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*From the Foreign Secretary*

21 February 2008

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*be clear,*

I am writing about new information passed to us by the US which is of interest to Reprieve. It requires us to correct statements made in previous letters to you. I am very sorry indeed that the information given was not correct.

On 15 February British officials were informed by their US counterparts that, contrary to earlier assurances by the US that Diego Garcia had not been used for rendition flights, recent US investigations had revealed two occasions, in January and September 2002, when this had in fact occurred. In both cases a US plane refuelled in Diego Garcia whilst a detainee was on board.

I made a full statement to the House of Commons on this matter this afternoon and enclose a copy. I made clear our disappointment at this news and its late emergence and outlined the work now in hand between my officials and their US counterparts to work through the details and implications, including on the subsequent treatment of both men.

I have asked my officials to compile a list of all the flights where we have been alerted to concerns regarding rendition through the UK or our Overseas Territories. Once this is ready we will be sending this list to the US and seeking their specific assurances that none of these flights were used for rendition purposes.

I will be keeping Parliament updated.

*Mr.*  
*David Miliband*

DAVID MILIBAND

12-30 12/19

## TERRORIST SUSPECTS (RENDITION)

With permission, Mr Speaker, I would like to make a statement on US rendition operations.

On 12 December 2005, in response to a Parliamentary Question from the Right Honourable Member for North East Fife (Sir Menzies Campbell), the then Foreign Secretary, my Right Honourable Friend the Member for Blackburn (Mr Jack Straw), updated the House on the subject of Terrorist Suspects (Renditions), stating that:

“Careful research by officials has been unable to identify any occasion since 11 September 2001, or earlier in the Bush administration, when we received a request for permission by the United States for a rendition through UK territory or airspace, nor are we otherwise aware of such a case”. (*Official Report, Column 1652W*).

This was supplemented by two further Written Ministerial Statements on 10 and 20 January 2006, (*Official Report, Column 5WS*) and (*Official Report, Column 37WS*) and a subsequent letter of 6 February 2006 to the Right Honourable Member for Richmond (Yorks) (Mr William Hague).

In March 2007 the then Prime Minister, the Right Honourable Tony Blair, gave an assurance to the Intelligence and Security Committee (ISC) that he was satisfied that the US had at no time since 9/11 rendered an individual through the UK or our Overseas Territories. In its Report on Rendition the ISC (28 June 2007) said ‘we are satisfied that there is no evidence that US rendition flights have used UK airspace (except the two cases in 1998 referred to earlier in this report) and that there is no evidence of them having landed at UK military airfields’. The Government welcomed these conclusions in its response to the Report published in July 2007. Parliamentary answers, interviews and letters followed this evidence.

I am very sorry indeed to have to report to the House the need to correct these and other statements on the subject, on the basis of new information passed to officials on 15 February 2008 by the US Government.

Contrary to earlier explicit assurances that Diego Garcia had not been used for rendition flights, recent US investigations have now revealed two occasions, both in 2002, when this had in fact occurred. An error in the earlier US records search meant that these cases did not come to light. In both cases a US plane with a single detainee on board refuelled at the US facility in Diego Garcia. The detainees did not leave the plane, and the US Government has assured us that no US detainees have ever been held on Diego Garcia. US investigations show no record of any other rendition through Diego Garcia or any other Overseas Territory or through the UK itself since then.

Yesterday US and UK legal teams discussed the issue, and I spoke myself with Secretary of State Rice. We both agree that the mistakes made in these two cases are not acceptable, and she shares my deep regret that this information has only just come

to light. She emphasised to me that the US Government came to us with this information quickly after they discovered it.

The House and the Government will share deep disappointment at this news, and about its late emergence. That disappointment is shared by our US Allies. They recognise the absolute imperative for the British Government to provide accurate information to Parliament. I reaffirm the Government's commitment to that imperative today.

We fully accept that the US gave us its earlier assurances in good faith. We accepted those assurances, and indeed referred to them publicly, also in good faith.

For the avoidance of doubt, I have asked my officials to compile a list of all the flights where we have been alerted to concerns regarding rendition through the UK or our Overseas Territories. Once this is ready we will be sending this list to the US and seeking their specific assurance that none of these flights were used for rendition purposes.

Our counter-terrorism relationship with the United States is vital to UK security. I am absolutely clear that there must and will continue to be the strongest possible intelligence and counter-terrorism relationship with the US, consistent with UK law and our international obligations. As part of our close co-operation, there has long been a regular exchange with the US authorities, in which we have set out:

- (i) that we expect them to seek permission to render detainees via UK territory and airspace, including Overseas Territories;
- (ii) that we will grant that permission only if we are satisfied that the rendition would accord with UK law and our international obligations; and
- (iii) how we understand our obligations under the UN Convention Against Torture.

Secretary of State Rice has underlined to me the firm US understanding that there will be no rendition through the UK, UK airspace or Overseas Territories without express British Government permission.

The House will want to know what has become of the two individuals in question. There is a limit to what I can say, but I can tell the House the following. The US Government has told us that neither of the men was a British national or a British resident. One is currently in Guantanamo Bay. The other has been released. The House will know the British Government's long-standing position is that the detention facility at Guantanamo should be closed.

My officials and their US counterparts continue to work through all the details and implications of this information. We will keep procedures under review to ensure they meet the standards we have set. I will of course keep the House updated.