four flights in its Report into Rendition, as flights “*where it is alleged that a plane involved in a rendition operation has subsequently used a UK airport*”². Only two of these four flights were cited in the list as follows: 24 October 2001, N379P Jordan – Prestwick, and 24 July 2003, N379P Afghanistan – Prestwick. While I accept that the two omitted flights shared similar details with flights submitted by Reprieve³, in other cases both flights were included on the list⁴. Please confirm that these two flights were omitted from the list because they were a duplication of flights submitted by Reprieve. Please also explain what steps were taken to ensure that no flights were inadvertently omitted from the list.
- iii. Three flights set out by Angus Robertson MP in a report submitted to Council of Europe rapporteur Dick Marty⁵ were not included on the list. These were: 10 March 2002, N44982 Glasgow; 19 March 2002, N44982 Glasgow; and 15 December 2002, N470JF Prestwick. The following five similar flights were, however, listed: 10 March 2002, N379P Dubai – Prestwick; 10 March 2002, N379P Prestwick – Washington; 19 March 2002, N379P Dubai – Prestwick; 19 March 2002, Prestwick to Washington⁶; and 15 December 2002, N1016M Reykjavik – Glasgow⁷.

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http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060317/text/60317w02.htm#60317w02.html_sbhd2

² Intelligence and Security Committee Report into Rendition, 25 July 2007, Para 186,

<http://www.cabinetoffice.gov.uk/intelligence/>

³ Flight details: 20 December 2001, N379P Cairo – Prestwick; 15 January 2002 N379P, Cairo – Prestwick. Reprieve Report ‘Scottish Involvement in Extraordinary Rendition’.

⁴ See, for example, 24 July 2003, N379P Cairo – Glasgow. Two flights with these details were listed, the first provided by the European Parliament, and the second by the SNP Report ‘Alleged CIA Aircraft Flying into Scotland’.

⁵ The report is available at http://www.snp.org/press-releases/2005/snp_press_release.2006-01-18.7084056278.

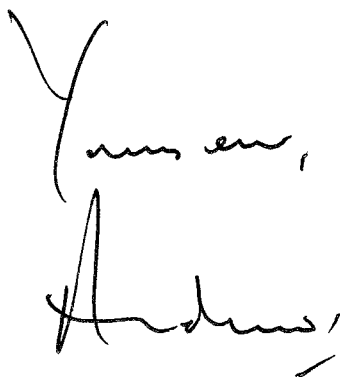
⁶ Source: Contribution of the Rapporteur: Research on the Planes used by the CIA (European Parliament).

Please explain why these three flights were not included in the list of flights sent to the US.

- iv. I requested that all flights through UK airspace of suspected 'rendition plane' N379P be included on the list. What steps has the Government taken to identify any flights made by this plane through UK territory, beyond reviewing the information submitted to you by other interested organisations or individuals?
- v. Please confirm whether flight N379P, which travelled from Athens to Diego Garcia on 13 September 2002⁸, was one of the two rendition flights through Diego Garcia.

In my opinion, the action taken and the investigations carried out by the Government have not been thorough enough to give the public confidence that no further US rendition flights have used UK airports or airspace. A number of the alleged rendition flights were omitted from, or improperly recorded on, the list of flights sent to the US for specific assurances. The renewed assurances provided by the US do not fully address the rendition of detainees through UK airspace. In addition, despite my persistent requests, the US was not asked any questions about flights through the UK on the way to or from a rendition. I am seeking legal advice on this issue and I will be in touch again in due course.

I am putting this letter in the public domain.

A handwritten signature in black ink, appearing to read 'Tyrie, Andrew', with a horizontal line underneath the name.

ANDREW TYRIE

Chairman, All-Party Parliamentary Group on Extraordinary Rendition

⁷ Source: Reprieve Report 'Scottish Involvement in Extraordinary Rendition'.

⁸ Cited in the Reprieve Report 'Enforced Disappearance, Illegal Interstate Transfer, and Other Human Rights Abuses Involving the UK Overseas Territories',

http://www.extraordinaryrendition.org/component/option,com_docman/task,cat_view/gid,30/Itemid,27/