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Foreign &
Commonwealth
Office

London SW1A 2AH

From The Minister of State

Andrew Tyrie MP
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Dear Andrew

I am writing concerning a written Parliamentary Question (203571) you tabled on 29 April 2008 about the detention of British and dual British/Pakistani nationals in Pakistan and my answer of 8 May 2008.

I replied that we were aware of six cases of British or dual British/Pakistani nationals having been detained on suspicion of terrorist offences in Pakistan since 2000.

You will be aware that since my reply, the Foreign Affairs Committee raised further points regarding these individuals in their response to the FCO's Annual Human Rights Report.

While working on the response to the FAC report, officials became aware that the six names held on lists by different FCO departments and which formed the basis of my answer to you did not fully correspond and that in fact there were eight individual cases. However, I should make it clear that it will always be difficult to give precise numbers as it is often the case that we will not be given consular notification of the detention of dual British nationals in the country of their second nationality.

I am sorry that this administrative confusion caused me to give an inaccurate reply to your question. Procedures are being put in place to prevent this mistake occurring again in the future. I have sent a letter of correction to the Editor of Hansard in order to amend the record.

I know that you tabled a number of further Parliamentary Questions requesting additional detail about the original six cases. I take this opportunity to provide the same information in relation to the further two cases now identified (see Annex A).

I hope that this provides you with a comprehensive picture of the further two cases recently identified.

I am copying this letter to Mike Gapes MP, in his capacity as Chair of the Foreign Affairs Committee, and Margaret Beckett MP, in her capacity of Chair of the Intelligence and Security Committee, for information. Further details about our policy



and handling of such cases will be provided in our response to the FAC report on the FCO's Annual Human Rights Report.

*James
Kim*

KIM HOWELLS



Annex A

PQ 206054 – in how many of the cases British consular access was (a) requested and (b) granted

Consular access was sought in one of the two cases, but not granted before the individual was released by the Pakistani authorities. We believe that both individuals were dual nationals. However there is often uncertainty about nationality in such cases due to the fact that we rely on information from the Pakistani authorities to confirm this.

PQ 206055 – in how many of the cases the detainee complained of mistreatment

Of these two cases, one detainee complained of mistreatment while in detention and consular access was sought. Press Reports alleged that the other was abused whilst in detention. We contacted the individual following these reports but he has not asked us to take this forward with the Pakistani authorities.

PQ 207358 – whether any of the detainees are still in Pakistani detention

I can confirm that both these individuals, were released from Pakistani custody.

PQ 207359 - whether any of the detainees were visited by other British officials

I can neither confirm nor deny whether UK officials met any of these individuals to discuss non-consular matters. It is the Government's long standing policy not to comment on intelligence-related issues.

PQ 207361 – for what reasons consular access was not sought in all cases

In line with the Consular Guide, in which we set out the help we can offer to British nationals abroad, we would not normally offer consular assistance to dual nationals in their country of other nationality. We may make an exception to this rule if, having looked at the circumstances of the case, we consider that there is a special humanitarian reason to do so. If we become aware of an allegation of torture against a dual UK national held in the country of their other nationality, it is likely we would seek consular access and we would carefully consider raising the allegation with the local authorities. We would look at each situation on a case-by-case basis.

However, if we were not aware of such allegations then we would not normally seek consular access.

PQ 214990 – what steps the Government took in the cases of those who alleged mistreatment

In the case of the individual who alleged mistreatment whilst in detention we raised these allegations officially with the Pakistani authorities. We have yet to receive any official response from them. In the other case, the individual asked us not to raise any allegations with the Pakistani authorities.

PQ 214991 – how the government learned of the detention in Pakistan of the dual British/Pakistani nationals

As I stated regarding the original four dual British/Pakistani cases, the Pakistani authorities were under no obligation to inform us of the detention of dual nationals in



their second country of nationality. In all cases we were informed of their detention either by family members or foreign officials.