

10 March 2009



Foreign &
Commonwealth
Office

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From the Secretary of State

The Rt Hon Andrew Tyrie MP
Chairman
All-Party Parliamentary Group on Extraordinary Rendition
House of Commons
London
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A handwritten signature in black ink, appearing to read 'A Tyrie'.

Mr. Binyam Mohamed

Thank you for your letter of 18 February about the case of Mr. Binyam Mohamed.

There is nothing in our dialogue with the US on Mr. Mohamed's case to substantiate your claim of a cover up. In fact, the reverse is true. Over the last year we have sought, firstly, to secure Mr. Mohamed's release and return to the UK. We have done so successfully. Secondly, we have worked to ensure that US information that we held be passed by the US to Mr. Mohamed's legal counsel.

We made clear to the US in May last year our view that this material was potentially exculpatory and ought to be disclosed to Mr. Mohamed's legal team. It was the result of our strenuous efforts that this material was indeed provided to them in October. As I have said in the House, we do not object to publication of the material. But it is for the US to decide whether to publish their material.

You raised the specific allegation that "the Foreign Office solicited a letter from the US Administration" implying that FCO did this in an underhand way. This is not true. The US position was always consistent and clear in respect of the damage of disclosure. In the context of discussions with the US, where my officials made clear the importance of disclosure to Mr Mohamed's legal team, my officials also explained that the proper course of action would be for the US to make an authoritative statement of their position.

The State Department's Legal Adviser, John Bellinger, wrote to the FCO's Legal Adviser, Daniel Bethlehem, on 21 August. We provided this letter immediately to the Court, Special Advocates, and subsequently to Binyam Mohamed's solicitors, Leigh Day & Co. Extensive quotations from the letter are included in the 29 August open judgment of the Court. I am enclosing the letter from Mr. Bellinger, which I have also placed in the Library of the House, following a request from Rt. Hon. William Hague MP.

I have asked my officials to take forward your specific request under the Freedom of Information Act. I know that we have replied to you recently on a number of other such requests and will be in contact as soon as possible with the information you are entitled to under the Act.

U.S.
Jan

DAVID MILIBAND