



Foreign, Commonwealth
& Development Office

Rt Hon Dominic Raab MP
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Humza Yousaf MSP
Cabinet Secretary for Justice
St Andrew's House
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Our ref: MC2020/15642

23 September 2020

Dear Humza

Thank you for your letter of 17 July regarding the US Senate Committee on Intelligence's report on Rendition, Detention and Interrogation.

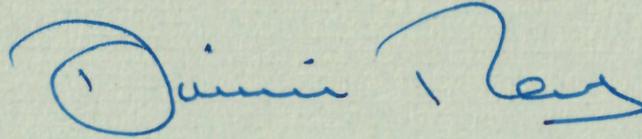
I can confirm that HMG supports the rule of law, and opposes any form of unlawful deprivation of liberty that places a detained person outside the protection of the law, including so-called extraordinary rendition. Any request for the transit of foreign flights through the UK or overseas territories is considered on a case-by-case basis and are granted only when the purpose of the transit complies with international law. HMG does not approve nor permit the use of its territory or UK facilities by another state under any circumstances for the purposes of transfers or detention that are not in compliance with international law.

You raised concerns regarding the US using UK airports for extraordinary rendition flights. The UK would not permit the use of its territories or facilities for any acts that could amount to rendition. As you mention, there were two previously declared incidents in 2002, where British Territory had been used for this purpose. Since those events in 2002 the US has not held or moved any detainees through the territorial land, air or seas of the UK or our overseas territories. HMG receives annually an assurance statement from the US Government that confirms that the US has not held or moved any detainees through the territorial land, air or seas of the UK or our overseas territories. The last such statement from the US Government was in December of 2019 and we have no reason to doubt these assurances.

The Police Scotland investigation into the use of UK airports to consider whether unlawful action has taken place is, as you note, a live and ongoing investigation and it would not be appropriate to comment. However, we would consider any request to assist

in the usual way. Requesting the US Senate Committee on Intelligence to release the full and unredacted report from December 2014 is not a matter in which the UK Government would seek to intervene. This would be a matter for the US Senate Intelligence Committee to independently consider any request to release the information to the public.

You sneech.

A handwritten signature in blue ink, appearing to read "Dominic Raab". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

THE RT HON DOMINIC RAAB MP

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The Rt. Hon Dominic Raab MP
Secretary of State for Foreign and Commonwealth
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Foreign & Commonwealth Office
King Charles Street
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SW1A 2AH
United Kingdom

17 July 2020

Dear Dominic

The US Senate Committee on Intelligence report on Rendition, Detention and Interrogation.

As you will be aware, there remains significant concern on the part of human rights organisations, such as Reprieve, regarding the use of UK airports, specifically those in Scotland, for the purposes of extraordinary rendition by the United States of America.

Police Scotland have been undertaking an investigation since 2013 into the use of these airports to consider whether any unlawful activity has taken place. That investigation remains live and ongoing. The US Senate Committee released the redacted summary of their report on 9 December 2014 but have not produced the full and unredacted Report. I believe that as much information about this matter should be available to the public as possible. In order that some closure to the events can be achieved, Reprieve, other human rights organisations and my fellow MSPs have asked that, as the Cabinet Secretary for Justice, I seek to obtain a copy of the unredacted report before it is too late. As Civil Aviation and Foreign Affairs are both reserved matters, I am therefore, in turn, seeking the support of the UK Government in making representations to the US Government in order to facilitate access to all relevant information about of the use of Scottish airports for extraordinary rendition flights.

We have, in the past, sought confirmation that UK airports were not used for extraordinary rendition flights, and that assurance was found to be inaccurate when the US government finally disclosed the use of Diego Garcia for one such flight. I am therefore inclined to seek the report itself, which should be a true and accurate picture, than to seek verbal assurances.

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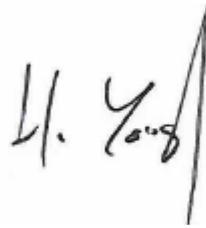
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Therefore, I would be grateful if you could formally make representations to the US Government to seek the unredacted information contained in the report. I look forward to your reply. I would be happy to discuss this request further with you.

I have copied this letter to the Secretary of State for Scotland, the Secretary of State for Home Affairs, and the Lord Advocate.



HUMZA YOUSAF MSP
Cabinet Secretary for Justice

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Secretary of State for Foreign, Commonwealth and
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23 November 2020

Dear Dominic

The US Senate Committee on Intelligence report on Rendition, Detention and Interrogation

As you can imagine, I am deeply disappointed in your response of 23 September to my letter regarding the above report.

While you are no doubt content with the current assurances provided by the US Government on the use of UK airspace and airports, the allegations made by Human Rights organisations, such as REPRIEVE, are historical in nature.

As I indicated, and you will be aware, assurances provided in the past have been found to be inaccurate to the extent that one of your predecessors has apologised to the UK Parliament for the inaccuracy. It seems to me that access to the relevant information in the above report would aid in providing the necessary closure of these historical events, and the support of the UK Government in achieving that closure would be welcomed.

I hope that you will reconsider your position on seeking the relevant information.

HUMZA YOUSAF

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