

## Scotland Against Criminalising Communities

c/o The Peace and Justice Centre,  
Princes Street,  
Edinburgh,  
EH2 4BJ  
22nd June 2006

[www.sacc.org.uk](http://www.sacc.org.uk)

Mr William Rae,  
Chief Constable  
Strathclyde Police Headquarters  
173 Pitt Street  
Glasgow  
G2 4JS

### Extraordinary rendition

Dear Mr Rae,

I am writing on behalf of the human rights group Scotland Against Criminalising Communities to express our concern over evidence that Glasgow and Prestwick airports are being used by aircraft operated by US agencies in connection with the practice referred to as "extraordinary rendition".

The term refers to the transfer of persons in state custody from one country to another without due authority. There is strong evidence that this practice – in any case illegal – has led in at least some cases to torture, and that it routinely involves inhumane or degrading treatment of prisoners during their journey. It is our strong suspicion that the instances where there is clear evidence of torture represent the tip of the iceberg, and that the US in fact transfers people overseas in this way in the full knowledge, and indeed expectation, that these people will be subjected to torture. This view is shared by many human rights organisations.

SACC takes the view that there are reasonable grounds for suspecting that CIA-owned aircraft that have been logged at Glasgow and Prestwick airports have been involved in support for extraordinary rendition, and accordingly for suspecting that personnel on these aircraft have been involved in aiding and abetting and/or conspiring to torture or to commit the offence of false imprisonment. Support of this kind for extraordinary rendition would be illegal even if it did not involve the transfer of a prisoner through Glasgow and Prestwick airports.

Shami Chakrabarti, Director of Liberty, wrote to Chief Constables in England and Wales on 29 November 2005 to express similar concerns. A copy of her letter is enclosed for your information. Following this, the Association of Chief Police Officers (ACPO) announced that it would be investigating the matter.

SACC joins with Liberty in expressing satisfaction at this small step in the right direction. We note with regret that we are unaware of any involvement of Scottish police forces in the ACPO investigation. We also note that substantial investigations have been carried out by other agencies since that time, most notably by Amnesty International and by the Council of Europe's Special Rapporteur Dick Marty. Reports based on these investigations have been published in recent weeks. Regrettably, we are aware of no comparable outcome from the ACPO investigation.

In any case, we do not feel that an investigation of the kind apparently undertaken by ACPO would, by itself, be sufficient to discharge police responsibilities in this matter. In our view these responsibilities can only be met through determined and concrete efforts by local police forces to check specific suspect aircraft that land at airports within their policing areas.

The kind of police action that is necessary has been set out quite clearly by Parliament's Joint Committee on Human Rights (JCHR). The Committee's 19<sup>th</sup> report, published on 26 May 2006, says:

*"For the future ... Where there are credible allegations arising from previous records that a particular civil aircraft transiting UK airspace has been involved in renditions, and where the aircraft is travelling to or from a country known to practise torture or inhuman or degrading treatment, it should be required to land. Where such an aircraft lands at a UK airport for refuelling or similar purposes, it should be required to provide a full list of all those on board, both staff and passengers. On landing, it should be boarded and searched by the police, and the identity of all those on board verified.*

*Scotland Against Criminalising Communities is a grassroots group that campaigns for the repeal of Britain's anti-terrorism laws and offers solidarity to the communities most affected by them.*

*More information at [www.sacc.org.uk](http://www.sacc.org.uk)*

*Wherever appropriate, a criminal investigation should be initiated. Where an aircraft suspected of involvement in extraordinary renditions identifies itself as a state aircraft, it should not be permitted to transit UK airspace, in the absence of permission for UK authorities to search the aircraft. We consider that these steps are not only permitted by the current law, but required to ensure full compliance with the Convention Against Torture."*

We note that that this paragraph begins with the words "for the future." However, we also note that its concluding sentence states that these steps are currently both permitted and required in law. We therefore ask you to give a clear undertaking that Strathclyde Police will be pro-active in trying to identify suspect aircraft landing at Glasgow and Prestwick, and that they will investigate such aircraft in the way set out by the JCHR.

We draw to your attention to a legal opinion issued on 17 March by the Venice Commission - the Council of Europe's constitutional advisory body.

The Venice Commission says:

*"there exists in particular a positive duty to investigate into substantiated claims of breaches of fundamental rights by foreign agents, particularly in case of allegations of torture or unacknowledged detention."*

and

*"...the search of a state airplane which has presented itself as a civil aircraft is allowed under the Chicago Convention and must be effected whenever there are reasonable grounds to suspect that the plane may be used to commit human rights breaches"*

We also draw your attention to a meeting in January this year attended by Cecile Shea (the US Consul in Edinburgh), several MSPs, members of our campaign and other interested individuals. At this meeting Cecile Shea stated plainly that the US would raise no objection to US aircraft being checked by British police where there were reasonable grounds to suspect criminal activity.

A research report produced by Council of Europe rapporteur Dick Marty is enclosed. You will note that it documents 19 visits of CIA-owned aircraft to Glasgow airport and 34 such visits to Prestwick. The most recent recorded visit to Prestwick was in November last year.

The research report referred to above forms part of the background to the report "*Alleged secret detentions and unlawful inter-state transfers involving Council of Europe member states*" issued by Dick Marty on 7 June. Prestwick shares with Shannon the distinction of being one of only two airports in the British Isles characterised in that report as nodes in a "global spider's web" of illegal activity. Dick Marty describes both of these airports as "stopover points", where "aircraft land to refuel, mostly on the way home."

You will also recall the government statement in March of this year that a prisoner was "rendered" by the US via Prestwick in June 1998

SACC takes the view that the highlighting of Prestwick in this way places a special responsibility on Strathclyde Police to investigate the issue of extraordinary rendition.

It would of course be wrong to presume that all the flights listed in Dick Marty's research report are connected with the kind of offences described at the beginning of this letter. But Dick Marty has linked some known cases of rendition to flights operated in a similar way to these Glasgow and Prestwick flights. Given the obvious difficulty of establishing such a link, it can reasonably be supposed that a number of other instances remain undiscovered. And it can also be reasonably supposed that there must be many more instances where flights are associated with illegal logistical support for abductions and torture.

It is important that any evidence of criminal activity in the past should be investigated. But in our view it is even more important that the police should act energetically to prevent abuse of Scottish facilities from occurring in the future. We hope that you will be able to assure us that you will do this.

Yours sincerely

Richard Haley (Secretary, SACC)