



HOUSE OF COMMONS

LONDON SW1A 0AA

President-Elect Barack Obama  
PO Box 8102  
Chicago  
IL 60680-8102  
United States of America

16 December 2008

Dear President-Elect Obama,

**Re: Extraordinary Rendition**

I am writing to you about extraordinary rendition, in my capacity as Chairman of the All-Party Parliamentary Group on Extraordinary Rendition. I welcome your commitment to close the detention facility at Guantanamo Bay, and outlaw the use of torture by US officials. Earlier in the year, I was also encouraged to hear your former adviser Samantha Power state that extraordinary rendition would be “banned” in an Obama Administration.

I believe that extraordinary rendition is counter-productive. I have a number of specific suggestions for action to give the public confidence that your pledges will be translated into policy:

1. the United States should end its practice of rendering people to third countries where they face a real risk of torture, or cruel, inhuman or degrading treatment, as has been widely alleged;
2. it should end its use of secret detention, and close all CIA secret prisons;
3. it should end the authorised use of torture, and cruel, inhuman and degrading treatment, which has allegedly been practiced by US officials at secret detention centres, Guantanamo Bay, and beyond.

**US-UK relations**

The practice of extraordinary rendition has adversely affected the relationship between the United States and the United Kingdom. The UK Foreign Affairs Committee concluded in July that the UK could no longer rely on US assurances that it does not torture.<sup>1</sup> In September I published a Legal Opinion

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<sup>1</sup> Foreign Affairs Committee, Ninth Report 2007-08, Human Rights Annual Report 2007, para 53.

on the legal obligations owed by the United Kingdom to detainees transferred from British detention to US Forces in Iraq. The Opinion, which has been subjected to scrutiny, sets out that US assurances regarding the proper treatment of detainees may well no longer be treated favourably by the English Courts.<sup>2</sup> These two findings have clear implications for US-UK relations and cooperation.

Another important ingredient in repairing Anglo-American relations is getting to the truth about rendition. Since its inception in December 2005, the All-Party Parliamentary Group on Extraordinary Rendition has attempted to shed light on extraordinary rendition, and the United Kingdom's involvement in it. To date, there have been a number of investigations into the United Kingdom's role in extraordinary rendition, but few substantial details have emerged. From these investigations, our own research, and official statements by the British government, we have established some information about British involvement in renditions.

In February 2008 the Foreign Secretary revealed that on two occasions in 2002 a rendition flight with a detainee onboard had refuelled at the British island of Diego Garcia. This was despite regular and explicit US assurances to the contrary.<sup>3</sup> There have been five further occasions since 1997 when the United States has sought permission from the United Kingdom to render someone through UK territory or airspace: on two occasions in 1998, permission was granted for the rendition of suspects to trial in the US; on a further two occasions in 1998, permission was refused;<sup>4</sup> in 2004, an approach was made by the United States for permission to conduct a rendition, but the United Kingdom indicated that permission would be refused if they were asked to give it.<sup>5</sup>

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<sup>2</sup> Michael Fordham QC et al, 'Joint Legal Opinion in the Matter of the Human Rights Responsibility Arising from Military Detainee Handovers in Iraq', available at [www.extraordinaryrendition.org](http://www.extraordinaryrendition.org).

<sup>3</sup> Rt Hon David Miliband MP, 'Terrorist Suspects (Renditions) Statement', 21 February 2008, available at <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080221/debtext/80221-0007.htm#08022198000007>. The full list of assurances on this issue was released to the APPG on Extraordinary Rendition by the Foreign Office on 2 September 2008, and is available at [www.extraordinaryrendition.org](http://www.extraordinaryrendition.org). The information shows that on seven separate occasions the US provided inaccurate assurances on Diego Garcia. It also shows that the first such assurance was in June 2003, just nine months after the second rendition flight had refuelled on Diego Garcia.

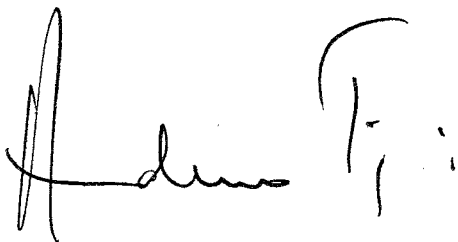
<sup>4</sup> Rt Hon Jack Straw MP, 'Rendition Allegations (Inquiries) Statement', 20 January 2006, available at [http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060120/wmstext/60120m01.htm#60120m01.html\\_sbhd2](http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060120/wmstext/60120m01.htm#60120m01.html_sbhd2). The two rendered detainees were Mohammed Rashid and Mohamed Rashed Daoud Al-Owhali. See letter from Kim Howells MP to Andrew Tyrie MP, available at [www.extraordinaryrendition.org](http://www.extraordinaryrendition.org).

<sup>5</sup> Rt Hon Jack Straw MP, 'Letter to Rt Hon William Hague MP', 6 February 2006.

I hope you will do what you can to enable relevant Committees on Capitol Hill to establish the truth on rendition. Getting to the bottom of what really happened would help to draw a line under this sorry affair and calm some of the wilder claims and fears about the rendition programme. Issues that could be examined include all renditions carried out since 11 September 2001, including renditions to third countries, to CIA secret detention, to Guantanamo Bay, and to other military detention facilities; the consistency of authorised interrogation techniques and government memos with the United States' domestic and international obligations; and any use of the territory, airspace, airports, or intelligence of allies such as the United Kingdom in this programme, and whether any such allied involvement was deliberate or unwitting.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Tyrie'. The signature is fluid and cursive, with a large initial 'A' and a distinct 'T'.

**ANDREW TYRIE**

**Chairman, All-Party Parliamentary Group on Extraordinary Rendition**