

25 February 2009

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Foreign &
Commonwealth
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From the Secretary of State

Thank you for your letters of 24 July 2008 and 21 January 2009 on rendition. I apologise for the long delay in responding to you substantively further to Jim Murphy's letter of 20 August. As discussed with your office we have sought to respond as fully as possible to your questions.

US Assurances

As you know, following the new information provided by the US in February 2008 concerning two incidents of rendition through Diego Garcia in 2002, we followed up with the US to work through the details and implications of this information. This included compiling the list of flights where we had been alerted to concerns regarding rendition through the UK and our Overseas Territories. The US have confirmed that with the exception of the two cases of rendition through Diego Garcia in 2002 there have been no other instances in which US intelligence flights landed in the United Kingdom or our Overseas Territories with a detainee on board, since 11 September 2001. While we are unaware of the precise status (i.e. civil or state) given to individual intelligence flights, we consider the US assurance to cover all flights that could have been involved in the CIA rendition programme. The verification process used by the US after we sent them the list of flights was established by the US and led to the assurances that I provided in my Written Ministerial Statement of 3 July 2008.

You asked about flights through UK airspace with a detainee on board, but which did not land at a UK airport. You will remember that we have previously received assurances from the US on this issue. The list we passed to the US contained the flights where we had been alerted to concern about their possible use for rendition. All of those flights which had been brought to our attention had landed on UK territory. There were therefore no flights on the list which transited our airspace without landing. We have no new information to suggest that any rendition flights have transited our airspace. I explain further below the way in which the list itself was compiled.

You also asked whether I can confirm whether the US cross-checked the list of flights with their own records. The verification process is clearly a matter for the US authorities. However, the assurance they have provided is set out in my Written Ministerial Statement of 3 July 2008.



The Flight List

In your letter you also asked for clarification on several issues concerning the list of flights.


The list was a compilation of the many concerns regarding rendition through the UK or our Overseas Territories that had been put to the Foreign and Commonwealth Office, the Home Office, the Department for Transport, the Ministry of Defence and the Cabinet Office by MPs, members of the public, multilateral organisations and non-governmental organisations. For the purposes of practicality, we exercised a limited and necessary degree of scrutiny in combining those concerns into a consolidated list, given that the formats of the information we had been given varied considerably and to ensure that we were passing the information to the US in the clearest manner. The list therefore contains flights where sufficient data was provided for those flights to be verified. We set a minimum standard of date, flight number and destination for a flight to be included on the list. General allegations related to a particular aircraft tail number, for example, were not included without specific flight data.

The SNP report, *Alleged CIA Aircraft Flying into Scotland*, constituted the base level of detail which qualified for inclusion on the list. But, where data was available from other sources on the same flights, we included the more expansive data in order to give the fullest possible picture. So, where two or more reports contained data on the same flight, we included the most detailed data and did not include the rest to avoid duplication. In the case of the SNP data, we used the more expansive report of the Council of Europe's Special Rapporteur on Torture where relevant.

The same level of scrutiny was applied to the material from the ISC report, which is why it may appear that we only included two of the four flights listed. In fact, since two of the ISC records matched flights also listed by Reprieve, who had included more expansive detail in their submission to us, we used the Reprieve data rather than that of the ISC. The two other flights in the ISC report which could not be matched to more expansive data from other sources were therefore included on the list.

The report by the Council of Europe's Special Rapporteur, Dick Marty, grouped flight records by aircraft which had a number of serial numbers over several years. His report included a brief serial number history of various aircraft. We therefore used this information as an additional level of quality control to ensure that the serial numbers of all the flights on the list were as accurate as possible.

I hope that this makes clear why we took the decisions we did in compiling the list, and assures you that the exercise was undertaken carefully in line with the my undertaking to Parliament. FCO officials have reviewed the list again in the light of the six specific flights you asked about. They have verified that all bar one of them was included elsewhere on the list as a result of the procedures outlined above. Regrettably, however, one flight was omitted in error – the flight that you highlight from the list named by Alastair Darling in response to a question from Michael

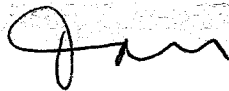


Moore MP on 17 March 2006. We sincerely regret this oversight given the extensive official work on this issue. Since discovering the flight we have been back in touch with the US authorities. They have subsequently confirmed that the flight does not alter the assurance outlined in my Statement of July 2008.

You also asked whether flight N379P from Athens to Diego Garcia on 13 September 2002 was one of the two rendition flights through Diego Garcia. We have no information to suggest that this is the case.

I hope you find this useful and apologise once again for the delay in replying to you.

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DAVID MILIBAND