

3 July 2008

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Foreign &
Commonwealth
Office

London SW1A 2AH

Ms Shami Chakrabarti
Liberty
21 Tabard Street
London
SE1 4LA

From the Foreign Secretary

Dear Shami,

I wrote to you in February on the day of my oral statement to the House of Commons, regarding two cases of rendition through Diego Garcia. I said in the statement that I had asked my officials to compile a list of all the flights where we had been alerted to concerns regarding rendition through the UK or our Overseas Territories.

I wanted to thank you for making the time to come in to discuss this work with FCO staff and for the input that Liberty provided. The list of flights was passed to the US on 15 May, and we sought their assurance that none of these flights were used for rendition.

I enclose for your information a copy of the flight list, which is also available on the FCO website (www.fco.gov.uk).

I attach a copy of my written statement to the House of Commons of today. As the statement says, the US have confirmed to us that, with the exception of two cases related to Diego Garcia in 2002, there have indeed been no other instances in which US intelligence flights landed with a detainee on board in the UK, our Overseas Territories or the Crown Dependencies since 11 September 2001.

Secretary Rice has also underlined to me the firm US understanding that there will be no rendition through the UK, our Overseas Territories and Crown Dependencies or airspace without first receiving our express permission. We have made clear that we would only grant such permission if we were satisfied that the rendition would accord with UK law and our international obligations (including under the UN Convention Against Torture and the European Convention on Human Rights).

*Yours,
David*

DAVID MILIBAND



Foreign &
Commonwealth
Office

Written Ministerial Statement

03 July 2008

Terrorist Suspects (Rendition)

The Secretary of State for Foreign and Commonwealth Affairs (David Miliband):

On 21 February I made a statement to the House regarding new information we had been passed by the US Government regarding rendition. Contrary to earlier assurances that Diego Garcia had not been used for rendition flights, US investigations had revealed two occasions, both in 2002, when this had in fact occurred. Since February, I have corresponded with Secretary Rice on this issue and our officials have continued to work through the details and implications of the new information.

I promised the House that, as part of this of this process, my officials would compile a list of flights where we had been alerted to concern about rendition through the UK or our Overseas Territories. The list which they have compiled, containing 391 flights, reflects concerns put to us by hon. Members, members of the public, multilateral organisations and non-governmental organisations. Inclusion on this list does not represent an official endorsement of any allegations about a particular flight. On the contrary, US government flights as with other government flights occur regularly for a variety of purposes. Our intention was to collate in one place those concerns that had been put to us directly. The list was passed to the US on 15 May. I undertook in February to publish the list and have today placed a copy in the library of the House and published it on the FCO website (www.fco.gov.uk).

The United States Government received the list of flights from the UK Government. The United States Government confirmed that, with the exception of two cases related to Diego Garcia in 2002, there have been no other instances in which US intelligence flights landed in the United Kingdom, our Overseas Territories, or the Crown Dependencies, with a detainee on board since 11 September 2001.

Our US allies are agreed on the need to seek our permission for any future renditions through UK territory. Secretary Rice has underlined to me the firm US understanding that there will be no rendition through the UK, our Overseas Territories and Crown Dependencies or airspace without first receiving our express permission. We have made clear that we would only grant such permission if we were satisfied that the rendition would accord with UK law and our international obligations. The circumstances of any such request would be carefully examined on a case-by-case basis.

Our intelligence and counter-terrorism relationship with the US is vital to the national security of the United Kingdom. There must and will continue to be the strongest possible intelligence and counter-terrorism relationship between our two countries, consistent with UK law and our international obligations.