



Foreign &
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Andrew Tyrie MP
House of Commons
London
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Ken Andrew

Thank you for your letter of 9 February regarding rendition and 'circuit flights'.

You asked for more information about the agreements in place between the UK and the US for the use of Diego Garcia. The use of the British Indian Ocean Territory (including Diego Garcia) is regulated by a series of bilateral agreements (Exchanges of Notes) between the UK and US. As you noted, we consider that the US Government should have sought permission from the UK before undertaking rendition operations through Diego Garcia. The US Government has since underlined their firm understanding that there will be no rendition through the UK, UK airspace or Overseas Territories without express British Government permission. The US have also stated that, should there be any doubt as to whether an operation falls inside or outside the Exchange of Notes that govern the use of Diego Garcia, then the US Government would consult the UK Government.

You also asked for further information regarding the two rendition flights in 2002. As you are aware, in February 2008 the US informed the UK of two rendition flights through Diego Garcia. As you noted, the then Foreign Secretary passed a list of possible rendition flights to the US who confirmed in June 2008 that no flights, other than the two previously referred to, had been through the UK, UK airspace or Overseas Territories since 11 September 2001. We are unable to add anything further to information previously released.

In regards to rendition 'circuit flights', you requested that the UK seek further assurances from the US Government. I understand the Lord Chancellor has written to you recently in response to your proposals for a full package of measures designed to prevent and prosecute acts of 'extraordinary rendition', including 'circuit flights', and has suggested that we postpone detailed discussion of these issues until the Detainee Inquiry has carried out its work. As you will appreciate, the Government needs to remain at a clear distance from the Detainee Inquiry to ensure that the Inquiry's conclusions are not pre-empted or prejudiced.



As I am sure you are aware, the previous government did not consider that a flight transiting our territory or airspace on its way to or from a possible rendition operation, but without a detainee on board, constituted rendition. I will instruct my officials to review our position on 'circuit flights' once the Detainee Inquiry has provided its recommendations to determine whether this position is still appropriate. I hope you will understand that for the time being, I am unable to provide you with a more substantive response on this issue.

Yours ever

A handwritten signature in dark ink, appearing to read 'A. Burt'.

ALISTAIR BURT