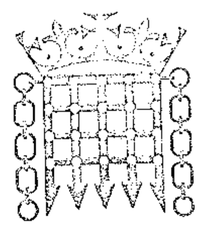
ANDREW TYRIE MP



HOUSE OF COMMONS
LONDON SW1A 0AA

Rt. Hon. Dr Liam Fox MP
Secretary of State for Defence
Ministry of Defence
Floor 5, Main Building
Whitehall
London
SW1A 2HB

30 November 2010

Dear Liam,

Freedom of Information Request

Thank you for your letter of 18 November 2010 and the attached substantive response. As you know, the Requests made in my 6 October 2010 letter were largely a re-submission of a number of FOIA requests I made in the first half of 2008. They are currently before the Information Tribunal.

I am surprised that MoD officials have relied on the costs exemption under section 12 of FOIA in relation to the requests set out at 1(a) – (c) of my letter, attached. In particular, despite specifying that my requests were prioritised both alphabetically and numerically, the MoD appears to have considered requests 1(a), (b) and (c) jointly in reaching this assessment of the costs limit.

Further, documents falling within the scope of these requests govern the way that detainees captured by British forces are treated in theatre, including in our ongoing military operations in Afghanistan. I am therefore surprised that they can't be located within three and a half days.

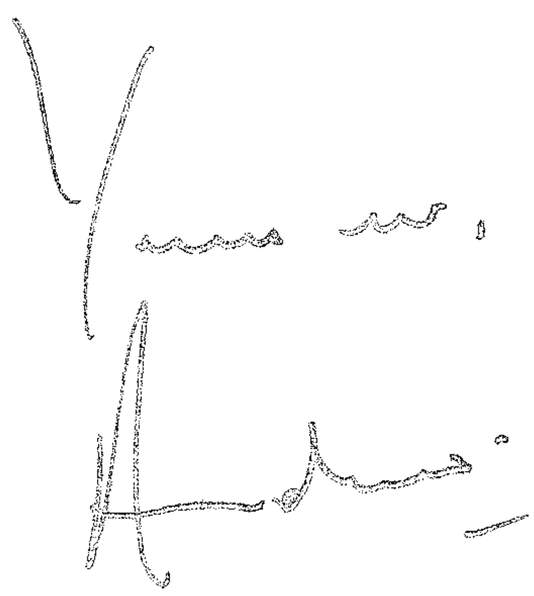
I understand that the Iraq/UK 2004 MOU is in the public domain. My lawyers also inform me that related documents, including an exchange of letters related to the Afghan/UK MOU, were disclosed and referred to in the judgment of *R (on the application of Maya Evans) v Secretary of State for Defence*. It appears odd that they cannot be located within three and a half days.

I would like to request an internal review of the decision not to disclose the information. In addition to the arguments on cost, above, I am concerned about the suggestion that parts of requests 1(a) – (c) would fall within exemptions under sections 23, 26, 27, 40(2) and 42. When I originally made this request in 2008 only section 27 (international relations) was relied on. I do not

understand how the situation since 2008 has changed to the point that other exemptions, hitherto not deemed relevant, have become so. I am also disappointed that the basis of the MoD's costs estimate is not set out, and that the response was provided ten days after the deadline, with no explanation for the delay.

I would also like to re-submit the remaining requests, on the same priority basis as set out in my letter of 6 October 2010 (beginning with 2(a)), to be considered as soon as is possible under FOIA. In the past, my office found discussions with FCO officials helpful, both in limiting the scope of FOI requests made to the FCO and agreeing a timetable within which they could be dealt with. I would welcome similar discussions between my office and your officials to achieve something similar here. I hope you will consider this, bearing in mind your officials' offer of "informal resolution". Stuart McCracken or Zoe Oliver-Watts in my office can be contacted on 020 7219 5425.

I am placing a copy of this letter in the public domain.



ANDREW TYRIE

Chairman, All Party Parliamentary Group on Extraordinary Rendition