

Parliamentary Questions on rendition and Diego Garcia

26 November 2008

Diego Garcia: Rendition

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs whether he has sought legal advice as to whether the use of Diego Garcia by the US for rendition flights in 2002 contravened the terms of the Exchanges of Notes that govern the United States' usage of the island. [228464]

David Miliband: FCO legal advisers advised on this issue after we were informed by the US of the 2002 flights in February 2008. We consider that the US Government should have sought permission from the UK before undertaking rendition operations through Diego Garcia.

Secretary Rice has subsequently underlined the firm US understanding that there will be no rendition through the UK, UK airspace or overseas territories without express British Government permission. The US have also stated that, should there be any doubt as to whether an operation falls outside the Exchange of Notes that govern the use of Diego Garcia, then the US Government would consult the UK Government.

I made a written ministerial statement on rendition through Diego Garcia on 3 July 2008, *Official Report*, column 58WS.

20 November 2008

Diego Garcia: Aviation

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs who is responsible for maintaining and possessing the flight logs of aeroplanes flying in and out of Diego Garcia. [228465]

David Miliband: Records on flight departures and arrivals on Diego Garcia are held by the UK authorities on the island. Records are generally kept for a period of between three and five years. These include the Customs and Immigration Daily Occurrence Log and the General Declarations made by all aircraft on arrival. In addition to this, a seven-day rolling flight schedule is given to the UK authorities on the island by the US authorities on a daily basis. Any changes to this schedule are also notified to the UK authorities.

Diego Garcia: Detainees

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs whether the United States is required to seek permission from the UK Government to use UK-run civilian detention facilities on Diego Garcia. [228462]

David Miliband: The UK detention facility on Diego Garcia is operated and staffed by the UK authorities and there is no standing agreement between the US and the UK for use of the facility. The US would, therefore, be required to seek permission from the UK authorities if they wished to use the facility.

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs whether there is a US-administered military detention facility on Diego Garcia. [228463]

David Miliband: The US detention facility (for US servicemen within the US base) on Diego Garcia was decommissioned in August 2007. There is now only one detention facility on Diego Garcia. It is operated by the UK authorities.

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs how many people have been held in the police station on the island of Diego Garcia since 2001; and for what reasons in each case. [228467]

David Miliband: Our records indicate that, since 2001, approximately 200 people have been held in the police station and/or the detention facility. A significant proportion of those were detained in connection with illegal fishing in British Indian Ocean Territory waters, assault or being drunk and disorderly. Others were held under suspicion of or having been found guilty of one or more of the following offences under British Indian Ocean Territory law: driving whilst disqualified; causing criminal damage; violations of the Visitors and Visiting Vessels

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Ordinance; driving under the influence; dangerous driving; breaking and entering; importing prohibited articles; being drunk and incapable; attempted murder; drunkenness; harassment; fighting; taking a vehicle without consent; grievous bodily harm; actual bodily harm; wounding with intent; indecent assault; burglary; leaving the scene of an accident; rape; vagrancy; threatening behaviour; obtaining property by deception; affray; mooring in the outer islands without permission; possession of an offensive weapon; indecency; driving without a licence; theft; and urinating in public.

Diego Garcia: Military Bases

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs whether there have been any requests put (a) to British officials based in Diego Garcia and (b) directly to his Department since 2001 to (i) change the nature of US facilities on the island, (ii) construct new US facilities and (iii) extend existing US facilities. [228524]

David Miliband: Under Section 2(b) of the 1966 Exchange of Notes, before either the US or UK Government proceeds to construct or install any facility in the British Indian Ocean Territory, which includes the island of Diego Garcia, both Governments shall first approve in principle the requirement for that facility, and the appropriate administrative authorities of the two Governments shall reach mutually satisfactory arrangements concerning specific areas and technical requirements for respective defence purposes.

Approval under the Exchange of Notes is only required for construction or installation of major new developments. Such developments would be of the order of an air staging base, a fleet support installation or a space tracking station. The UK authorities have received several requests from the US for upgrades to existing facilities within the Exchange of Notes since 2001. In August 2001, the UK received a request for infrastructure upgrades to the existing US Navy support facility on Diego Garcia and its designation as a "bomber forward operating location". Further requests for infrastructure upgrades were received in July 2002. In November 2004, the UK received a request from the US to expand the existing satellite tracking station on Diego Garcia.

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs whether there have been any requests from the US Administration for permission to use their facilities on Diego Garcia for extraordinary purposes since 2001. [228525]

David Miliband: With thanks to the hon. Member for his subsequent clarification of the information that he seeks: there have been no requests from the United States to use Diego Garcia for purposes outside of the agreements governing their use of the island.

17 November 2008

Diego Garcia: Detainees

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs who was responsible for carrying out the modifications to prison facilities on Diego Garcia required under orders issued in December 2001. [228499]

David Miliband: In exercise of powers conferred on him by the Prisons Ordinance 1981 of the British Indian Ocean Territory, the Commissioner for the Territory declared certain specified premises in Diego Garcia to be a prison. In December 2001, the Commissioner declared that the fenced compound containing tents or other accommodation facilities, adjacent to the British Indian Ocean Territory Police Station on Diego Garcia, to be a prison.

Diego Garcia: Police Stations

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs for what reasons a police station is maintained on the island of Diego Garcia. [228466]

David Miliband: The UK is responsible for maintaining law and order in the British Indian Ocean Territory and, therefore, a police station is maintained on Diego Garcia. Adjoining the police station is a detention facility operated by the UK authorities. It has primarily been used for the detention of Sri Lankan fishermen caught fishing illegally in the British Indian Ocean Territory's Fishing and Conservation Management Zone (FCMZ).

15 September 2008

Rendition

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs pursuant to the statement of 21 February 2008, *Official Report*, columns 547-48, on terrorist suspects (renditions), what status the two planes carrying the detainees had when they refuelled at the US facility in Diego Garcia. [215869]

David Miliband: As indicated in my written ministerial statement to the House on 3 July 2008, *Official Report*, columns 58-59WS, the US considers these to be intelligence flights.

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs pursuant to the statement of 21 February 2008, *Official Report*, columns 547-48, on terrorist suspects (renditions), what the (a) name, (b) nationality and (c) current status of each of the two detainees is. [215870]

David Miliband: As I set out in my statement to the House on 21 February 2008, *Official Report*, columns 547-48, the US Government have told us that neither of the individuals was a British national or a British resident. They have informed us that one of the individuals is currently detained in Guantanamo Bay and that the other has

been released.

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs pursuant to the statement of 21 February 2008, *Official Report*, columns 547-48, on terrorist suspects (renditions), whether there is an official log of the landing times and take-off times of the two planes carrying detainees. [215871]

David Miliband: Records on flight departures and arrivals on Diego Garcia are generally held for a period of between three and five years by the Island authorities for administration purposes. There are no flight records still held by the Island authorities that cover the period when the two cases of rendition occurred.

21 April 2008

Diego Garcia: Rendition

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs pursuant to the Statement of 21 February 2008, *Official Report*, column 547, on terrorist suspects (renditions), whether UK officials met either of the people rendered through Diego Garcia in 2002. [198021]

Dr. Howells: We have no evidence to suggest that the two individuals concerned met UK officials while on Diego Garcia.

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs pursuant to the Statement of 21 February 2008, *Official Report*, column 547, on terrorist suspects (renditions), if he will instigate a public inquiry into the use of Diego Garcia by the US for rendition purposes. [198022]

Dr. Howells: My right hon. Friend the Foreign Secretary has written to US Secretary of State Rice, further to his statement to the House on 21 February 2008, *Official Report*, columns 547-48, to request clarification on a number of specific issues raised by the new information passed to us on 15 February regarding two cases of rendition through Diego Garcia in 2002. In advance of concluding this work, it would be inappropriate to speculate on whether a more formal inquiry is necessary. Our officials continue to work with their US counterparts on the details and implications of the new information.

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs pursuant to the Statement of 21 February 2008, *Official Report*, column 547, on terrorist suspects (renditions), who the two men were who were rendered through Diego Garcia in 2002. [198023]

Dr. Howells: As set out in my right hon. Friend the Foreign Secretary's statement to the House on 21 February 2008, *Official Report*, columns 547-48, neither of these two individuals was a British national or a British resident. One is currently detained at Guantanamo Bay and the other has been released. However, my right hon. Friend the Foreign Secretary has no further information to disclose regarding these two individuals.

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs pursuant to the Statement of 21 February 2008, *Official Report*, column 547, on terrorist suspects (renditions), when the two men rendered through Diego Garcia in 2002 (a) arrived on and (b) were transported off the island. [198024]

Dr. Howells: The two cases of rendition through Diego Garcia referred to in my right hon. Friend the Foreign Secretary's statement of 21 February 2008, *Official Report*, columns 547-48, took place in January and September 2002 respectively. In both cases a US plane with a single detainee on board arrived and refuelled at the US facility in Diego Garcia before departing. The detainees did not leave the plane.

Mr. Davey: To ask the Secretary of State for Foreign and Commonwealth Affairs pursuant to the Statement of 21 February 2008, *Official Report*, column 547, on terrorist suspects (renditions), (1) where the two men rendered through Diego Garcia were held prior to their transfer from Diego Garcia; and whether either of them were held on the island itself or on ships close to Diego Garcia; [198025]

(2) where the two men rendered through Diego Garcia were taken having been transferred through Diego Garcia; and what steps he has taken since their rendition to assess the treatment of the men whilst in custody of the US or another state. [198026]

Dr. Howells: Our officials continue to work with their US counterparts on the details and implications of the new information passed to us on 15 February regarding two cases of rendition through Diego Garcia in 2002. My right hon. Friend the Foreign Secretary has written to US Secretary of State Rice, further to his statement to the House on 21 February 2008, *Official Report*, columns 547-48, to request clarification on a number of specific issues. While my right hon. Friend the Foreign Secretary has no further information that he is able to disclose regarding these two individuals, the US has assured us that no detainees have been held at Diego Garcia.

7 June 2006

Sir Menzies Campbell (North-East Fife) (LD): May I begin by associating my right hon. and hon. Friends with the expressions of sympathy and condolence for those who have died in Iraq? Such events happen too often on the occasion of these proceedings.

Can the Prime Minister confirm that the United Kingdom has given no logistical support for rendition to the CIA nor provided any information to be used in torture?

The Prime Minister: We have said absolutely all that we have to say on this. There is nothing more to add to it. The Council of Europe report adds nothing new whatever to the information that we have.

Sir Menzies Campbell: I think that the Prime Minister might find careful reading of the Council of Europe report particularly rewarding. It says that rendition involves disappearances, secret detention and unlawful transfers to countries that practise torture. On 7 December the Prime Minister told the House that he fully endorsed rendition. Does he still do so now?

The Prime Minister: I think that what I actually said was that rendition had been the policy of the American Government for a long period, under the last Administration as well as this Administration. We have kept Parliament informed of all the requests that we are aware of: four in 1998, two of which were granted and two declined. As for the

rest of what is in the Council of Europe's report, that concerns other countries, and obviously I am not in a position to speak about them.

18 April 2006

International Rendition

Sir Menzies Campbell: To ask the Secretary of State for the Home Department what information officials in United Kingdom (a) police and(b) security services collect on the transit through UK airports of aircraft used by United States officials for the purpose of an international rendition. [36412]

Mr. Charles Clarke: We have made clear to the US authorities that we expect them to seek permission to render detainees via UK territory and airspace (including overseas territories), and that we will grant permission only if we are satisfied that the rendition would accord with UK law and our international obligations. We would expect them to make available to us whatever information we judged necessary to allow us to decide whether or not to permit the use of UK airspace or territory.

12 December 2005

Terrorist Suspects (Renditions)

Sir Menzies Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs when he was first informed that the United States was conducting international renditions of terrorist suspects; and what representations he has made to the US administration on such renditions. [36414]

Mr. Straw: The term rendition" is currently being used to describe informal transfers of individuals in a wide range of circumstances. Whether any particular rendition" is lawful depends on the facts of each individual case. Where we are requested to assist another State and our assistance would be lawful, we will decide whether or not to assist taking into account all the circumstances. We would not assist in any case if to do so would put us in breach of UK law or our international obligations. In particular, we would not facilitate the transfer of an individual from or through the UK to another State where there were grounds to believe that the person would face a real risk of torture.

Careful research by officials has been unable to identify any occasion since 11 September 2001, or earlier in the Bush administration, when we received a request for permission by the United States (US) for a rendition through UK territory or airspace, nor are we otherwise aware of such a case.

Additional research covering the remainder of the period of office of this Government (i.e. back to May 1997) has been undertaken. This shows there were some renditions via the UK during that period. Specifically, we have identified two definite occasions in 1998 when requests were made by the US. These occasions, for which records have been identified, were for transfer to the US for the person concerned to stand trial there. As the then Home Secretary I agreed these requests.

Although confirmatory records have yet to be identified, we believe that there may have been one or two other possible cases, also in 1998, which concerned requests by the US but for transfer to a third country. We have information on one such case which is incomplete and does not tell us whether the request was refused. We also have information on a case based on the recollection of officials involved in such matters, without any confirmatory records. The officials' recollection is that the case was refused. It is likely, but not certain, that the two cases are in fact one and the same. I have some recollection of such a case, but, given the passage of time, I cannot be certain. The search for records continues.

21 July 2004

Diego Garcia

Sir Menzies Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on (a) dredging and (b) the expansion of naval facilities at Diego Garcia since 1980. [184966]

Mr. Straw: The US Naval Support Facility on Diego Garcia, which had been established pursuant to an agreement between the two Governments of February 1976 as a development of the previous US naval communications facility there. Following an Exchange of Notes between the Governments of the UK and the US in August and September 2001 the US Naval Support Facility was designated as a Bomber Forward Operating Location and various infrastructure upgrades to the facility were agreed. The 2001 Exchange of Notes recorded the understanding of the two Governments that this was consistent with the scope and purpose of the facility as provided for in the 1976 agreement. Further infrastructure upgrades were similarly approved by the two Governments in July 2002. In addition, an Exchange of Notes between the two Governments in June and July 1999 recorded their agreement to the construction and operation on Diego Garcia of a monitoring facility, primarily for inclusion in the International Monitoring System, established under the Comprehensive Nuclear Test-Ban Treaty of 1996.

As regards dredging, it will be necessary to obtain this information from the authorities on Diego Garcia. When it has been received, I will write to the right hon. Gentleman and place copies in the Library of the House.

21 June 2004

Diego Garcia/Chagos Islands

Sir Menzies Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs what facilities exist on Diego Garcia for holding human beings against their will; and if he will make a statement. [178580]

Mr. Straw: In exercise of powers conferred on him by the Prisons Ordinance 1981 of the British Indian Ocean Territory, the Commissioner for the Territory has declared certain specified premises in Diego Garcia to be a prison. This was done by orders made in February 1986 (which replaced an earlier order made in July 1982), July 1993 and December 2001. Under various provisions of the law of the Territory, persons may be arrested in execution of a warrant of arrest issued by a Court or a Magistrate, or in certain circumstances without such a warrant, and any person so arrested may then be detained in such a prison until he is brought before a Court or a Magistrate. Persons who are ordered by a Court or a Magistrate to be remanded in custody or committed to prison are detained in such a prison as also, of course, are persons who are sentenced by a Court to imprisonment following their conviction of a criminal offence.

Sir Menzies Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs how many detainees, and how many shipments of detainees, have passed through Diego Garcia, or the territorial waters off it, while in transit between other destinations; whether any detainees have been disembarked at Diego Garcia, and for how long; and if he will make a statement. [178581]

Mr. Straw: The United States authorities have repeatedly assured us that no detainees have at any time passed in transit through Diego Garcia or its territorial waters or have disembarked there and that the allegations to that effect are totally without foundation. The Government are satisfied that their assurances are correct.

11 September 2003

Diego Garcia

Mr. Menzies Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 24 February to the hon. Member for Hereford (Mr. Keetch), *Official Report*, column 245W, on Diego Garcia, what stocks of anti-personnel landmines are held on Diego Garcia; what assurances the Government received from the United States during 2003 relating to munitions kept on Diego Garcia; and if he will make a statement. [129509]

Mr. Straw: UK officials raised these issues in the course of the annual bilateral talks on the British Indian Ocean Territory in June 2003. US officials assured us that no anti-personnel landmines are stored on Diego Garcia.

Mr. Menzies Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 15 July to the hon. Member for Hereford (Mr. Keetch), *Official Report*, column 193W, on Diego Garcia, whether prisoners have been held in (a) US vessels and (b) US merchant vessels chartered by the US Government

moored in Diego Garcia waters; what jurisdiction such prisoners would fall under; and if he will make a statement. [129511]

Mr. Straw: The United States Government have explicitly assured us that there have never been any prisoners in detention on any US vessels moored in Diego Garcia waters. The British Government are satisfied that this is correct.

16 July 2003

War Detainees

Mr. Menzies Campbell: To ask the Secretary of State for Defence how many of the detainees held at (a) Guantanamo, (b) Bagram Airbase and (c) Diego Garcia were originally captured by British forces; and if he will make a statement. [125798]

Mr. Ingram: No detainees are held at Diego Garcia. Of the detainees held at Bagram and at Guantanamo Bay, none were captured by British forces.