

EXHIBIT I



Intelligence and Security Committee

Rendition

Chairman:
The Rt. Hon. Paul Murphy, MP

Cm 7171

£18.00



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Presented to Parliament by the Prime Minister
by Command of Her Majesty
JULY 2007

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133. The Deputy High Commissioner and the High Commissioner to The Gambia made representations to the U.S. Ambassador in Banjul from 27 November.¹⁰³ In Washington, the Deputy Head of Mission made representations to the U.S. Department of State and the National Security Council.¹⁰⁴ They registered strong objections to the transfer of the men and sought clarification of their whereabouts and U.S. intentions. The Committee was told:

*In response to our representations, the U.S. confirmed the detention of the individuals in question, but declined to give their precise location in Gambia. The U.S. also stated that they believed there were good grounds for the individuals' detention and told us they were being well treated.*¹⁰⁵

134. The FCO sought consular access to the two British nationals (el-Janoudi and Wahab al-Rawi), but this was refused despite repeated requests.¹⁰⁶ Eventually, the two British nationals were released and returned to the UK on 4 and 5 December 2002.

S. The Security Service and Foreign Office acted properly in seeking access to the detained British nationals, asking questions as to their treatment and, when they learnt of a possible rendition operation, protesting strongly.

T. We note that eventually the British nationals were released, but are concerned that, contrary to the Vienna Convention on Consular Relations, access to the men was initially denied.

135. On 6 December 2002, the Security Service sent a telegram to the U.S. authorities which stated that HMG “*would not seek to extend consular protection to non-British nationals*”. We have been told that under international law the FCO could not provide consular protection to Bisher al-Rawi and el-Banna. In a number of the cases we have reviewed, there is an issue related to consular protection afforded to British residents or those with dual nationality.¹⁰⁷ This is a matter beyond the remit of the Committee. We note, however, the report of the Foreign Affairs Committee on their visit to Guantánamo Bay which concludes that the established policy of not accepting consular responsibility for non-British nationals is correct.

¹⁰³ *The High Commissioner visited the U.S. Ambassador in person, on at least two occasions.*

¹⁰⁴ *The Deputy Head of Mission in Washington spoke directly to senior officials at the State Department and the National Security Council.*

¹⁰⁵ *Letter from the Foreign Secretary to the Committee, 12 January 2007.*

¹⁰⁶ *Consular access was sought from 27 November by way of a formal written request to the Gambian authorities and as part of representations made to the U.S. Ambassador in Banjul.*

¹⁰⁷ *The legal aspects of consular access are described in paragraph 17.*