



MINISTRY OF DEFENCE
FLOOR 5, ZONE D, MAIN BUILDING
WHITEHALL LONDON SW1A 2HB

Telephone 020 721 82111/2/3
Fax: 020 721 87140
E-mail: defencesecretary@mod.uk

SECRETARY OF STATE

MSU 4/5/2

29 April 2009

Dear Andrew,

Thank you for your letter dated 30 March 2009. As I underlined in my statement on 26 February, detention issues are a matter not taken lightly by my Department.

It is a long standing policy of my Department not to comment upon Special Forces and in this instance I will not deviate from this policy. The Freedom of Information Act provides exemption under Section 23 from commenting upon information relating to Special Forces.

My officials have examined the data we hold and have found no record of the operation in question. I am sure that you will however understand that, given the high operational tempo at the time, I cannot be absolutely certain that every air transport task undertaken in support of allies led to a formal record. My Department is nevertheless very strict about the treatment of foreign nationals at all times, and so any such transportation would have been within tight guidelines designed to ensure their proper treatment consistent with our obligations under international law.

I can nevertheless reassure you that the UK was at no time the detaining power for the individuals you refer to in your correspondence. Again, my officials have researched your concern thoroughly and have found no information pertaining to any agreement or understanding on the issue of which state would act as the detaining power in relation to the individuals captured in the specific operation to which you refer. As your correspondence suggests, the Australian and US Governments may have more information on these subjects.

Yours
John

JOHN HUTTON

Andrew Tyrie MP
House of Commons