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PROPOSALS TO CHANGE THE LAW RELATING TO EXTRAORDINARY RENDITION

Thank you for your letters of 8 January 2010 and 24 January 2010. I am sorry for the delay in sending this reply.

Officials across Government have been looking very carefully at the proposals to change the law with regard to extraordinary rendition contained in the consultation paper by the All Party Parliamentary Group (APPG) which you sent to me on 5 November 2009. It is disappointing that you have not been able to make available to us the responses you have received to the consultation paper as we would have liked to have fed them into our consideration.

Overall, the conclusion we have reached is that the APPG proposals would not in practice make much, if indeed any, difference to the effectiveness of the law or act to prevent extraordinary rendition through the UK.

In short, we consider on the whole the proposals would add little, if anything, to the current law. Where the proposals would add something to the current law, we do not consider that they would be likely to be any more effective in addressing any problem that might exist. Indeed, many of key practical difficulties that the report identifies with the current law would remain under the proposals. In addition, we consider that some of the proposals would result in a disproportionate and unjustifiable burden on the transport industry.

In view of this I do not agree with the APPG's proposal to reform the criminal law in this area.

In your letter of 8 January 2010, you asked if there was a practical bar to asking the US administration whether any of the flights on the list submitted last year were part of a rendition circuit. The list you refer to included details of dates, flight numbers, and origin and final destination of the flights. It does not include information on the purpose of the flights. The Government does not consider that an aircraft on its way to or from a possible rendition operation, without a detainee on board would be operating unlawfully. Therefore we see no reason to ask the US administration for further information about the flights on the list.

Yours,
Jack

JACK STRAW