



Foreign &
Commonwealth
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From the Secretary of State

16 February 2010

Andrew Tyrie MP
House of Commons
London
SW1A 0AA

D. Allen,

I have written to Hansard to ensure there is no confusion arising from my answer to you on 10 February relating to rendition and extraordinary rendition. My letter to Hansard is attached.

As you know, neither 'rendition' nor 'extraordinary rendition' is defined in international or UK domestic law. However, 'rendition' is normally understood to mean the transfer of a person from one jurisdiction to another, outside formal processes such as extradition, deportation or removal. There are some circumstances where this would be lawful. For example, the transfer of an individual to safety, or where there was no apparent domestic legal framework, or where there was some other legal requirement to transfer (e.g. a Security Council Resolution).

'Extraordinary rendition' is normally understood to mean the transfer of a person from one jurisdiction to another jurisdiction where there is a real risk of torture. We will not cooperate in any transfer of an individual where we believe there is such a risk. We have never taken part in such an operation ourselves or given our approval for the use of our territory or airspace for such an operation carried out by others. Our international partners are well aware of this position.

We unreservedly condemn any practice of 'extraordinary rendition' to torture. We have always condemned torture. The UK Government, including the intelligence and security agencies, never uses torture for any purpose, including obtaining information. Nor would we instigate action by others to do so.

U.S.
David

DAVID MILIBAND

Ministerial Correction*Letter of correction from David Miliband:*

I am concerned to clarify a potential confusion in one sentence of my answer to Andrew Tyrie on 10 February. It concerns the difference between "rendition" and "extraordinary rendition", the former of which can be lawful (e.g. when someone is transferred to safety) and the latter of which is unreservedly to be condemned because it normally is understood to mean a transfer where there is a real risk of torture. I would not want my attempt to distinguish the process of rendition, or extraordinary rendition, from torture, to lead to confusion between rendition and extraordinary rendition.

The full statement made by me was as follows:

David Miliband: I am interested to hear that the Leader of the Opposition is re-committing himself to a judicial inquiry—I shall pursue it with Opposition Front-Bench Members to see whether it is the case. The Government have discussed whether a judicial inquiry would be right, but have concluded that it would not be right, not least because the judicial system in this country is performing a very effective function in the courts, which is where it belongs. I also want to put it on the record that a dangerous confusion is emerging between rendition—sometimes called extraordinary rendition—and torture. They are not the same thing, although both are reprehensible and contrary to the laws and spirit of this country. However, it is important that we do not confuse the two. In Mr. Mohamed's case, there are allegations that he was subject to both, but they are not the same; they are separate. However, they are both wrong and they both need to be addressed fully. In respect of the hon. Gentleman's main point, however, I do not think that the conclusion to be drawn from today's events is that a judicial inquiry is necessary; I draw the conclusion that the judiciary is performing its function extremely vigilantly.

The correct statement should have been:

David Miliband: I am interested to hear that the Leader of the Opposition is re-committing himself to a judicial inquiry—I shall pursue it with Opposition Front-Bench Members to see whether it is the case. The Government have discussed whether a judicial inquiry would be right, but have concluded that it would not be right, not least because the judicial system in this country is performing a very effective function in the courts, which is where it belongs. I also want to put it on the record that a dangerous confusion is emerging between extraordinary rendition and torture. They are not the same thing, although both are reprehensible and contrary to the laws and spirit of this country. However, it is important that we do not confuse the two. In Mr. Mohamed's case, there are allegations that he was subject to both, but they are not the same; they are separate. However, they are both wrong and they both need to be addressed fully. In respect of the hon. Gentleman's main point, however, I do not think that the conclusion to be drawn from today's events is that a judicial inquiry is necessary; I draw the conclusion that the judiciary is performing its function extremely vigilantly.