

All Party Group on Extraordinary Rendition  
House of Commons

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**Tribunal ruling shows need for new Inquiry**

The ruling by the First Tier Tribunal (Information Rights) on the appeal by the All Party Group (APG) on Extraordinary Rendition against the refusal by the Foreign and Commonwealth Office to release key documents concerning the UK's role in rendition demonstrates the need for the successor to the Gibson Inquiry to begin work as soon as possible, the APG said.

APG Chairman Andrew Tyrie said: "The Tribunal noted the very strong public interest in transparency and accountability on the issue of rendition. However, the Tribunal took a cautious view of the exemptions given to information relating to the security services and to international relations under FoI.

I do not dispute the importance of protecting national security and the reputation and effectiveness of our security services. However, I also believe strongly that both will best be protected by resolving the outstanding allegations about rendition so that we can draw a line under the issue and move on.

The APG reserves its position on a possible appeal against this ruling. The mixed record, so far, in obtaining the minimum essential sunlight to disinfect this issue emphasises the importance of getting to the truth through an independent judge-led inquiry. The government was right to close the Gibson Inquiry but it is vital that a new inquiry, learning the lessons from where Gibson fell short, is constituted as soon as possible."

Notes to editors

The APG on Extraordinary Rendition submitted three FOI requests to the FCO in 2008-09. These related to: the alleged rendition of Bisher al-Rawi and Jamil el-Banna in 2002; allegations, first reported in the media, that the British government

had solicited the "Bellinger letter" from the US Department of State in 2008 stating that disclosure of documents relevant to the Binyam Mohamed case would threaten the intelligence-sharing relationship between the US and the UK; and the UK's involvement in the extraordinary rendition and torture of Binyam Mohamed, information passed to the British government by the US authorities following the waterboarding of three detainees and information received from the US authorities about claimed or reported foiled attacks on the UK.

The FCO claimed a variety of exemptions from the obligation to disclose the bulk of the relevant documents. This refusal was largely upheld by the Information Commissioner in three Decision Notices issued on 24 January 2011, although the Commissioner did require the FCO to release some documents. The APG appealed to the Tribunal against all three Decision Notices, and these appeals were held together before the Tribunal in hearings held in November 2011 and February 2012. The Tribunal has now given its ruling.

The Tribunal found that there was "a very strong public interest in transparency and accountability" concerning the extent to which the government and security services had carried out the stated policy of opposition to rendition, especially given that "Ministers have had to correct statements made to Parliament" on the issue. It also acknowledged a "particular weighty public interest" in the possible involvement of the government in the detention and rendition of British nationals, and that there was a "strong public interest" in disclosure concerning the Bellinger letter.

However, the Tribunal concluded that considerations of national security and international relations which it held to be at issue were of still greater weight and therefore it largely dismissed the APG's appeal. However, it ordered the full or partial disclosure of four documents.

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