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Our Ref: 262514

14 December 2009

PROPOSALS TO CRIMINALISE EXTRAORDINARY RENDITION

I am writing to thank you for your letters of 5 November 2009 to me, to the Prime Minister, and to other Ministers, about proposals to tighten the criminal law with respect to the practice of extraordinary rendition. I am sorry for the delay in sending this reply.

You attached to your letters copies of a consultation paper, *Extraordinary Rendition: Closing the Gap*, which contains a number of proposals for changes to the criminal law. You asked me to study the proposals and, if necessary respond to you on them.

I have asked officials across Government to study your consultation paper carefully. In the meantime, it would also be helpful to see any responses that you receive to the consultation as we can feed this into our work.

I should say that on this issue the Government's position is clear: we unreservedly condemn any practice of "extraordinary rendition" to torture, and we do not render or cooperate in the transfer of individuals in breach of our international obligations.

We have made absolutely clear that should another State wish to render an individual through UK territory or airspace, they would need to seek the Government's permission. The Government would consider all the circumstances and would not grant permission unless satisfied that it would accord with the UK's domestic law and international obligations. The Government would not allow any rendition through UK territory that would put the UK in breach of its international human rights obligations, including the ECHR, the UN Convention Against Torture, or other international human rights instruments to which the UK is party. We have made this position clear internationally.

For clarity, I should also point out that we do not consider that a flight transiting UK territory or airspace, on its way to or from a possible rendition operation, but without a detainee on board, constitutes rendition. We concur with the conclusions made by the

ISC in their 2007 report on rendition that it would be unreasonable and impractical to check every aircraft transiting UK airspace.

Aside from the two cases of rendition through Diego Garcia in 2002, reported to Parliament in February 2008, the US Government has confirmed that there have been no other instances in which US intelligence flights landed in the UK, its Overseas Territories, or the Crown Dependencies, with a detainee on board, since 11 September 2001.

Yours,
Jack,

JACK STRAW