

ANDREW TYRIE MP



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

29 February 2008

*Dear David,*

**Re: Terrorist Suspects (Renditions) Statement**

I am writing further to your statement of 21 February 2008 on Terrorist Suspects (Renditions)<sup>1</sup>. The discovery that two rendition flights used Diego Garcia in 2002 raises questions about the effectiveness of the UK Government's policy of reliance on US assurances, and the treatment of the two detainees involved.

**Record Checking by the US Administration**

The UK Government should request that a search of US files be undertaken for a large number of flights, to ensure other rendition flights have not used UK airspace or airports. The search that discovered the two flights mentioned in your statement was carried out only in relation to Diego Garcia<sup>2</sup>. The former Foreign Secretary and current Chairman of the Intelligence and Security Committee Margaret Beckett MP said on 24 February 2008 that "clearly there are flaws in their [the United States'] record-keeping<sup>3</sup>". If, as Legal Advisor to the Secretary of State John Bellinger puts it, "a new and even more exhaustive search<sup>4</sup>" is the only way to obtain accurate information sufficient to establish

<sup>1</sup> <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080221/debtext/80221-0008.htm#08022198000007>

<sup>2</sup> Daily Press Briefing, US Department of State, 21 February 2008, <http://www.state.gov/r/pa/prs/dpb/2008/feb/101214.htm>

<sup>3</sup> [http://news.bbc.co.uk/1/hi/programmes/andrew\\_marr\\_show/7261496.stm](http://news.bbc.co.uk/1/hi/programmes/andrew_marr_show/7261496.stm)

<sup>4</sup> <http://www.theaustralian.news.com.au/story/0,25197,23259491-26040,00.html>

whether or not US rendition flights have gone through UK airports or airspace, then the UK should request that a similar search be carried out with respect to all suspected US rendition flights through UK territory since 11 September 2001.

I welcome your commitment to request this of the US. This search should include flights through UK airspace of planes alleged to have been on the way to or from carrying out a rendition, and not limited to those carrying detainees at the time of their transit through UK airspace. The Foreign Affairs Committee most recently examined the issue of rendition in its Third Report of 2006-07. It stated: "it is arguable that refuelling an aircraft immediately before or after its use in a rendition amounts to facilitating rendition<sup>5</sup>".

Specific flights that need to be investigated include, but are not limited to:

- (i) the 73 flights named by Alistair Darling in an Answer to a Question by Michael Moore MP on 17 March 2006<sup>6</sup>, and any subsequent flights through UK airspace of the planes referred to in this Answer;
- (ii) the four 'ghost flights' referred to in the Intelligence and Security Committee Report into Rendition<sup>7</sup>;
- (iii) the CIA flights through Scottish airports set out by Angus Robertson MP in a report submitted to Council of Europe rapporteur Dick Marty<sup>8</sup>;
- (iv) all flights through UK airspace of suspected 'rendition plane' N379P<sup>9</sup>;
- (v) the flights cited in the Reprieve report 'Enforced Disappearance, Illegal Interstate Transfer, and Other Human Rights Abuses Involving the UK Overseas Territories'<sup>10</sup>;
- (vi) the 170 CIA flights highlighted by the Temporary Committee of the European Parliament's Final Report<sup>11</sup>.

<sup>5</sup> Foreign Affairs Committee Third Report 2006-07, para 78,  
<http://www.publications.parliament.uk/pa/cm200607/cmselect/cmfaaff/269/26907.htm#a13>

<sup>6</sup>  
[http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060317/text/60317w02.htm#60317w02.html\\_sbhd2](http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060317/text/60317w02.htm#60317w02.html_sbhd2)

<sup>7</sup> Intelligence and Security Committee Report into Rendition, 25 July 2007, Para 187,  
<http://www.cabinetoffice.gov.uk/intelligence/>

<sup>8</sup> The report is available at [http://www.snp.org/press-releases/2005/snp\\_press\\_release.2006-01-18.7084056278](http://www.snp.org/press-releases/2005/snp_press_release.2006-01-18.7084056278).

<sup>9</sup> This plane has been connected to the renditions of British residents Jamil el-Banna and Bisher al-Rawi from the Gambia; the rendition of British national Martin Mubanga; and one of the two rendition flights through Diego Garcia.

<sup>10</sup> [http://www.extraordinaryrendition.org/component/option.com\\_docman/task.cat\\_view/gid.30/Itemid.27/](http://www.extraordinaryrendition.org/component/option.com_docman/task.cat_view/gid.30/Itemid.27/)

<sup>11</sup> Temporary Committee on the alleged use of European countries by the CIA for

## **Treatment of the Two Detainees**

The UK Government should request more information relating to the fate of the two individuals rendered through Diego Garcia, and share as much of this information as possible with Parliament. US assurances that neither of the detainees were tortured or held in secret detention are insufficient. As you know, the UK and the US have different interpretations of their obligations under the Convention Against Torture<sup>12</sup>. The UK Government needs to establish the countries in which they were held and interrogated; the interrogation methods used, both by the US and any other countries to which they were rendered; and the plans of the US administration for the detainee who was flown to Guantanamo, including whether he will face a Military Commission, and if so, whether he will face the death penalty.

## **Prevention of Further Renditions Through the UK**

The mechanisms currently in place need improvement. Your Statement on 21 February 2008 confirmed the concerns that many organisations, including the Intelligence and Security Committee, have expressed about the UK government's policy of reliance on US assurances<sup>13</sup>. As you know, the Prime Minister has stated that: "it's important to put in procedures [to ensure] this will not happen again<sup>14</sup>". I was encouraged to hear last month that the Foreign Office assessment of the All-Party Parliamentary Group's draft proposals is being finalised<sup>15</sup>.

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the transportation and illegal detention of prisoners, Report on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners (2006/2200(INI)), 30 January 2007, para 78, [www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A6-2007-0020&language=EN&mode=XML](http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A6-2007-0020&language=EN&mode=XML)

<sup>12</sup> Memo from Deputy Assistant Attorney General John Yoo to the White House Counsel, 1 August 2002, [www.humanrightsfirst.org/us\\_law/etn/gonzales/memos\\_dir/memo\\_20020801\\_JD\\_%20Gonz\\_.pdf](http://www.humanrightsfirst.org/us_law/etn/gonzales/memos_dir/memo_20020801_JD_%20Gonz_.pdf); Department of Defense Memo, 11 October 2002, <http://www.defenselink.mil/news/Jun2004/d20040622doc3.pdf>


<sup>13</sup> The Intelligence and Security Committee found "a lack of regard, on the part of the U.S., for UK concerns". The Committee continued: "[a]lthough the U.S. may take note of UK protests and concerns, this does not appear materially to affect its strategy on rendition", Intelligence and Security Report into Rendition, 25 July 2007, [www.cabinetoffice.gov.uk/intelligence/](http://www.cabinetoffice.gov.uk/intelligence/), paras V & Y.

<sup>14</sup> [http://news.bbc.co.uk/1/hi/uk\\_politics/7256587.stm](http://news.bbc.co.uk/1/hi/uk_politics/7256587.stm)

<sup>15</sup> Letter to the APPG from Kim Howells, 14 February 2008, available at [www.extraordinaryrendition.org](http://www.extraordinaryrendition.org)

I am putting this letter in the public domain.

Yours w,

A handwritten signature in black ink, appearing to read "Andrew". The signature is written in a cursive style with a horizontal line underneath the name.

**ANDREW TYRIE**

**Chairman, All-Party Parliamentary Group on Extraordinary Rendition**