



10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

6 July 2010

I am very grateful to you for agreeing to lead an independent Inquiry into UK involvement with detainees in overseas counter-terrorism operations. As you know, the Government will ask this Inquiry to begin as soon as possible after the end of related criminal processes and once sufficient progress has been made in settling ongoing litigation. In advance of this, the Government is happy to engage with the panel about how to facilitate any preparatory phase of reading into existing relevant material.

I have agreed to appoint Dame Janet Paraskeva and Peter Riddell to support you on the Inquiry panel. I will recommend the appointment of Dame Janet and Mr Riddell to the Privy Council to Her Majesty The Queen.

At this stage I thought it would be useful if I described the parameters of the Inquiry, to provide a basis for final terms of reference to be agreed between the Government and the Inquiry panel. These should be published before the panel begins work.

The purpose of this Inquiry is to examine whether, and if so to what extent, the UK Government and its intelligence agencies were involved in improper treatment of detainees held by other countries in counter-terrorism operations overseas, or were aware of improper treatment of detainees in operations in which the UK was involved. The particular focus is the immediate aftermath of the attacks of 11 September 2001 and particularly cases involving the detention of UK nationals and residents in Guantánamo Bay. The Inquiry is of course free to examine any of these cases it wishes, consistent with reaching general conclusions on the above within the set timescale. Allegations relating to

military detention operations in Iraq and Afghanistan post-2003 are being addressed by separate arrangements made by the Ministry of Defence.

The Inquiry should also consider the evolution of the Government's response to developing knowledge of the changing practices of other countries towards detainees in counter-terrorism operations in this period. This should include how this response was implemented in departments and the intelligence services. This should include any lessons learned and the Inquiry is free to make recommendations for the future.

All relevant parts of Government, including the intelligence services, will provide the Inquiry with the full support and cooperation you require. In an Inquiry of this kind, it is of fundamental importance to protect national security, without of course any prejudice to the rigour or depth of your work.

This is an Inquiry into the actions of the UK, not any other state. It is particularly important that international intelligence sharing understandings are not undermined in the course of the Inquiry. The Inquiry can expect to take evidence from UK personnel and not the personnel of other countries.

The Inquiry will have access to all Government papers it requires as relevant to its examination. There are obvious limitations to what can be considered in public. Almost all of the operational intelligence detail will need to be reviewed in closed session.

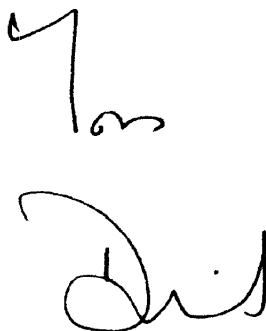
I invite you to consider what can take place in public. It is open to the Inquiry to invite evidence from those who allege mistreatment and other interested parties from outside Government, including in open session. I would look to you to agree with the Government a protocol on the treatment of information and the balance of public and private evidence. This protocol will be published.

I expect the Inquiry to report to me within one year of commencement. I intend to publish the report and any supporting documents you recommend, with redactions only where necessary in order to avoid damage to the public interest. The Government undertakes to publish a formal response to any recommendations.

This is a non-statutory inquiry. It will not establish legal liability, nor order financial settlement.

The Cabinet Secretary and the heads of the intelligence services will require staff in their departments and agencies to cooperate fully with the inquiry and expect them to cooperate with the Inquiry's requests for oral evidence. The Attorney General has agreed to provide an undertaking that evidence given by witnesses may not be used against them in criminal proceedings, whether their evidence is given in public, private or both (other than in proceedings where he or she is charged with giving false evidence or conspiring to do so in the course of this Inquiry). The Cabinet Secretary and heads of the intelligence services will set out analogous undertakings to staff in respect of disciplinary proceedings based on their evidence, whether public or private.

I hope this serves as a helpful basis for further discussion on the terms of reference for the Inquiry, to which I look forward. Once again, I am most grateful to you for agreeing to serve the national interest as head of this crucial Inquiry.

The image shows two handwritten signatures in black ink. The top signature is a stylized, cursive 'D' followed by a horizontal line and a small flourish. The bottom signature is a more elaborate cursive signature, likely 'David Cameron', with a large 'D' and a long, sweeping tail.

The Right Honourable Sir Peter Gibson