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Richard Laming

Dear Mr Laming

Thank you for your letter of 27 February to the Foreign Secretary about the British detainees at Guantanamo Bay. I am the officer within the Consular Directorate of the Foreign and Commonwealth Office who deals with this case and have been asked to reply.

I would like to assure you that we are conscious of the importance of safeguarding the welfare of all the British detainees. We have not been granted formal consular access, as the US considers that Guantanamo Bay is not within a recognised Consular District, under the terms of the US-UK bilateral Consular Convention. However, we have been granted access to the detainees to check on their welfare. We were the first country to visit its nationals in Guantanamo Bay and believe we have done so more often than any other. British officials made a fourth visit to Guantanamo Bay in November and a fifth visit will be completed soon. The United States has assured us it will treat the detainees humanely and in accordance with the principles of the Geneva Conventions.

The question of the status of the detainees at Guantanamo Bay under international humanitarian law is complex and has to be considered in the light of the facts relating to each individual detainee. Whatever their status, the detainees are entitled to humane treatment and, if prosecuted, a fair trial. We have made this clear to the US authorities.

We remain in regular contact with the United States, at both Ministerial and official level, about the situation of the detainees. The Foreign Secretary has raised the issue several times with the US Secretary of State, Colin Powell. We have been encouraging the US to move forward with the process of determining the future of the British detainees. We shall continue to do so.

Yours sincerely

John Culley
Consular Directorate

cc: