

ANDREW TYRIE MP



HOUSE OF COMMONS

LONDON SW1A 0AA

Rt Hon Des Browne MP
Secretary of State for Defence
Ministry of Defence
Floor 5, Main Building
Whitehall
London
SW1A 2HB

6 February 2008

Dear Des,

Thank you for your letter dated 31 January 2008. I appreciate your attempt to clarify your position on the issue of whether individuals detained by UK forces in Iraq or Afghanistan had subsequently been held at the United States detention facility at Guantanamo Bay.

I would be grateful for a list of all individuals who have been detained by UK forces in Iraq or Afghanistan. This list should provide all known names of those detained, and any other information that may help in their identification, including dates of birth where known.

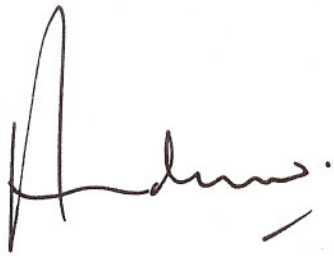
I refer now to a passage of your letter of 31 January 2008:

Whenever we have passed an individual from UK jurisdiction into the jurisdiction of the Iraqi, Afghan or US authorities, we have had in place an understanding that they would not transfer that individual to a third country without first seeking our consent or at least informing us of their intention.

I would also be grateful for a copy of all documents relating to this 'understanding' between UK, Iraqi, Afghan, and US authorities.

I am making these requests under the Freedom of Information Act. In accordance with the practice of the APPG, I am placing a copy of this letter in the public domain.

Yours ever,

A handwritten signature in black ink, appearing to read "Andrew". The signature is written in a cursive style with a horizontal line underneath the name.

ANDREW TYRIE



SECRETARY OF STATE

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D/S of S/DB MC00182/2008

31 January 2008

Thank you for your letter of 19 December regarding my answer to your Parliamentary Question on whether any individuals detained by UK forces in Iraq or Afghanistan had subsequently been held at the United States' detention facility at Guantanamo Bay.

I am sorry that you felt dissatisfied with the answer that I provided to you previously on this issue. I assure you that I take very seriously my duty to be as open as possible with Parliament and I hope that I will be able to clarify my position on this issue to you now.

Whenever we have passed an individual from UK jurisdiction into the jurisdiction of the Iraqi, Afghan or US authorities, we have had in place an understanding that they would not transfer that individual to a third country without first seeking our consent or at least informing us of their intention. I have every confidence in our allies that they have and will continue to honour these understandings and we have no evidence to suggest they have ever done otherwise. We have never received any approach on this and I would not agree to transfer an individual to Guantanamo Bay.

However, the possibility remains that an individual we have captured and then released has subsequently been detained by the US or another country and

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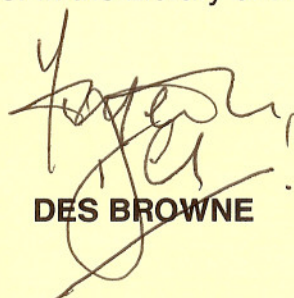


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then transferred to Guantanamo Bay. You suggest in your letter that we might be able to compare the records we have of those we have detained next to the names of those in Guantanamo Bay. This would not produce an answer that could be verified to the degree necessary for me to put before Parliament. Many of those we have detained often go by several different names, not all of which we may have a record of, and even if a name matched between these sources there would be no way to know whether it was the same person or simply someone with the same name.

I hope that the above will help to address the concerns you raised in your capacity as the Chairman of the All Party Parliamentary Group on Extraordinary Rendition.

I am placing a copy of this letter in the Library of the House



DES BROWNE

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Secretary of State for Defence
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Floor 5, Main Building
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19 December 2007

Dear Des,

I am writing to you in my role as Chairman of the All Party Parliamentary Group on Extraordinary Rendition.

On 5 December 2007 you provided the following answer to a Parliamentary Question:

Iraq: Detainees

Mr. Tyrie: To ask the Secretary of State for Defence whether any individuals captured by British forces during the conflicts in Iraq and Afghanistan have at any subsequent time been held at the United States detention facility at Guantánamo Bay. [169051]

Des Browne [*holding answer 28 November 2007*]: When we transfer captured individuals into the custody of the United States and the Iraqi authorities in Iraq, and into the custody of the Afghan authorities in Afghanistan, we have an understanding with the

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relevant government that the transferred individual cannot be removed from the country without our agreement. We have at no time given our consent for any individual to be transferred to the detention facility at Guantanamo Bay.

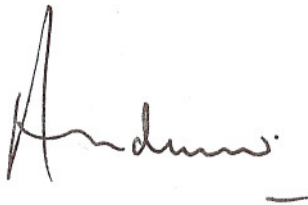
This is not an answer to the question I asked. As you know, there is a duty on Ministers, set out in the ministerial code, to be as open as possible with Parliament. This was confirmed most recently in the Westminster Hall Debate on Ministerial Accountability, on 4 December 2007.

I am therefore writing to ask the question again:

- whether any individuals captured by British forces during the conflicts in Iraq and Afghanistan have at any subsequent time been held at the United States detention facility at Guantanamo Bay.

This may require the cross referencing of Ministry of Defence records of individuals captured in Iraq or Afghanistan, with those of the United States administration regarding detainees held at Guantanamo. The names and nationalities of most of those who are currently or have been held at Guantanamo Bay are now in the public domain.

In accordance with the practice of the APPG, I am placing a copy of this letter in the public domain.



ANDREW TYRIE