

27 May 2014

David Mepham
UK Director, Human Rights Watch



Foreign &
Commonwealth
Office

King Charles Street
London SW1A 2AH

Secretary of State

Dear David,

Thank you for your letter of 18 April to Freedom Online Coalition (FOC) Members on behalf of Human Rights Watch and other organisations, regarding Edward Snowden's comments at the Parliamentary Assembly of the Council of Europe on 8 April.

It has been the policy of successive British governments neither to confirm nor deny specific allegations relating to intelligence. I realise this policy can leave questions unanswered and raise suspicions that allegations against us may be true, including when they are not true. It is nonetheless in the public interest for us to maintain this policy, because confirming or denying allegations – or indeed commenting in any detail on matters of secret intelligence – would provide invaluable information to criminals, terrorists and others who wish to cause harm to our society.

I cannot, therefore, respond to the specific allegations made by Edward Snowden on 8 April. I can, however, address some of the general issues around intelligence gathering which are raised in your letter.

First, I would like to draw your attention to my statement to Parliament on 10 June 2013. In that statement I set out the legal and policy framework and the safeguards in place for oversight and scrutiny of the UK's intelligence agencies and their work, including a reformed Intelligence and Security Committee (ISC) of Parliament.

The ISC undertook an investigation into the Snowden allegations regarding GCHQ's activities soon after the first allegations were made public. They reported on 17 July 2013 that the allegations that GCHQ circumvented UK law – or attempted to circumvent the law – by using NSA's PRISM programme to access the content of private communications were "unfounded". We welcomed the ISC's findings and we will continue to work with them as they carry out their vital work.

This includes the ISC's current review, launched on 17 October 2013, of the legislative framework governing the intelligence agencies' access to private information, and their broader enquiry to examine the appropriate balance between privacy and security in an internet age. Their collection of evidence continues and we await their conclusions and recommendations with interest.

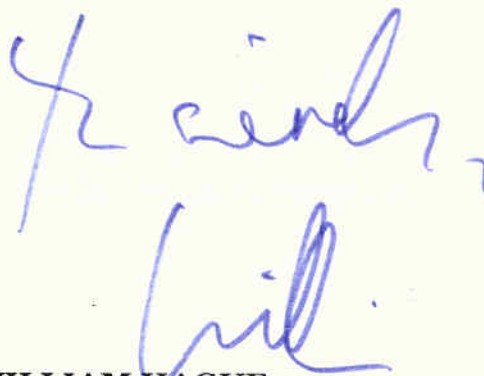
I would also highlight the important role of the Interception Commissioner, Sir Anthony May, who is the senior and independent former judge responsible for

overseeing the work of UK Government Agencies which conduct interception of communications. The Interception Commissioner has unrestrained access to classified documents. He subjects GCHQ and other UK agencies conducting interception to regular inspections. His comprehensive 2013 report was published on 8 April 2014 and is available, in full, online. In it, Sir Anthony posed the question 'Do the interception agencies misuse their powers... to engage in random mass intrusion into the private affairs of law abiding UK citizens?', and concluded that the answer was 'emphatically no'.

I can assure you that UK is aware of its role and responsibilities as part of the FOC; and UK legislation is fully compatible with the right to privacy and freedom of expression as set out in Articles 8 and 10 of the European Convention on Human Rights (ECHR). UK intelligence agencies take the utmost care – and expend significant effort – to ensure that all of their activities are lawful.

The UK was pleased to take an active part in the fourth FOC Ministerial conference in Tallinn, where David Lidington, the Minister for Europe, led the UK delegation. He stressed the UK's determination to stand up for human rights online, and the importance of a free and open internet to economic growth and social development.

The Freedom Online Coalition was established to support the ability of individuals, particularly those operating in repressive regimes, to exercise their human rights through the internet. This is a fundamental aim which I think all of the organisations represented in your letter of 18 April and the UK Government share, and I hope we can continue to work together to highlight abuses of the right to freedom of expression, freedom of association and peaceful assembly, wherever they occur.



WILLIAM HAGUE

cc Global Partners and other signatories to the joint letter