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By Facsimile and US Mail

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505
Fax: (703) 613-3007

RE: FREEDOM OF INFORMATION ACT REQUEST FOR RECORDS CONCERNING THE INVOLVEMENT AND PARTICIPATION OF THE UNITED KINGDOM AND OTHER GOVERNMENTS IN THE RENDITION AND SECRET DETENTION OF SUSPECTED TERRORISTS BY THE UNITED STATES

Dear Coordinator:

This letter constitutes a request ("Request") under the Freedom of Information Act, 5 U.S.C. § 552 et seq. (the "FOIA"), and corresponding regulations. This Request is submitted on behalf of the All Party Parliamentary Group on Extraordinary Rendition (the "APPG"), Andrew Tyrie MP ("Tyrie"), and Joe Cyr ("Cyr"). (The APPG, Mr. Tyrie, and Mr. Cyr are collectively referred to herein as the "Requesters.")

The Requesters

The **APPG** is an informal, cross-party group of over 60 Members of Parliament and Peers from the Parliament of the United Kingdom who have joined together to collect, examine, and publicly disseminate information about the topic of "extraordinary rendition," the involvement and/or cooperation of the United Kingdom (the "UK") in "extraordinary rendition," and related issues. "Extraordinary rendition" (or simply "rendition") is the practice of detaining and transferring suspected terrorists and their associates from one state or jurisdiction to another in circumstances where there are substantial grounds for believing there to be a real risk that they may be subjected to torture or

cruel, inhuman and degrading treatment.¹ It has been alleged that such transfers have taken place to detention centers at Guantánamo Bay and in Afghanistan, to CIA secret detention centers, and to countries including Morocco, Egypt, Syria, and Jordan.²

A paramount interest of the APPG is determining the circumstances and extent of the UK's participation in rendition and secret detention. In particular, the APPG seeks to determine whether the UK has assisted in the alleged renditions of British nationals or residents, and whether UK territory has been used to facilitate renditions or secret detentions in any way, including by allowing the over-flight or refueling of planes through or on UK territory or airspace when such planes are engaged in rendition operations or on the way to or from rendition operations, or by allowing UK territory to be used to hold detainees. It also seeks to determine whether UK forces handed suspected terrorists over to the United States (the "US"), Afghanistan, Iraq, or other countries in the absence of proper legal safeguards and assurances against rendition, torture, or other mistreatment. The APPG has commissioned and published legal opinions on many aspects of the practices of rendition and secret detention. It also publishes almost all of the information that it obtains.

The APPG does not receive any money from any government. It has no official status within Parliament. To carry out its activities, the APPG relies upon contributions from trusts, foundations, nongovernmental organizations, and private individuals.

Andrew Tyrie is a Member of the Parliament of the United Kingdom and the Chairman of the APPG. Mr. Tyrie is a UK citizen.

Joe Cyr is a partner in the international law firm Lovells LLP. He heads Lovells LLP's litigation and arbitration practice in the US. Lovells LLP and Mr. Cyr have assisted the APPG and Mr. Tyrie on a *pro bono* basis in the drafting and filing of this Request. A US citizen, Mr. Cyr resides and works in the State of New York.

The Requesters are submitting this Request simultaneously to the Department of Defense (and all of its components, including but not limited to: the Departments of the Army, Navy, Air Force, and Marine Corps, the Defense Intelligence Agency, the National Security Agency, and various Combatant Commands), the Department of Justice (and all of its components, including but not limited to the Federal Bureau of Investigation, Office of Information and Privacy, Criminal Division, Office of Inspector General, and the Office of Intelligence Policy and Review), the Department of State, the Central Intelligence Agency, and the Department of Homeland Security (and all of its components, including but not limited to United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services, United States Customs and Border Protection, United States Coast Guard, Office of Intelligence and Analysis, Directorate for Policy, and Privacy Office).

¹ See Center for Human Rights and Global Justice, Briefing Paper, *Torture by Proxy: International Law Applicable to "Extraordinary Renditions,"* at 6 (Dec. 2005) (available at: <http://chrgj.org/projects/detainees.html#torturebyproxy05>).

² *Id.*

The Requesters seek to inspect and copy records in the possession of the Central Intelligence Agency, including all of its components and any officers, divisions, or bureaus thereof, concerning the topics listed below.

Background on US Rendition, Secret Detention, and Coercive Interrogation Programs

Since September 2001, the US Government has engaged in the rendition and secret detention of individuals in connection with its efforts to prevent terrorist attacks against the US and US interests. The secret detention program was reportedly authorized by President George W. Bush in a Presidential Directive or Finding signed on or about September 17, 2001.³ The US Government officially has acknowledged the existence of the rendition and secret detention programs. For example, on December 5, 2005, Secretary of State Condoleezza Rice stated that the US uses "rendition" to transport terrorist suspects to foreign countries to be interrogated, detained or brought "to justice."⁴ On September 6, 2006, President George W. Bush acknowledged that "a small number of suspected terrorist leaders and operatives captured during the war have been held and questioned outside the United States, in a separate program" and revealed that this program had been reviewed and approved by the US Central Intelligence Agency and Department of Justice.⁵ General Michael V. Hayden, the current Director of the Central Intelligence Agency, openly discussed the US "rendition, detention and interrogation programs" during a public speech and question-and-answer session at the Council on Foreign Relations in New York on September 7, 2007.⁶ He confirmed that the rendition program included both the rendition of individuals to detention and interrogation by the Central Intelligence Agency and rendition to detention and interrogation by other governments.⁷

These renditions and secret detentions have involved the worldwide apprehension, transfer, and detention, by the US and its allies, of individuals suspected of being terrorists or having ties to terrorists. Following their apprehension, some of these individuals have reportedly, among other things, been immobilized, hooded, drugged, and then transferred to foreign destinations that have been criticized for mistreating prisoners (such as Morocco, Syria, Jordan, and Egypt) or US facilities (including secret facilities sometimes referred to as "black sites") for detention and interrogation. The transfer and detention of these individuals have also reportedly involved the use of severe interrogation techniques including waterboarding, sleep deprivation, prolonged solitary confinement, stress positions, and sensory manipulation. Foreign states have reportedly subjected rendered

³ See, e.g., Dana Priest, *CIA Holds Terror Suspects in Secret Prisons*, Wash. Post, Nov. 2, 2005, at A01.

⁴ Secretary of State Condoleezza Rice, *Remarks upon Her Departure for Europe*, Dec. 5, 2005 (available at: <http://www.state.gov/secretary/rm/2005/57602.htm>).

⁵ White House Office of the Press Secretary, *News Release: President Discusses Creation of Military Commissions to Try Suspected Terrorists*, Sept. 6, 2006 (available at: <http://www.whitehouse.gov/news/releases/2006/09/20060906-3.html>).

⁶ *A Conversation with Michael Hayden*, Council on Foreign Relations, Sept. 7, 2007 (available at http://www.cfr.org/publication/14162/conversation_with_michael_hayden_rush_transcript_federal_news_service.html).

⁷ See *id.* See also Transcript of Director Hayden's Interview with Charlie Rose, Oct. 24, 2007 (available at <https://www.cia.gov/news-information/press-releases-statements/press-release-archive-2007/interview-with-charlie-rose.html>).

detainees to torture, beatings, and other abuse, even in cases in which the US reportedly sought special assurances from foreign states that they would not mistreat detainees. Nongovernmental organizations, legal scholars, and media organizations have extensively reported on and examined these practices and developments.⁸

Suspected UK Participation in the US Rendition, Secret Detention, and Coercive Interrogation Programs

For several years, the media, elements of the UK Government, and the APPG, among others, have been investigating whether UK officials or agents have had any knowledge of, or involvement in, the US rendition and secret detention programs.⁹ In February 2008, the UK's Foreign Secretary, David Miliband, announced that he had received information from the US Government contravening earlier US assurances that the UK territory of Diego Garcia had not been, and would not be, used for renditions. Contrary to these assurances, "US investigations had revealed two occasions, both in 2002, when this had in fact occurred."¹⁰ In a subsequent written statement, the Foreign Secretary announced:

Our US allies are agreed on the need to seek our permission for any future renditions through UK territory. Secretary Rice has underlined to me the firm US understanding that there will be no rendition through the UK, our Overseas Territories and Crown Dependencies or airspace without first receiving our express permission. We have made clear that we would only grant such permission if we were

⁸ See, e.g., Frontline/World, *Extraordinary Rendition*, <http://www.pbs.org/frontlineworld/stories/rendition701/> (last visited Aug. 5, 2008); Adam Zagorin, *Source: US Used UK Isle for Interrogations*, Time, July 31, 2008 (available at: <http://www.time.com/time/world/article/0,8599,1828469,00.html>); Kevin Sullivan, *U.S. Fueled 'Rendition' Flights on British Soil*, Wash. Post, Feb. 22, 2008, at A16; Council of Europe, Committee on Legal Affairs and Human Rights, *Secret Detentions and Illegal Transfers of Detainees Involving Council of Europe Member States: Second Report* (June 7, 2007) (available at: http://assembly.coe.int/CommitteeDocs/2007/EMarty_20070608_NoEmbargo.pdf); Craig Whitlock, *Testimony Helps Detail CIA's Post-9/11 Reach*, Wash. Post, Dec. 16, 2006, at A01; Dana Priest, *Rethinking Embattled Tactics in Terror War*, Wash. Post, Jul. 11, 2006, at A01; Council of Europe, Committee on Legal Affairs and Human Rights, *Alleged Secret Detentions and Unlawful Inter-State Transfers of Detainees Involving Council of Europe Member States*, Eur. Parl. Doc. 10957 (June 12, 2006) (available at: <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc06/EDOC10957.htm>); Amnesty International, *United States of America: Below the radar: Secret flights to torture and 'disappearance'*, Apr. 5, 2006; Dana Priest, *Wrongful Imprisonment: Anatomy of a CIA Mistake: German Citizen Released after Months in Rendition*, Wash. Post, Dec. 4, 2005, at A01; Center for Human Rights and Global Justice, Briefing Paper, *Torture by Proxy: International Law Applicable to "Extraordinary Renditions"*, at 6 (Dec. 2005) (available at: <http://chrgj.org/projects/detainees.html#torturebyproxy05>).

⁹ See, e.g., Amnesty International, *State of Denial: Europe's Role in Rendition and Secret Detention*, June 2008 (available at: <http://www.amnesty.org/en/library/info/EUR01/003/2008/en>); Intelligence and Security Committee Report into Rendition, July 2007 (available at: http://www.cabinetoffice.gov.uk/intelligence/special_reports.aspx).

¹⁰ Foreign Secretary's Written Ministerial Statement on Terrorist Suspects (Rendition), July 3, 2008 (available at: <http://www.fco.gov.uk/en/newsroom/latest-news/?view=News&id=3948819#>).

satisfied that the rendition would accord with UK law and our international obligations.¹¹

Also, in February 2008, Ben Griffin, a former member of a UK Special Forces unit who had served in Iraq, issued a statement alleging that UK Special Forces had turned over detainees to face mistreatment at the hands of the United States and sought to avoid their legal responsibilities to the detainees through a practice of detention without arrest. Among other things, he reported he had “no doubt” that non-combatants personally detained by him had been “handed over to the Americans and subsequently tortured.”¹²

In September 2008, the APPG published a legal opinion prepared by barristers at Blackstone Chambers in London concluding that the UK Government would violate its obligations under both the European Convention on Human Rights and the UK Human Rights Act of 1998 by transferring an individual in UK detention in Iraq to the custody of the US in circumstances where there would be substantial grounds for believing there to be a real risk that the detainee would be subjected to torture or inhuman and degrading treatment.¹³

Since its inception in December 2005, the APPG has worked to clarify and publicize the legal obligations owed by the UK in relation to rendition and to detainees captured by UK forces in Iraq, Afghanistan, and elsewhere. The APPG also has sought to obtain information to verify and monitor the UK’s compliance with its legal obligations, especially under the Convention Against Torture, the European Convention on Human Rights, and the UK Human Rights Act of 1998. The Requestors make this Request in furtherance of these goals.

Definitions

For purposes of this Request, the following terms shall be understood as described below:

The term “**records**” includes documents, reports, statements, examinations, memoranda, notes, presentations, opinions, summaries, correspondence, communications (including electronic mail and text messages), designs, maps, photographs, video and audio tapes, microfilm, computer tapes or disks, electronic or computerized data compilations, rules, regulations, codes, handbooks, manuals, and guidelines, no matter whether such records are in hard copy or digital format.

The term “**person**” is defined as any natural person or any business, legal, or governmental entity or association.

¹¹ *Id.*

¹² See Philip Johnston, *SAS 'held suspects for extraordinary rendition,'* Telegraph.co.uk, Feb. 26, 2008 (available at: <http://www.telegraph.co.uk/news/uknews/1579807/SAS-'held-suspects-for-extraordinary-rendition'.html>); Statement of Ben Griffin, Feb. 25, 2008 (available at: http://www.stopwar.org.uk/index.php?option=com_content&task=view&id=533&Itemid=27).

¹³ Joint Opinion of Michael Fordham QC and Tom Hickman, Barristers in Blackstone Chambers, London, July 28, 2008 (available upon request); see Duncan Campbell, *Soldiers who hand prisoners to US could face legal action, MPs warned,* The Guardian, Sep. 29, 2008 (available at: <http://www.guardian.co.uk/uk/2008/sep/29/military.law>).

The term "**concerning**" means relating to, referring to, describing, evidencing, or constituting.

The term "**communication**" means the giving, receiving, transmitting, or exchanging of information (in the form of facts, ideas, inquiries, or otherwise), including, but not limited to, any and all written, printed, telephonic, electronic, and in-person conversations by and with any person, and speech, gestures, or documents which memorialize or refer to any communications.

The term "**United States**" (or "**US**") means the United States of America and includes any United States official. The term "**United States official**" includes any United States Government employee and any person providing services to any agency of the United States Government on a contractual basis, regardless of his or her rank or ability to speak or make decisions on behalf of the United States Government.

The term "**UK**" means the United Kingdom of Great Britain and Northern Ireland and includes any UK official. The term "**UK official**" includes any UK Government employee and any person providing services to any agency of the UK Government on a contractual basis, regardless of his or her rank or ability to speak or make decisions on behalf of the UK Government.

The terms "**Other Government**" and "**Another Government**" refer to the government of any country other than the UK and the US, and include any Other Government officials. The term "**Other Government official**" includes any employee of Another Government or Other Governments and any person providing any services to any agency of Another Government or Other Governments on a contractual basis, regardless of his or her rank or ability to speak or make decisions on behalf of Another Government or Other Governments.

The term "**detainee**" means any person deprived of his or her liberty by one or more individuals or agencies and who is prevented by any means from leaving the place in which he or she is being held. The term "**detention**" means depriving any person of their liberty such that they are prevented by any means from leaving the place in which they are held.

The term "**rendition**" encompasses any kind of extra-judicial transfer of a person from one state or jurisdiction to another, including: (1) the extra-judicial transfer of a person from one jurisdiction or state to another for the purpose of standing trial within an established and recognized legal and judicial system, or for the purposes of a military commission hearing; (2) the extra-judicial transfer of a person detained in, or related to, a theatre of military operations, from one jurisdiction or state to another for the purpose of military detention in a military facility; (3) the extra-judicial transfer of a person from one jurisdiction or state to another for the purpose of detention and interrogation; and (4) the extra-judicial transfer of a person from one jurisdiction or state to another for the purpose of detention and interrogation, where there are grounds for believing there to be a real risk of torture or cruel, inhuman or degrading treatment. Some forms of rendition have been and are now commonly referred to as "extraordinary rendition."

The term "**United States rendition program**" means the collective actions and efforts of the US to carry out or facilitate the rendition or secret detention and interrogation of terrorists, suspected terrorists, terrorism suspects, unlawful combatants, and their associates since September 11, 2001. The term "United States rendition program" includes the "Central Intelligence Agency terrorist detention and interrogation program" or "Central Intelligence Agency high value terrorist detainee program" implemented in March 2002 following the capture of suspected terrorist Abu Zubaydah.

The following rules of construction shall apply to this Request:

The terms "**all**" and "**each**" shall be construed as all and each.

The connectives "**and**" and "**or**" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request all records that might otherwise be construed to be outside of its scope.

The use of the singular form of any word includes the plural and vice versa.

Scope of Request

Unless otherwise stated, this Request is concerned with the US rendition, secret detention, and coercive interrogation programs. Specifically, this Request seeks records containing information about the circumstances and extent of participation in these programs by the UK and Other Governments and the transfer of detainees from the UK and Other Governments to the control of the US or its agents. This Request also seeks records containing information about specific detainees, their detentions, and the interrogation techniques used on them.

Unless otherwise specified, this Request seeks records pertaining to persons rendered, detained, or interrogated worldwide since September 11, 2001.

Records Requested

Please disclose records concerning:

Agreements Between the US and the UK

1. Agreements, assurances, and understandings between the US and the UK for transferring, rendering, or turning over detainees since September 11, 2001.
2. Agreements, assurances, and understandings between the US and the UK for holding detainees on, or transporting or rendering them through, any territory of the UK or its territorial waters (including UK Overseas Territories) since September 11, 2001.

Agreements Between the US and Other Governments

3. Agreements, assurances, and understandings between the US and Other Governments for transferring, rendering, or turning over detainees since September 11, 2001.

4. Agreements, assurances, and understandings between the US and Other Governments for holding detainees on, or transporting or rendering them through, any territory of Another Government since September 11, 2001.

UK Participation and Support of the US Rendition and Secret Detention Programs

5. The formal briefing of the UK intelligence services by the US in 1997 concerning the US strategy for rendering terrorists to justice.¹⁴
6. Any briefing or communication given to UK officials on or about September 17, 2001 concerning the United States Presidential Finding granting the US Central Intelligence Agency new powers and competencies relating to terrorist suspects abroad.
7. Any briefing or communication between UK officials and the US concerning the United States rendition program or secret detention program.
8. Communications and enquiries made by the US to the UK for holding detainees on, or transporting or rendering them through, any territory of the UK or its territorial waters (including UK Overseas Territories) since September 11, 2001.
9. Requests by the UK to the US for assurances that no detainees have been or are being held in the territory of the UK, or have at any time passed in transit through the territory of the UK (including UK Overseas Territories), since September 11, 2001.
10. Detainees that have been or are being held in the territory of the UK or its territorial waters (including UK Overseas Territories), or had at any time passed in transit through the territory of the UK or its territorial waters (including UK Overseas Territories), since September 11, 2001.
11. Information concerning flights that refueled at UK airports or transited UK airspace on the way to or from or while carrying out a transfer, rendition, or turnover of a detainee since September 11, 2001.
12. Communications and enquiries seeking UK assistance in aid of the United States rendition program, including requests or preliminary enquiries for information, since September 11, 2001.
13. Approvals or authorizations given to the UK to provide assistance in support of the United States rendition program since September 11, 2001.
14. The transfer, rendition, or turn over of detainees by the UK since September 11, 2001, including records of all understandings, assurances, or agreements pertaining to such transfers and statistical information about such transfers.
15. The names of detainees captured, held, or detained by the UK since September 11, 2001.

¹⁴ The phrase "rendition to justice" designates the situation where a terrorist suspect is apprehended and transferred for criminal prosecution.

16. The countries and detention facilities where detainees originally captured by the UK have been held after being transferred, rendered, or turned over since September 11, 2001.
17. The rendition or secret detention of any UK nationals or UK residents and any communications between or among the UK, the US, or Other Governments concerning the rendition or secret detention of any UK nationals or UK residents.
18. Information, statements, or questions communicated to United States officials by UK officials to be put to or to be used in the interrogation of suspected terrorists by the US.
19. The locations of Abu Qatada between September 11, 2001 and November 1, 2002.
20. Communications between or among the UK, the US, or Other Governments concerning Abu Qatada between September 2001 and November 1, 2002.

Diego Garcia

21. Flight records pertaining to the flight of an aircraft with serial number N379P that landed at Diego Garcia on September 13, 2002, including records specifying the passenger list and stated purpose of this flight, any permissions granted by the UK or sought by the US in relation to this flight, and any other information provided by the US or requested by the UK in relation to this flight.
22. The names of the two detainees who were rendered through or detained on Diego Garcia in 2002 and all details of their flights, including flight records, and the dates, times, destinations, and origins of the flights.
23. Any detainees who have been rendered through or detained on Diego Garcia since September 2001.
24. The US/UK Political Military Talks held in Washington in September 2007 in which assurances concerning the use of Diego Garcia in connection with the United States rendition program were given and discussed.
25. The US/UK Political Military Talks held in London on October 17 and 18, 2006 in which assurances concerning the use of Diego Garcia in connection with the United States rendition program were given and discussed.
26. The 2005 US/UK Political Military Talks in which assurances concerning the use of Diego Garcia in connection with the United States rendition program were given and discussed.
27. Communications between the US and the UK concerning whether detainees were held on Diego Garcia or had at any time passed in transit through Diego Garcia or its territorial waters or airspace since September 11, 2001.

Other Governments' Participation and Support of the US Rendition Program

28. Any briefing or communication between Other Government officials and the US concerning the United States rendition or secret detention programs.

29. Communications and enquiries made by the US to Another Government for holding detainees on, or transporting or rendering them through, any territory of Another Government since September 11, 2001.
30. Requests by Other Governments to the US for assurances that no detainees have been or are being held in the territory of Another Government, or have at any time passed in transit through the territory of Another Government, since September 11, 2001.
31. Detainees that have been or are being held in the territory of Another Government, or had at any time passed in transit through the territory of Another Government, in the course of the United States rendition program since September 11, 2001.
32. Communications and enquiries seeking the assistance of Other Governments in aid of the United States rendition program, including requests or preliminary enquiries for information, since September 11, 2001.
33. Approvals or authorizations given to Other Governments to provide assistance in support of the United States rendition program since September 11, 2001.
34. The transfer, rendition, or turn over of detainees by Other Governments since September 11, 2001, including records of all understandings, assurances, or agreements pertaining to such transfers and statistical information about such transfers.
35. The names of detainees captured, held, or detained by Other Governments, in the course of the United States rendition program, since September 11, 2001.
36. The countries and detention facilities where detainees originally captured by Other Governments have been held after being transferred, rendered, or turned over, in the course of the United States rendition program since September 11, 2001.

Information About Specific Alleged Terrorist Plots

37. The so-called "Heathrow Airport Plot" in February 2003,¹⁵ including the alleged participants, the alleged target(s), the alleged means used to perpetrate the attack, and the source(s) of the information received.
38. The so-called "Chemical Bomb Plot" in April 2004,¹⁶ including the alleged participants, the alleged target(s), the alleged means used to perpetrate the attack, and the source(s) of the information received.

¹⁵ "Heathrow Airport Plot" refers to an alleged plot by suspected terrorists to attack Heathrow Airport in London using hijacked commercial airliners. The plot was allegedly disrupted by US and UK intelligence services in February 2003. See David Leppard, *Al-Qaeda's Heathrow jet plot revealed*, TimesOnline, Oct. 9, 2005, available at <http://www.timesonline.co.uk/tol/news/uk/article576410.ece> (last visited Sep. 15, 2008).

¹⁶ "Chemical Bomb Plot" refers to an alleged plot by suspected terrorists to target UK citizens, presumably in London, with a bomb believed to include a combination of explosive material and the chemical osmium tetroxide. The plot was allegedly foiled by US and UK intelligence services in April 2003. See *Chemical*

39. The so-called "2004 UK Urban Targets Plot" in mid-2004,¹⁷ including the alleged participants, the alleged target(s), the alleged means used to perpetrate the attack, and the source(s) of the information received.
40. An alleged foiled attack on Canary Wharf (London) in November 2004,¹⁸ including the alleged participants, the alleged target(s), the alleged means used to perpetrate the attack, and the source(s) of the information received.

Information About Specific Detainees

41. The basis for the arrest and detention of Khalid Sheikh Mohammed, Abu Zubaydah, and Abd al-Rahim al-Nashiri, the nature of their detentions, and the interrogation techniques used on them.
42. Communications between or among the US, the UK, or Other Governments concerning Khalid Sheikh Mohammed, Abu Zubaydah, and Abd al-Rahim al-Nashiri between January 2002 and the present.
43. Information obtained from the interrogations of Khalid Sheikh Mohammed, Abu Zubaydah, and Abd al-Rahim al-Nashiri by the United States.

The Requesters Are Entitled to a Fee Waiver

The Requesters fall under the "All Other Request" fee category pursuant to 32 C.F.R. § 1900.13. The Requesters are entitled to a fee waiver because disclosure of the requested records is in the public interest and "likely to contribute significantly to the public understanding of the operations or activities of the government" 5 U.S.C. § 552(a)(4)(A)(iii); see 32 C.F.R. § 1900.13. As indicated above, numerous public media reports reflect the extraordinary public interest in the records sought. Moreover, this Request is not "primarily in the commercial interest" of any Requester. *Id.* The records requested are not sought for primarily commercial use, and the Requestors plan to publicly disseminate the information disclosed as a result of this Request.

The Requestors Are Entitled to Expedited Processing

Expedited processing is warranted because there is a "compelling need" for the records sought in this Request. 5 U.S.C. § 552(a)(6)(E)(i)(I). This need arises because the APPG is "primarily engaged

'bomb plot' in UK foiled, BBC News, Apr. 6, 2004, available at http://news.bbc.co.uk/2/hi/uk_news/3603961.stm (last visited Sep. 15, 2008).

¹⁷ "2004 UK Urban Targets Plot" refers to an alleged plot by suspected terrorists to use explosives against a variety of sites in the UK. The plot was allegedly disrupted by US and UK intelligence services in 2004. See *US Lists 10 foiled terror plots*, BBC News, Oct. 7, 2005, available at <http://news.bbc.co.uk/2/low/americas/4319714.stm> (last visited Sep. 15, 2008).

¹⁸ This request refers to an alleged plot by suspected terrorists to hijack passenger planes and fly them into skyscrapers near Canary Wharf in London. The plot was allegedly disrupted by US and UK intelligence services in 2004. See *Al Qaeda attack on Canary Wharf foiled*, MailOnline, Nov. 23, 2004, available at <http://www.dailymail.co.uk/news/article-328011/Al-Qaeda-attack-Canary-Wharf-foiled.html> (last visited Sep. 15, 2008).

in disseminating information” and the requested information “is relevant to a subject of public urgency concerning an actual or alleged Federal Government Activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II); *see also* 32 C.F.R. § 1900.34(c)(2).

There is also a “compelling need” because failure to obtain the requested records on an expedited basis could reasonably be expected to pose “an imminent threat to the life or physical safety of an individual.” 5 U.S.C. § 552(a)(6)(E)(v)(I); *see also* 32 C.F.R. § 1900.34(c)(1). This Request arises in the context of allegations of ongoing unlawful detention and abuse of individuals with the involvement of United States officials. Failure to publicly expose and halt these practices could reasonably be expected to pose an imminent threat to the physical safety and lives of individuals whose identities are presently undisclosed.

The APPG, Andrew Tyrie, and Joe Cyr certify that the foregoing statements concerning the basis for expedited processing are true and correct to the best of their knowledge and belief. 5 U.S.C. § 552(a)(6)(E)(vi).

* * * *

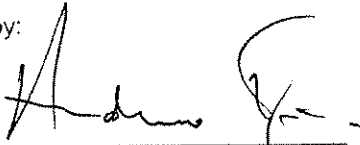
November 13, 2008

If this Request is denied in whole or in part, the Requestors ask that you justify all deletions by reference to specific exemptions of the Freedom of Information Act. The Requestors expect release of all segregable portions of otherwise exempt material. The Requestors also reserve the rights to make additional requests, amend this Request, and appeal a decision to withhold any information or to deny a waiver of fees.

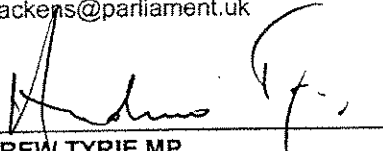
As indicated above, the Requestors are applying for expedited processing of this Request. Notwithstanding your determination of that application, the Requestors look forward to your reply to the Request within twenty (20) days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

Thank you for your prompt attention. Please direct all questions and future responses to: Joe Cyr, Lovells LLP, 590 Madison Avenue, New York, NY 10022, Tel: (212) 909-0600, Email: joe.cyr@lovells.com. You may also contact Derek Craig at Lovells LLP, Tel: (212) 909-0632, Email: derek.craig@lovells.com.

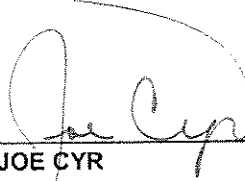
Signed by:



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