



# Home Office

## HOME SECRETARY

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The Secretary General  
Council of Europe  
Strasbourg  
FRANCE

12 SEP 2013

*Secretary General*

In your letter of 21 August you asked for further information on the detention of Mr David Miranda Dos Santos by UK police at Heathrow airport on 18 August and the reported destruction of computer hard drives at The Guardian and the compatibility of these measures with Article 10 of the European Convention on Human Rights.

Let me first emphasise that the UK firmly supports the right to freedom of expression and of the media. We are fully committed to meeting our obligations under international human rights law, including Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the ECHR.

As you might be aware, following his detention Mr Miranda has brought a civil legal action in the UK courts challenging his detention and the retention of items by the police for examination. While the criminal investigation and civil legal proceedings are underway, I am limited in my ability to comment in detail on the case. However I would like to provide some clarity on events given the misleading coverage to date.


We understand that the data recovered by the police from Mr Miranda under Schedule 7 to the Terrorism Act 2000 almost certainly contains some of the material passed by Mr Snowden to Ms Poitras and Mr Greenwald. Our initial analysis of the material recovered from Mr Miranda indicates that it contains at least 58,000 highly classified UK intelligence documents. To date none of the information has identified a journalist source or has contained any items prepared by a journalist with a view to publication. The Government believes that this information, or at least some of it, is the same material that Mr Snowden stole during his employment by the NSA.

I therefore strongly refute any suggestion that his detention was an attempt to intimidate journalism. The material is likely to describe techniques that have been

crucial in life-saving counter-terrorism operations and other intelligence activities vital to UK national security. Its disclosure could put lives in danger. The Government and the police have a duty to protect this information whenever and wherever it is being held. It is on this basis rather than any attempt to suppress the freedom of the press that Schedule 7 was used by the police.

Schedule 7 to the Terrorism Act 2000 is an important border security power. It enables an examining officer (who will be a police officer) to stop, search, question and detain a person travelling through a port, airport, international rail station or the border area. This is to determine whether that person is or has been involved in the commission, preparation or instigation of acts of terrorism. The power does not require the police officer to suspect that the individual is involved in terrorism. The examining officer may question a person whether or not he has grounds for suspecting that person is involved in terrorism. The power is lawful and complies with European Convention rights and our international obligations. As recently as 28<sup>th</sup> August, the High Court of England and Wales found in a different case (Beghal vs The DPP) that the power is proportionate and not arbitrary.

I have also enclosed a copy of the Government's recent witness statement in relation to these matters which I hope will provide further clarity.

*Yours sincerely*  


**The Rt Hon Theresa May MP**