



Foreign &
Commonwealth
Office

London SW1A 2AH

From the Foreign Secretary

18 March 2008

Andrew Tyrie MP
House of Commons
LONDON
SW1A 2AH

Dear Andrew,

Thank you for your letters of 7 February, 29 February and 6 March regarding rendition.

In your letter of 7 February, you asked whether the Government condemns “waterboarding” as a matter of principle. I have stated publicly that I consider waterboarding to be torture. Our policy on such matters is clear: we condemn unreservedly any use of torture.

The Government never uses torture, including waterboarding, for any purpose, nor would we instigate or encourage others to do so. Our allies are fully aware of our rejection of torture. When they share intelligence, intelligence and security services rarely share details of their sources. However all intelligence received from foreign sources is carefully evaluated, particularly where it is clear it has been obtained from individuals in detention. The prime purpose for which we need intelligence on counter-terrorism targets is of course to avert threats to British citizens’ lives. Where there is reliable intelligence bearing directly on such threats, it would be irresponsible to reject it out of hand.

You also asked whether the government condones “the US policy of extraordinary rendition”. The UK Government’s position on rendition is quite clear; we do not render people in breach of our international obligations. We would not allow any rendition through UK territory that would put us in breach of our international human rights obligations, including the ECHR, the UN Convention Against Torture or other international human rights instruments to which we are a party. We have made this position clear internationally.

Your letter of 29 February followed my statement to the House of Commons on the new information we had received from the US regarding rendition operations through Diego Garcia. As I informed the House, I have asked my officials to clarify with the US as a matter of urgency the circumstances surrounding these events. The US have said that neither man was held as part of the CIA's high value terrorist interrogation programme. This means that the US have told us that they would not have been held in US secret detention facilities or have been subjected to so-called enhanced interrogation techniques, such as waterboarding, by the US.



You asked about the progress of your Group's proposals on legislation. My officials continue to work through all the details and implications of the two cases. I know you will understand the importance of developing a clear picture of this information before we do take a final decision. So we will look again at the proposals once we have submitted the list of flights of concern to the US authorities and write to you when a decision has been taken.

In response to your letter of 6 March, concerning the allegations made in the press by Manfred Nowak, I can tell you that my colleague, Lord Malloch-Brown, spoke to Mr Nowak in the margins of the UN Human Rights Council on 5 March. He asked Mr Nowak to provide the Government with any further information on his allegations so that it could be followed up with the US authorities. Lord Malloch-Brown made it clear that the Government wants to do all it can to investigate any such evidence. We await further correspondence from Mr Nowak and stand ready to look at any evidence that he provides.

You ask whether we now need legal and/or procedural safeguards to be introduced to ensure that the UK adheres to its international obligations. The UK is fully aware of its obligations under international law. There is no question that where there are reasonable grounds to believe that an act of torture has been committed on UK territory we would ensure that a prompt and impartial investigation is held in accordance with the UN Convention Against Torture.

I have expressed disappointment and concern that the information on rendition operations through Diego Garcia has only just come to light. We do however believe that the US gave their assurances to us in good faith. We accepted those assurances, and indeed referred to them publicly, also in good faith. When I was made aware of the new information from the US on these two cases of rendition I sought to inform the House of Commons as soon as possible.

My officials and I recognise your interest in these issues and have welcomed the informal discussions that they have had with you over the last couple of years.

I will of course keep you updated.

A handwritten signature in black ink, which appears to read 'David Miliband'.

DAVID MILIBAND