



Foreign &
Commonwealth
Office

Counter Terrorism Department
Foreign and Commonwealth Office
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2 December 2016

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0887-16

Thank you for your email of 20 September asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

- 1) May I have a copy of Points to Prove 2015 Edition?*
- 2) Is the 2015 edition the current edition? If not, what subsequent editions were made? Please supply those as well if you have them*
- 3) Please advise which UK government agencies may hold a copy of Points to Prove 2014 Edition that you say Xinhua references*

I am writing to confirm that we have now completed the search for the information which you requested. I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request.

A redacted copy of the second edition of "Points to Prove: Investigating and Prosecuting Terrorism in Kenya" (produced in 2015), is attached at Annex A.

Some of the information you requested has been withheld under Section 31(1)(a) Law Enforcement - the prevention or detection of crime, 31(1)(b) Law Enforcement – the apprehension or prosecution of offenders and 31(1)(c) Law Enforcement – information which is likely to prejudice the administration of justice. Section 31 is subject to a Public Interest Test. It is our view that in this case, the balance is in favour of non-disclosure. We acknowledge the public interest in openness and transparency, but we consider that there is also a public interest in the FCO working with international partners on the investigation and prosecution of suspected terrorist offenders. We have judged that the release of the information concerned could inadvertently disclose the method by which Kenyan authorities

generally work to investigate or prosecute crime, for example indicating the types of evidence that could be applicable in the prosecution of certain offences. It is our view that to release the requested information would likely inhibit the Kenyan authorities' ability to effectively investigate and prosecute suspects accused of terrorism offences, which would in turn inhibit the effectiveness of CT law enforcement activity and operations.

Further to this, some information has also been withheld under Section 24 (1) (National Security) of the Freedom of Information Act. Section 24 is also a qualified exemption, which means that it is subject to a public interest test. Similarly, we acknowledge the public interest in openness and transparency, but we consider that there is also a public interest in the FCO protecting national security. We judge that inhibiting the effectiveness of CT law enforcement activity and operations in Kenya would have a subsequent impact upon law enforcement activities aimed at countering threats to the security of the UK and UK interests. We have therefore concluded that the exemption applies and that withholding the material serves the public interest better than release in this instance.

Some of the information (pages 60-114 of the document) has also been withheld as it is already reasonably accessible to you. Under Section 21 of the Act, we are not required to provide information in response to a request if it is already reasonably accessible to the applicant. This information includes reproductions or extracts from Kenyan legislation from the [Prevention of Terrorism Act, 2012](#), and the [Security Laws Amendment Act, 2014](#).

There are no further copies of the "Points to Prove" document beyond the second edition, produced in 2015. We do not judge that it is likely that any further government departments will hold a copy of the 2014 "Points to Prove" document which appears to have been referenced by Xinhua.

Yours sincerely,

Counter Terrorism Department



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.