



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

19 May 2008

Dear David,

Re: Extraordinary Rendition

Further to your letter of 18 March 2008, and my reply of 22 April 2008, I am writing about the categorisation of the two detainees rendered through Diego Garcia by the US administration.

In your letter, you wrote: "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". Following your Terrorist Suspects (Renditions) Statement on 21 February 2008 you said: "we have been told that the two individuals involved were not taken to a secret detention facility or subject to water-boarding or other similar forms of interrogation¹".

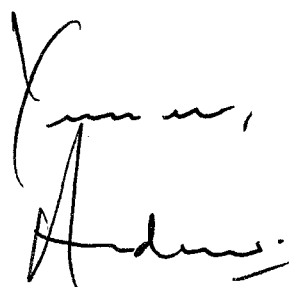
I would be grateful for clarification on this point. Has the US stated that neither man was held as part of the CIA's 'high value' terrorist interrogation programme; that neither man was held in US secret detention facilities of any kind; and that neither man was subjected to 'enhanced' interrogation techniques? Or has the US simply stated that neither man was held as part of the CIA's 'high value' terrorist interrogation programme, which the UK Government has assumed can be taken to mean that neither man was subjected to 'enhanced' interrogation techniques or held in US secret detention facilities? What interrogation techniques fall within the category of "other similar forms of interrogation"?

¹ Terrorist Suspects (Renditions) Statement, 21 February 2008.

Secret detention and the use of interrogation techniques in breach of UK law are not restricted to the 'high value' detainee programme. Many serious allegations of torture, or of cruel, inhuman, or degrading treatment have been made by 'low value' detainees rendered by the US administration. Such allegations have been made by, among many others, the British residents Bisher al-Rawi, Jamil el-Banna and Binyam Mohamed. In the case of Maher Arar, who was rendered to Syria by the US, the independent Commission of Inquiry set up by the Canadian Government to look into his rendition established that he had been tortured while in Syria. He was not a 'high value' detainee.

I am also concerned that in the course of his oral evidence to the Foreign Affairs Committee, Foreign Office Minister Lord Malloch-Brown appeared to say that he was not aware of any current US interrogation techniques other than 'waterboarding' which would constitute torture under UK law. This is deeply worrying. As you know, President Bush recently vetoed a bill that would have outlawed the use of not only 'waterboarding', but all 'enhanced' interrogation techniques. He justified his action by saying that the bill "would take away one of the most valuable tools on the war on terror"². The US continues to operate its extraordinary rendition programme. For example, last month alleged al-Qaeda member Muhammad Rahim was transferred from secret CIA detention to Guantanamo Bay³. The Intelligence and Security Committee has stated that secret detention in itself constitutes cruel and inhuman treatment⁴, in breach of UK legal obligations.

I am putting this letter in the public domain.



ANDREW TYRIE

Chairman, All-Party Parliamentary Group on Extraordinary Rendition

² Dan Eggen, 'Bush Announces Veto of Waterboarding Ban', Washington Post, 8 March 2008.

³ Mark Mazzetti, 'CIA Secretly Held Qaeda Suspect, Officials Say', New York Times, 15 March 2008.

⁴ "A transfer to a secret facility constitutes cruel and inhuman treatment because there is no access to legal or other representation and, on that basis, we would describe this as an "Extraordinary Rendition"', Intelligence and Security Committee Report into Rendition, para 8.