

AL QAIDA DETAINEES

- 1. Thank you for making such a good and determined start on interviewing Al Qaida detainees; we can see all sorts of likely benefits.
- 2. There are one or two legal points worth repeating and/or clarifying, some with particular reference to some more general. has asked that you share these with



4. With regard to the status of the prisoners, under the various Geneva conventions and protocols, all prisoners, however they are described, are entitled to the same level of protection. You have commented on their treatment. It appears from your description that they may not be being treated in accordance with the appropriate standards. Given that they are not within our custody or control, the law does not require you to intervene to prevent this. That said, HMG's stated commitment to human rights makes it important that





the Americans understand that we cannot be party to such ill treatment nor can we be seen to condone it. In no case should they be coerced during or in conjunction with an SIS interview of them. If circumstances allow, you should consider drawing this to the attention of a suitably senior US official locally.

5. It is important that you do not engage in any activity yourself that involves inhumane or degrading treatment of prisoners. As a representative of a UK public authority, you are obliged to act in accordance with the Human Rights Act 2000 which prohibits torture, or inhumane or degrading treatment. Also, as a Crown Servant, you are bound by Section 31 of the Criminal Justice Act 1948, which makes acts carried out overseas in the course of your official duties subject to UK criminal law. In other words, your actions incur criminal liability in the same way as if you were carrying out those acts in the UK.

