

ANDREW TYRIE MP



HOUSE OF COMMONS

LONDON SW1A 0AA

Alistair Burt MP
Parliamentary Under Secretary of State
Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH

5 May 2011

Dear Alistair,

Re: Extraordinary Rendition

Thank you for your reply to my letter of 27 October 2010. Frankly, it didn't tell me much.¹ A number of specific questions require a response. I have set them out in a numbered annex. I would be grateful for a similarly numbered reply.

While I understand the need to avoid prejudicing or pre-empting the Detainee Inquiry's conclusions, there is equally a need to ensure that the Inquiry is provided with sufficient information to enable it to do its job. If this information is not held by the government then it needs to be obtained from the US administration. I hope you agree.

Diego Garcia

I am disappointed that you did not answer the majority of my questions on Diego Garcia. I would be grateful for an explanation as to why you cannot confirm or deny that the government holds full details of the flights and the detainees involved. To do so would not require the details themselves to be disclosed. The Inquiry will clearly need to be provided with this information. If it is being withheld by the US, as previous answers have implied, then a further more forceful request may be needed.

I take your position to be that the agreements between the US and the UK for the use of Diego Garcia were breached by the two rendition flights. This is not the US position. This strongly indicates both that the clarity and policing of the agreements require strengthening.

I am grateful for your assurance that "*no [rendition] flights, other than the two previously referred to, had been through the UK, UK airspace or Overseas*

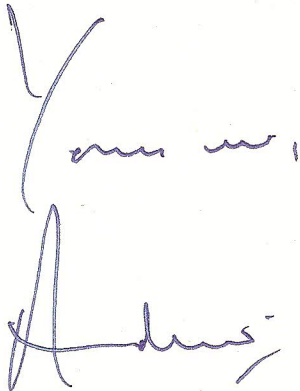
Territories since 11 September 2001". As you know, this goes beyond previous government statements on this, which did not include rendition flights through UK airspace that did not land in the UK.

'Circuit flights'

You referred to the Group's proposals to change the law on extraordinary rendition, which have been developed and revised following a series of meetings with the Lord Chancellor and Ministry of Justice officials over the last year. The issue of legislation on extraordinary rendition, to prevent involvement in the future, is distinct from the need to look back and to establish precisely what happened in the past.

It is likely that the Inquiry will examine the issue of rendition 'circuit flights'. To do so effectively it will need to know whether, and if so, how often, circuit flights have been through the UK to date. This will require a simple request from the FCO to the US government. Whether such flights constituted rendition in the eyes of the previous government is irrelevant. The Inquiry can consider this when it has all the information. Failure to make such a request would prejudice the Inquiry's work.

The last government persistently refused to ask questions of the US administration on rendition. The conclusion which some will inevitably draw is that this was because they didn't want the answers. To continue this approach would risk the same conclusions being drawn about the current government.

A handwritten signature in blue ink, appearing to read 'Andrew Tyrie', written in a cursive style.

ANDREW TYRIE
Chairman, All-Party Parliamentary Group on Extraordinary Rendition

Annex

1. What information does the government now have about the two rendition flights through Diego Garcia?
2. Are details of the flights, including dates, times, destinations and flight logs known to the UK government?
3. Are details of the detainees, including their names, place(s) of detention and treatment known to the UK government?
4. If you are unable to answer questions 1-3, please explain why.
5. Has the information covered by 1-3 been requested from the US by the UK government?
6. Is information on the two rendition flights through Diego Garcia being withheld by the US administration? Has it been withheld in the past?
7. Is your more comprehensive assurance, that “*no [rendition] flights, other than the two previously referred to, had been through the UK, UK airspace or Overseas Territories since 11 September 2001*”, based on further more recent information provided by the US?