



All Party Parliamentary Group on Extraordinary Rendition
House of Commons

Senator Patrick Leahy,
Chairman,
United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC
20510

14th February 2007

Dear Senator Leahy

Re: Possible Committee hearings on Rendition

My name is Andrew Tyrie MP and I am the Chairman of the All Party Parliamentary Group on Extraordinary Rendition in the House of Commons. We are a cross party, ‘bipartisan’ body that has been investigating the United Kingdom’s role in the United States’ renditions program. It is our view that the policy of Extraordinary Rendition makes the United States, the United Kingdom and the West less secure, not more.

In December 2006 our group met with a number of Congressmen, and senior staffers who indicated that Committees in the House and Senate may consider an investigation into rendition and related matters. I am therefore writing to your Committee to encourage you to investigate extraordinary rendition. I am also requesting your assistance in investigating UK involvement or complicity in extraordinary renditions, and exploring the possibility of inter-legislative collaboration in examining practices which may violate domestic and international law. Further, I am willing to appear as a witness at hearings if it would be useful.

The Scope of an Enquiry

General Issues

At present, only the barest facts about extraordinary rendition are in the public domain: both the President and the Secretary of State have acknowledged the policy in general terms, and defended it in general terms. Much information is still unknown. How large was and is the program? How many US personnel have taken part in it? How much has it cost the US taxpayers? What has it achieved? Clearly, your Committee will have a greater focus on the legal aspects of rendition, but further fundamental questions include:

- How many people have been rendered? – Where from? Where to? When?

- How many of these were renditions to justice / trial? – What were the outcomes of those cases?
- How many were renditions to interrogation? – What assurances were obtained about treatment? Were those assurances adhered to, and what efforts have been made to establish this? Is the US responsible in cases where there has been mistreatment / cruel and degrading treatment / torture?
- How many were renditions to detention? – Were the individuals charged? Where were they held? Have they had access to lawyers?
- Who has the authority to permit renditions? How are they overseen? Who can be held accountable for the treatment of persons detained?
- How much has been spent on renditions? Does it represent good value for money?

I enclose a copy of the submission, which I sent to the United Kingdom's Intelligence and Security Committee. In it I outlined my concerns about the practice and posed what I believe are the key policy questions. Although it was written for a United Kingdom audience, the points I make are also relevant for a United States audience such as your Committee. In addition, I enclose a copy of a Legal Opinion on extraordinary rendition given by Professor James Crawford, which analyses Secretary of State Rice's December 2005 statement on rendition.

To date, there have been a number of investigations into the United Kingdom's role in extraordinary rendition,¹ but few substantial details have emerged. Already, in Europe, we have reached the limits of what we can establish based on the legal and parliamentary procedures available to us. However, from these investigations, our own research, and official statements by the British government, we have established the following:

- There have been five occasions since 1997 when the United States have asked the United Kingdom for permission to render someone through the United Kingdom.
- On two occasions in 1998, permission was granted for the rendition of suspects to trial in the United States.
- On a further two occasions in 1998, permission was refused.
- 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.

In addition to the policy questions, I am hoping that you may give consideration to the United Kingdom's and other allies' involvement in the Extraordinary Rendition programme conducted by the United States. You are in an excellent position to shed light on a number of specific issues, such as the legal implications of the policy, and

¹ These include investigations by Select Committees in the House of Commons, notably the Foreign Affairs Select Committee and the Joint Committee on Human Rights. These did not make much progress, and the Foreign Affairs Committee accused the UK government of having a 'policy of obfuscation' on the issue. In addition, the Intelligence and Security Committee is presently investigating rendition, and will issue a report later this year. In addition, UK activities have been considered by the European Parliament Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners, and by the Council of Europe rapporteur Dick Marty.

the legal arrangements put in place between the US and third countries. I think that it is important for Americans to know whether and to what extent Europeans and other allies have been assisting the United States government in rendition, extraordinary rendition and secret detention.

Legality of Extraordinary rendition and secret detention

- Is the current practice of rendition consistent with US domestic law, and US commitments under international law?
- If not, how would the practice need to be reformed in order to make it consistent with these legal obligations? Can legal limitations be imposed on the practice in order to bring it into compliance?
- If extraordinary rendition cannot be made consistent with the law, what legal processes could be used to effectively achieve the objectives currently being served by extraordinary rendition?

The Framework for Rendition through other countries

Secretary of State Rice has stated that the United States respects the sovereignty of other countries. This implies that the United States would obtain permission before carrying out a rendition through a country's territory.

- Does the United States seek individual permissions for each rendition flight?
- What information does it provide in order for another country to decide whether to consent to the transfer?
- Are there any circumstances where the United States would not seek prior permission before conducting a rendition through a foreign state's territory?
- By what means is permission sought – oral, written etc? and what records are generated and maintained?
- Is this system effective, and if not, how could it be improved?

Past Renditions and the UK

In light of flight-log evidence about CIA plane movements, we cannot be certain that no rendition flights have taken place through the United Kingdom since 2001. However, we have now exhausted all practical avenues of investigation open to us in this country. It would, therefore, be of immense assistance to seek clarification of the following issues:

- What legal arrangements have been made with the UK about rendition?
- How many times has the United States asked the United Kingdom for permission to conduct renditions through the United Kingdom's territory?
- How many times has the United Kingdom granted permission to the United States?
- Has the United States conducted any rendition flights through the United Kingdom for which the United Kingdom did not give permission, or of which the United Kingdom had no knowledge?

I would be very grateful if you could circulate this letter to the members of your Committee. I have also written to the Chairmen of the Appropriations, Armed Services, Foreign Relations, Intelligence Committees in both the House and the Senate.

I do hope that these suggested questions, my note to the Intelligence and Security Committee, and the Opinion are useful. We have a considerable amount of further documentation on our website www.extraordinaryrendition.org. I would be happy to discuss this further with you or your staff. In accordance with the practice of the APPG, I am putting a copy of this letter in the public domain.

Yours sincerely

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

ANDREW TYRIE MP