

ANDREW TYRIE MP



HOUSE OF COMMONS

LONDON SW1A 0AA

Rt. Hon. John Hutton MP
Secretary of State for Defence
Ministry of Defence
Floor 5, Main Building
Whitehall
London
SW1A 2HB

30 March 2009

A handwritten signature in cursive script, appearing to read "Andrew Tyrie".

Re: Rendition

I am writing to you about your statement of 26 February 2009. I have recently written to the Defence Committee on this issue, highlighting a number of questions raised by your Statement. I attach this letter here. I would be grateful if you could set out your response to each of these points.

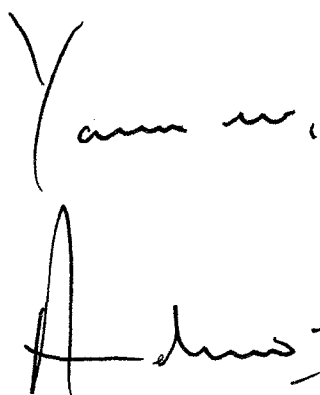
Freedom of Information Act request

You may be aware that Australian documents recently made public under that country's Freedom of Information Act cast further light on that country's acknowledged policy of capturing people in Iraq without officially detaining them, and handing them over to US forces. By ensuring that US servicemen were always present when Australian Forces captured individuals, Australia did not 'detain' a single individual in Iraq, and so legal obligations that attach to the 'Detaining Power' under the UK/US/Australian Memorandum of Understanding were never invoked.

In one specific case, Australian Special Forces "*participated in the capture of 59 suspected Fedayeen personnel, four Iranians and three suspected Ba'ath Party members*". Yet the "*sole US member attached to the AS SF element formally effected the detention*". According to the newly released documents, "*the captives were never formally in the hands of AS so no formal transfer to the US forces took place*". The newly released documents make reference to British involvement in the transfer of detainees in this case. I enclose the documents here.

I would like to request all information relating to the participation of UK forces, including Special Forces, in the operation set out in the preceding paragraph, including, but not limited to, the status of the UK as the detaining power or otherwise in relation to those individuals transferred by the UK in the course of this operation; any changes in this status in relation to those same individuals at any time, in particular during their transportation by UK personnel to an "EPW facility at HI", and the restraining of those same individuals "by UK extraction force using wrist cuffs in preparation for transportation"; any agreements or understandings entered into, either formal or informal, on the issue of which state would act as the detaining power in relation to those individuals captured during this operation.

I am placing a copy of this letter in the public domain.

The image shows two handwritten signatures in black ink. The top signature is written in a cursive style and appears to read 'Yann...' followed by a flourish. The bottom signature is also cursive and appears to read 'Andrew Tyrie'.

ANDREW TYRIE

Chairman, All Party Parliamentary Group on Extraordinary Rendition