



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

20 June 2008

Des Des,

Re: Extraordinary Rendition

I am writing further to your letter of 19 March 2008. This letter concerns the allegations made by Mr Ben Griffin. I will write to you separately about the 'understanding' in place between the UK and US, Iraqi and Afghan authorities.

Allegations made by Mr Ben Griffin

I am encouraged to hear that you have put in place a review of detention practices in Iraq and Afghanistan following the allegations made by Mr Griffin. As you know, the UK has a legal obligation to investigate credible allegations of involvement in torture or cruel, inhuman or degrading treatment. The allegations made by Mr Griffin, a former member of UK Special Forces, appear to fit this description.

I note that you have asked Mr Griffin to "provide evidence" to substantiate his allegations. It is not obvious to me that Mr Griffin is likely to have corroborating evidence available to him, if this is what you are requiring of him. The fact that he has given his own account of matters is itself weighty evidence.

The Intelligence and Security Committee Report into Rendition was critical of the Government's records on rendition¹. I hope you will take this conclusion into account in the conduct of the review, particularly in the course of the audit of records that you mentioned in your letter of 19 March 2008. I await the outcome of the review with interest.

Questions arising from the allegations of Mr Griffin

In his statement on 25 February 2008, Mr Griffin made serious allegations about mistreatment of detainees captured by UK Forces and subsequently transferred into the custody of US Forces. He stated:

"[I]t has been British soldiers detaining the victims of Extraordinary Rendition in the first place...Individuals detained by British soldiers within this [joint US/UK] Task force have ended up in Guantanamo Bay Detention Camp, Bagram Theatre Internment Facility, Balad Special Forces Base, Camp Nama BIAP and Abu Ghraib Prison...Of note is an incident at the Qalai Janghi fortress, near Mazar-i-Sharif. UKSF fought alongside their US counterparts to put down a bloody revolt by captured Taliban fighters. The surviving Taliban fighters were then rendered to Guantanamo Bay...Throughout my time in Iraq I was in no doubt that individuals detained by UKSF and handed over to our American colleagues would be tortured. During my time as member of the US/UK Task Force, three soldiers recounted to me an incident in which they had witnessed the brutal interrogation of two detainees. Partial drowning and an electric cattle prod were used during this interrogation and this amounted to torture. It was the widely held assumption that this would be the fate of any individuals handed over to our American colleagues. My commanding officer at the time expressed his concern to the whole squadron that we were becoming "the secret police of Baghdad" ...As UK soldiers within this Task Force a policy that we would detain individuals but not arrest them was continually enforced. Since it was commonly assumed by my colleagues that anyone we detained would subsequently be tortured this policy of detention and not arrest was regarded as a clumsy legal tool used to distance British soldiers from the whole process...The joint US/UK Task Force has broken International Law, contravened The Geneva Conventions and disregarded the UN Convention Against Torture..."²

This passage implicates British Forces in the alleged subsequent mistreatment of detainees by US Forces, and raises the following important questions

¹ Intelligence and Security Committee Report into Rendition, July 2007, Conclusion B, http://www.cabinetoffice.gov.uk/upload/assets/www.cabinetoffice.gov.uk/publications/intelligence/20070725_isc_final.pdf

² Statement by Mr Ben Griffin, 25 February 2008, http://www.stopwar.org.uk/index.php?option=com_content&task=view&id=533&Itemid=27

(amongst others) concerning the conduct of UK Forces operating as part of a joint task force with US forces:

1. At any time since the invasion of Afghanistan in 2001, has there ever been a formal or informal policy (whether at governmental level, within the UK Forces or the UKSF) that UKSF operating within the joint task force referred to by Mr Griffin, would detain or capture individuals but not arrest them?
2. If so what was the basis for this policy? In the government's view is there a difference between the legal obligations that a member of the UK Forces owes to those he or she arrests, and those he or she captures, or those he or she detains? If so what?
3. Is this policy still in place?
4. Please also supply a documentary record of the policy and any non-legally privileged information relating to the policy, its application and the purpose behind it. Please treat this question as a request under the Freedom of Information Act.
5. In the view of the government, at what point does an individual captured/detained/arrested by UK Forces come under and leave "UK jurisdiction" (as per your letter of 31 January 2008) and what precisely do you mean by that term?
6. With specific reference to the operation relating to the Qalai Janghi fortress, referred to by Mr Griffin, please state whether it is the case that, to the best of the Ministry of Defence's knowledge and belief, captured Taliban fighters were transferred to Guantanamo Bay or other detention facilities outside Afghanistan. If so, please state whether (and if so how many) of these individuals were captured or detained by British Forces or jointly by British Forces and all known information about their subsequent detention.
7. In the course of the review, have the commanding officer who allegedly referred to UKSF as "the secret police of Baghdad", and the three soldiers who allegedly witnessed the torture of detainees by US Forces, been located and questioned about these allegations? If not, have attempts been made to contact these individuals? If so, have statements been taken from the individuals in question?

8. Does the 'understanding' between UK and US Forces, referred to in your letter dated 31 January 2008, extend to the operations of the joint US/UK unit of which UKSF was a part, that formed the basis of Mr Griffin's allegations?
9. I would like to request all information relating to any individuals who were detained or captured by UK soldiers operating within the joint US/UK task force, referred to by Ben Griffin. I realise that this request may overlap with my request 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", set out in my letter of 6 February 2008.

Please state how many of these individuals were subsequently transferred to Guantanamo Bay Detention Camp, Bagram Theatre Internment Facility, Balad Special Forces Base, Camp Nama BIAP or Abu Ghraib Prison or any other detention facility in third countries. Please state how many of these individuals following capture were taken to: (i) a detention facility under the authority and control of British Forces; (ii) a detention facility under the joint authority and control of British Forces; (iii) any other detention facility (please specify); (iv) more than one detention facility, or; (v) no detention facility.

In respect of each individual case please provide as much information as possible, including: (a) the date of detention and/or capture; (b) the date of transfer to US authority and control; (c) the location of such transfer; (d) subsequent known places of detention and dates thereof.

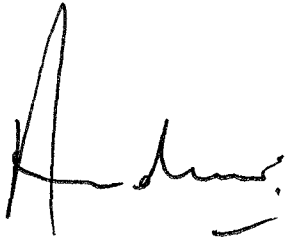
Please explain what you have treated as detention and capture for the purposes of answering these questions. Please treat this question as a request under the Freedom of Information Act.

10. I would like to make a request on the same terms as Question 9, above, in relation to all other individuals that have been detained or captured jointly by British Forces and forces of another country in Iraq or Afghanistan. This request may also overlap with the request set out in my letter of 6 February 2008. Please make clear in each

case which other force was acting jointly with UK Forces. Please also treat this question as a request under the Freedom of Information Act.

I would be happy to meet you or your officials to clarify these questions if necessary. I am placing a copy of this letter in the public domain.

Yours,

A handwritten signature in black ink, appearing to read 'Andrew Tyrie', with a horizontal flourish at the end.

ANDREW TYRIE

Chairman, All Party Parliamentary Group on Extraordinary Rendition