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BY FAX

Dear Mr Katznelson,

I am writing to inform you that the Foreign Secretary and Home Secretary have decided to request the release from Guantanamo Bay and the return to the United Kingdom of five men, including your client, Mr Abdenmour Sameur. In addition, the Home Secretary has concluded that - if the US Government agrees to the release and return of Mr Sameur - she will not exercise her power to exclude him from the UK before he can return here. The Foreign Secretary has written today to US Secretary of State Condoleezza Rice to make this request.

Discussions with the US Government are likely to take some time and whilst we will endeavour to secure the release and return of Mr Sameur we cannot guarantee that we will be successful. However, the FCO will pursue this with the US Government further to today's request.

The Home Secretary's decision to allow Mr Sameur to return to the UK should not be taken as indicating that she accepts that he does not pose any national security threat. I should also make it clear that in reaching this decision, the Home Secretary has not determined what immigration status will be conferred on Mr Sameur if negotiations are successful and he is returned to the UK. His refugee status may also be reviewed. If the return of Mr Sameur is secured, the same range of security considerations and actions would apply to him as would apply to any other foreign national in this country. Accordingly, the decision to seek his release and return, and to refrain from excluding him, should not be seen as an acceptance on the part of the Home Secretary that he may remain permanently in the UK in the event that our discussions are successful and he returns.

As you know, the Government has not previously requested the release and return of this group of individuals. Our decision not to do so was upheld in High Court and Court of Appeal rulings last year.



However, the US Government has recently taken steps to reduce the numbers of those detained at Guantanamo Bay and to move towards the closure of the detention facility. These steps include an increasing emphasis on engagement with third countries over the transfer and resettlement of those detained.

The Foreign Secretary and Home Secretary have reviewed the Government's approach to this group of individuals in light of these ongoing developments (which the Government welcomes), the Government's long-held policy aim of securing the closure of Guantanamo Bay, and the need to maintain national security. Accordingly, they have decided to request the release and return of five individuals, including your client, who have links to the UK as former lawful residents, either having been recognised as refugees, or having been granted indefinite leave or exceptional leave to remain on another basis. Representations are limited to those with links to the United Kingdom as evidenced by their past lawful residence here.

Whilst the Government does not normally make representations of this kind, the decision to do so in this case arises out of the exceptional nature of the Guantanamo Bay detention facility and the Government's desire to take action to help bring about its closure and to reduce the number of those detained there.

I will write further as soon as there is any substantive progress to report.

Yours sincerely,

Paul Welsh

Paul Welsh
US Section
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