



Foreign &
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From the Secretary of State

16 March 2009

Andrew Tyrie MP
House of Commons
London
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Dear Andrew,

Thank you for your letter of 30 January on the subject of rendition in East Africa.

At the time of the BBC report, we made clear that when we work with foreign governments to counter international terrorism it is our policy:

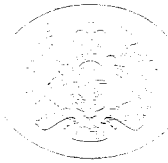
- a) to ensure such cooperation complies with UK law;
- b) to ensure we respect our commitments under international law;
- c) to expect other countries to do the same.

On the subject of detention outside legal protections, the position of the Government is clear. We oppose any form of deprivation of liberty that amounts to placing a detained person outside a legal framework. We are fully committed to upholding the rule of law, and our policy remains that individuals suspected of involvement in terrorism should whenever possible be brought to justice.

Finally, you address the implications of the 'facilitation' of interrogation of a person held incommunicado and without access to a lawyer. As you are aware, with specific regard to the case of Mr Mohamed, the Home Secretary referred the question of possible criminal wrongdoing to the Attorney General following the Court's judgment of 22 October 2008. This is, as the Court acknowledged, the proper legal process.

More generally, where we have grounds for concern in the course of a detention operation involving a liaison partner that it might lead to torture or mistreatment, we seek assurances from the liaison partners concerned that torture or mistreatment will not occur.

Guidance is given to UK intelligence personnel prior to their deployment in respect of the treatment of detainees and reporting procedures in the event of concerns. This guidance is based on clear principles:



First, that torture is both abhorrent and illegal, and that the UK should never participate, never encourage and never condone the use of torture;

Second, that the UK has obligations under both international and domestic law, including under the Convention Against Torture, and that we should act consistent with those obligations;

Third, that the UK makes it clear to our partners that we stand by the above principles.

If there were any question of anyone acting in an official capacity being engaged in any unlawful action then this would be a matter for the police. If individuals believe that their human rights have been infringed as a result of actions carried out by or on behalf of the intelligence agencies then they should take their case to the Investigatory Powers Tribunal. Where individuals are subject to court proceedings, they can raise such allegations there, and it would be for the judge to investigate.

ds,

David

DAVID MILIBAND