



Home Office

Rt Hon Ben Wallace MP
Minister of State for Security
and Economic Crime

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9 October 2018

Rt Hon Dominic Grieve MP QC
By Email

Dear Dominic,

In responding to the Urgent Question on 23 July relating to foreign terrorist fighters and the death penalty, I undertook to write to set out on how many occasions the Government has not received death penalty assurances when providing information in response to a Mutual Legal Assistance request in a case when the death penalty might apply.

You may also wish to note that First Treasury Counsel James Eadie QC is likely to mention precedents in his remarks to the High Court today in the related Judicial Review proceedings.

A review of available records (dating back to 2001) has been undertaken and I can confirm that this has occurred on two previous occasions that have been identified, under successive governments.

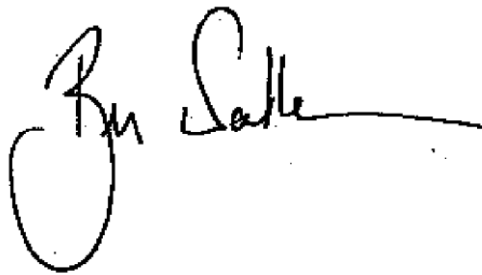
Due to the potential to harm on-going criminal investigations or future prosecutions, and the confidentiality attached to mutual legal assistance, it would not be appropriate to share further information.

I would also like to take the opportunity to reassure you that the Government's position on the use of the death penalty has not changed. The UK has a longstanding policy of opposing the death penalty as a matter of principle regardless of nationality. Requests for Mutual Legal Assistance must be considered in accordance with the Government's Overseas, Security and Justice Assistance (OSJA) Guidance, which requires an assessment of both human rights and death penalty risks.

The OSJA guidance, which has been in existence since 2011, permits the provision of assistance, without obtaining assurances, where there are strong reasons for doing so:

“Ministers should be consulted to determine whether, given the specific circumstances of the case, we should nevertheless provide assistance.”

I am placing a copy of this letter in the library of the House.

A handwritten signature in black ink, appearing to read "Ben Wallace". The signature is written in a cursive style with a large, looped initial "B" and a long horizontal stroke at the end.

**RT HON BEN WALLACE MP
MINISTER OF STATE FOR SECURITY AND ECONOMIC CRIME**