REPRIEVE

James Brokenshire MP
Minister of State for Immigration and Security
Home Office
2 Marsham Street
London
SW1P 4DF

20 March 2015

By email: RIPA@homeoffice.x.gsi.gov.uk

Dear Sir/Madam

Reprieve is a legal action charity that helps people who suffer extreme human rights abuses at the hands of the world's most powerful governments. We carry out field investigations and support our clients in bringing legal actions around the world, including the UK.

As part of our work we investigate and challenge the use of torture around the world. We work extensively in abuses committed in the name of the 'war on terror'. Amongst many others, we represent Abdul-Hakim Belhaj, a prominent and vocal anti-Qadaffi dissident. In 2004 Mr Belhaj and his four-month pregnant wife, Fatima Boudchar, were kidnapped, tortured and rendered to Libya as a result of a joint CIA-MI6 operation. In 2011, a confidential memo from MI6 to the head of the Libyan Intelligence came to light confirming the UK government's complicity in Mr Belhaj's rendition.

As a result of the Snowden disclosures of 2013 it became apparent that the UK Intelligence Agencies may have been illegally intercepting Mr Belhaj's legally privileged communications with his lawyers, and may have been using them to secure an advantage in the private law proceedings he had initiated.

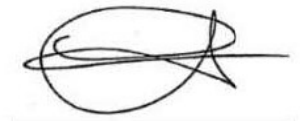
On 18 February 2015, the Government conceded that, since 2010 they were in breach of article 8 of the European Convention on Human Rights by failing to provide effective safeguards to prevent against the type of behaviour we believe Mr Belhaj to have suffered.

As a result of this concession, the consultation on the various surveillance Draft Codes was broadened to accept submissions relating to legal professional privilege. However, the Codes do not adequately address a number of the issues that led to the Government's concession. We know that without adequate safeguards in place there is always a possibility for the government to overstep the bounds of the law. Amending the Draft Codes is insufficient. The entire system and accompanying policies require a complete overhaul, which can only be achieved with a full debate in Parliament.

Reprieve, PO Box 72054
London UK, EC3P 3BZ
T +44 (0)20 7553 8140
F +44 (0)20 7553 8189
info@reprieve.org.uk
www.reprieve.org.uk

We would therefore be grateful if our enclosed submissions are taken into consideration, and the proposals contained therein be followed.

Yours Faithfully



Kat Craig

*Legal Director*
Reprieve

Reprieve, PO Box 72054
London UK, EC3P 3BZ

T +44 (0)20 7553 8140
F +44 (0)20 7553 8189

info@reprieve.org.uk
www.reprieve.org.uk

**REPRIEVE:**
**Response to the Home Office Open Consultation "Interception of Communications and Equipment Interferences: Draft codes of practice"**

## 1. Executive summary

1.1 The new Draft Codes of Practice (the "**Draft Codes**")—compiled with the collaboration of the Interception Commissioner—are still inadequate.

1.2 As the Draft Codes currently stand, nothing prevents privileged communications from being passed on to policy officials or government lawyers involved in legal proceedings. This clearly gives the government an unfair litigation advantage.

1.3 Such information could tip off the government regarding vulnerabilities in claimants' legal cases or negotiating positions. It could allow the government to identify potential whistle-blowers and take steps to limit the information they are allowed to provide. It could also compromise police investigations where a criminal case is operating in parallel with a civil one – as, for example, in the Libyan renditions cases – potentially leading to suspects becoming aware of the progress of the police investigation into their wrongdoing.

1.4 The Draft Codes also fail to sufficiently protect legal professional privilege ("**LPP**"). They are vague and leave key points open to interpretation. The Draft Codes fail to recognise that LPP includes the fact or frequency of communications between a lawyer and their client (known as 'metadata').

1.5 The Draft Codes also fail to recognise that certain communications with witnesses remain privileged until such time as privilege is waived, for example, when the witnesses give evidence. Interception without proper safeguards could unlawfully and prematurely reveal privileged information regarding the fact of a meeting between a lawyer and a witness, the identity of such a witnesses and the content of any evidence that witness may provide.

1.6 The scope of this consultation is worryingly limited. It does not touch upon the policies of the individual Intelligence Agencies, all of which were admitted to be unlawful[1] and which are equally—if not more—problematic. It is clear from the developments leading up to the government's concession that greater transparency and accountability is needed to ensure that the Intelligence Agencies' safeguards are adequate.

1.7 Without a guarantee that communications with lawyers will remain confidential, those seeking legal advice have no confidence that their rights are being upheld and thus can have no faith in the administration of justice. LPP is all the more important in cases of significant public interest, such as cases involving allegations of torture and rendition by the UK's Intelligence Agencies.

1.8 Accordingly, Reprieve believes the numerous and fundamental inadequacies of the Draft Codes mean a 'back to the drawing board' approach is required. Due to the complexity and importance of the issues, the short timescale of this consultation is insufficient to

[1] Concession of the UK government during the recent *Belhaj* litigation in the Investigatory Powers Tribunal: *Belhaj and others v Security Service, SIS, GCHQ and others* [2015] Case No: IPT/13/132-9/H

draft a complete set of recommendations. A more comprehensive process of Parliamentary scrutiny is required than has been indicated will be the case for the codes, if public confidence is to be secured. This should include full and public scrutiny by committee, and Parliamentary debate; with the opportunity for MPs and Peers to amend the codes.

1.9 We believe that the key areas for attention (as set out in greater detail at part 5 below) are as follows:

1.9.1 The terms 'Legal Professional Privilege' and 'Civil Proceedings' must be more clearly defined in the Draft Codes;

1.9.2 Steps to be taken when applying for warrants must be set out unambiguously to ensure that ministers and officials are not able to make improper use of LPP material; and

1.9.3 Safeguards must be put in place to ensure that, where LPP material has been obtained, it is not allowed to 'contaminate' related court cases or prejudice criminal investigations.

## 2. Introduction

2.1 The Intelligence Agencies spy on people. If done lawfully, and with appropriate oversight and safeguards, this is an important part of their job. Information collected in the course of this spying can be reviewed, shared or utilised in a number of useful ways.

2.2 At the same time, the Intelligence Agencies are frequently the subject of litigation, and some of this litigation involves individuals on whom they have spied. In some circumstances, that means they will have collected information on an individual who is suing them.

2.3 Indeed, sometimes the Intelligence Agencies may continue to collect information on an individual, whilst at the same time being sued by them. Clearly, the Intelligence Agencies will therefore in some circumstances collect legally privileged communications about cases in which they are the subject of litigation.

2.4 This poses a problem: whilst (if done legally, and with appropriate safeguards) the individual's general communications may be legitimately read, his communications with his legal team (instructed for the specific purpose of suing the Intelligence Agencies) cannot. That is for a very good, and very obvious, reason: if the Intelligence Agencies are allowed to eavesdrop on the other side's private legal conversations they will obtain an unfair advantage.

2.5 The principle that one party should not gain an unfair advantage by listening into another party's private legal conversations is well established, in the form of LPP. LPP is one of the oldest and most important features of English common law, enshrined since the 16th century.[2] It is essential to the rule of law and the fair administration of justice. It is also enshrined in the right to a fair trial, as set out in Article 6 of the European Convention on Human Rights.

2.6 Fortunately, the problem faced by the Intelligence Agencies is neither unique nor insurmountable, as is shown through the treatment of LPP in prisons. Correspondence in and out of prisons is routinely checked by the prison authorities. At the same time, prisoners frequently sue prison governors, who are part of the prison authorities. In suing the prison, the prisoner may instruct a lawyer. The prison governor cannot cease checking <u>any</u> of the prisoner's communications, yet must also protect the prisoner's right to discuss their case with and receive private legal advice from their lawyers. The prison system has put safeguards in place to allow that to happen.

2.7 The Intelligence Agencies also have policies in place that were supposed to act as safeguards against abuse. These policies were kept secret for many years, until a number of Reprieve's clients brought claims in the Investigatory Powers Tribunal ("**IPT**") that effectively forced publication of the policies.

2.8 Once the policies saw the light of day, it was clear that they contained numerous and serious breaches of law. The government thus conceded that <u>all</u> its Intelligence Agencies' regimes for the interception of legally privileged information were unlawful, have been

[2] *Berd v Lovelace* [1577] Cary 62

unlawful for the past five years, and continue to be unlawful to this day. For more on the *Belhaj and ors* IPT litigation, see the case summary in Annex 1 below.[3]

2.9 It is worth noting that the disclosure of the existing policies—policies that had been approved by the Interception of Communications Commissioner—was strongly resisted. It is doubtful the government would have ever admitted to their illegal policies if the matter had not been litigated.

2.10 The government's last-minute, forced concession has shaken public confidence in the administration of justice in the UK. It has put the rule of law in jeopardy. That is the context in which this consultation must be viewed.

[3] See page 13.

## 3. Reprieve's relevant expertise and interest

3.1 Reprieve is an international legal action charity. We use the law to protect the human rights of prisoners around the world, and the rights of those who have suffered abuses as a result of the counter-terror programme deployed by the US and its allies.

3.2 We carry out field investigation and identify potential legal remedies for our clients in jurisdictions spanning five continents and close to 15 countries, including the UK. A significant amount of our work focuses on assisting clients facing the death penalty in prisons around the world. We also expose the gravest instances of torture, rendition, secret detention and extra-judicial killings in the context of the "War on Terror".

3.3 Reprieve investigates allegations by identifying witnesses and other evidence in the UK and abroad. Reprieve considers the causes of action that may be available to our clients, and instructs solicitors and counsel to conduct litigation where appropriate. In recent years, Reprieve has assisted clients to make criminal complaints, bring civil claims and initiate public law proceedings against various UK government agencies. Our cases include**:**

- *Belhaj & Boudchar v the Rt. Hon Jack Straw, Sir Mark Allen (CMG) and others* [2014] EWCA Civ 1394

- *Secretary of State for Foreign and Commonwealth Affairs v Yunus Rahmatullah* [2012] UKSC 48

- *R (Binyam Mohamed) v Secretary of State for Foreign and Commonwealth Affairs* [2010] EWCA Civ 158

- *Ali Babitu Kololo v Commissioner of the Police for the Metropolis* [2015] EWHC 600 (QB)

- *The Queen (on the application of Zagorski and Baze) v Secretary of State for Business, Innovation & Skills and Archimedes Pharma UK Ltd* [2010] EWHC 3110 (Admin)

3.4 Almost all of our clients reside or are incarcerated abroad. Much of the privileged and confidential communications between our clients and their legal teams are therefore by telephone and email. It is essential that these communications remain private, and that any lawful interception does not intentionally or inadvertently lead to the unlawful interference with privileged communications.

3.5 These submissions are restricted to the intersection of private lawyer/client communications and the interception of communications.

## 4. The Draft Codes

*4.1 Failure to adequately define "LPP"*

4.1.1 Paragraph 3.2 of the Draft Code of Practice on Equipment Interference (the "**Hacking Code**"), the Glossary entry of the Hacking Code titled "legal privilege" and paragraph 4.4 of the Draft Code of Practice on the Interception of Communications ("**Interception Code**") all refer to a statutory definition of LPP contained in section 98 of the Police Act 1997.[4]

4.1.2 Both of the Draft Codes fail to provide a clear or unambiguous definition of LPP; LPP material; and when LPP is deemed to take effect. In the present context, the definition referred to in the Draft Codes is narrow and fails to provide comprehensive protection to LPP.

4.1.3 Firstly, the definition does not include communications between lawyers and third parties. In representing their clients in any proceedings, lawyers meet with witnesses whether factual or expert. The fact of the meeting, the identity of these witnesses and the content of any evidence they may provide all remain privileged until such time as privilege is waived, for example, when the witnesses give evidence.[5]

4.1.4 As the Draft Codes currently stand, interception of communications between lawyers and witnesses are not protected. Nothing prevents them from being passed on to any officials or government lawyers involved in legal proceedings. This is plainly wrong. It reveals to the government what evidence the other party is gathering. Even where privilege is ultimately waived, intercepting communications with witnesses may give the government a clear litigation advantage.

4.1.5 Secondly, the definition does not cover the fact of communication with a client — known as 'metadata' or 'events data'—as being legally privileged. That a lawyer has communicated with their client (or vice-versa) is legally privileged.

4.1.6 In addition, the fact of a meeting with an expert or a factual witness is privileged information, even without knowing what was said at the meeting. Such information may be enough to reveal the identity of a witness. Even without knowledge of the substance of a meeting, knowing with whom the other party is speaking and when is enough to provide the government with a substantial litigation advantage. It gives the government insight into the other party's confidential lines of inquiry. It helps the government anticipate what evidence the other party will seek to rely on and consequently shore up any weaknesses such evidence might reveal.

[4] The Police Act 1997 is available at: http://www.legislation.gov.uk/ukpga/1997/50/section/98

[5] *China National Petroleum Corporation v Fenwick Elliot* [2002] EWHC 60 (Ch) paragraph 45: "In the normal course of proceedings a solicitor will interview and obtain proofs of evidence from all manner of potential witnesses for use in actual or prospective litigation. Both the information given and the identity of the person supplying it are confidential and privileged unless and until the privilege is waived by that person giving evidence in the proceedings or some other equivalent action."

*4.2 Failure to define "civil proceedings"*

4.2.1 Nowhere, in either of the Draft Codes, are the terms "civil proceedings" defined. Three possible definitions may be inferred from the purpose and terms of the Draft Codes:

4.2.1.1 "Civil proceedings" are to be contrasted with "criminal proceedings" so as to encompass all legal proceedings before courts and tribunals that are not criminal in nature, including immigration, judicial review and IPT proceedings and any confidential alternative dispute mechanisms;

4.2.1.2 "Civil proceedings" are to be interpreted by reference to the Civil Evidence Act 1968 which defines them as proceedings "to which the strict rules of evidence apply"[6]; and

4.2.1.3 "Civil proceedings" have a bespoke—and so far secret—definition and interpretation under the Draft Codes.

4.2.2 "Civil proceedings" must be defined as per 4.2.1.1 above. A wide definition of "civil proceedings" would encompass private and public law proceedings before courts and proceedings before tribunals, including *inter alia* immigration proceedings and proceedings before the IPT. Only such a definition guarantees the proper application of the Draft Codes. It ensures that justice is both done and seen to be done.

4.2.3 Definitions per 4.2.1.2 and 4.2.1.3 above are inadequate. "Civil proceedings" which are limited to proceedings in which the strict rules of evidence apply would exclude proceedings before, for example, the IPT. [7]

4.2.4 Further, a secret definition as per 4.2.1.3 would allow the Intelligence Agencies to dictate how and when the Draft Codes apply. The Intelligence Agencies' policies relating to LPP have remained secret until the IPT forced their disclosure in October 2014.[8] Only once they saw the light of day were the policies revealed to be fundamentally unlawful. As this shows, the Intelligence Agencies cannot be entrusted with the crucial task of defining the scope of the Draft Codes. A definition that is and remains secret is impermissible. The definition of "civil proceedings" must be made public and subjected to careful scrutiny.

*4.3 Failure to provide explicit and adequate safeguards*

4.3.1 The Draft Codes relate to two methods used by the Intelligence Agencies to gather information. The use of the terms "obtain" and "acquire" in the Draft Codes demonstrates they do not pertain to sequential steps in an information gathering process. "Equipment interference" relates to circumstances in which the Agencies

[6] Civil Evidence Act 1968, section 18, available from: http://www.legislation.gov.uk/ukpga/1968/64/section/18
[7] The Investigatory Powers Tribunal Rules 2000, Rule 11(1), available at: http://www.legislation.gov.uk/uksi/2000/2665/article/11/made. A similar provision exists under the rules of the Special Immigration Appeals Commission, see: The Special Immigration Appeals Commission (Procedure) Rules 2003, No. 1034, rule 44(3), available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/367302/special-immigration-appeal-commission-procedure-rules.pdf
[8] 'UK Government to release secret policy on surveillance of lawyers after last-minute u-turn', available from: http://www.reprieve.org.uk/press/2014_10_29_ipt_libyan_rendition_hearing_policy/

aggressively mine information from an electronic source. “Interception” describes a situation where the Agencies insert themselves in a data-stream between point A and point B and effectively capture information as it passes through.

4.3.2 As such, any safeguards put in place in the Interception Code must be replicated in the Hacking Code and vice-versa. There can be no valid justification for different measures to exist depending on the method of intelligence gathering. Any discrepancy leaves open the possibility of careful and deliberate exploitation of loopholes.

4.3.3 A distinction must be drawn between safeguards to be put in place (i) at the stage of applying for a RIPA warrant and (ii) once a RIPA warrant is in place and interception or hacking takes place:

4.3.4 *Safeguards at stage (i)*

4.3.4.1 Paragraph 4.7 of the Interception Code states that: “Where it is likely that [LPP] communications will be acquired during interception, the application should identify the steps which will be taken to mitigate the risk of obtaining legally privileged information from those communications.”

4.3.4.2 There is no requirement that the warrant application detail steps to be taken to guard against or mitigate the risk that LPP material is not used in legal proceedings once it is obtained.

4.3.4.3 Once interception is successful, information is within the control of the Intelligence Agencies. As the Interception Code currently stands, it is then open to being used in the context of legal proceedings, civil or otherwise. This is unacceptable. The Intelligence Agencies must put safeguards in place at the earliest possible opportunity, namely when applying for a RIPA warrant.

4.3.4.4 Further paragraph 3.6 of the Hacking Code states that: “if the risk [that LPP material has been acquired] cannot be removed entirely, the application should explain what steps will be taken to ensure that any knowledge of matters subject to legal privilege which is obtained is not used in law enforcement investigations or criminal prosecutions.”

4.3.4.5 When applying for a hacking warrant, there is no requirement that the Intelligence Agencies detail steps to mitigate the risk that LPP material be seen. As above, this is plainly wrong and must be remedied.

4.3.4.6 In addition, no explicit reference is made to the need for detailing steps to mitigate the risk to civil proceedings. There can be no lawful justification for limiting protection only to law enforcement investigations and criminal prosecutions. As such, the application for a warrant must also detail steps that will be taken to ensure that LPP material is not used in any civil proceedings.

*4.3.5 Safeguards at stage (ii)*

4.3.5.1 At paragraph 4.14 the Interception Code provides: "The retention of legally privileged material, or its dissemination to an outside body, should be accompanied by a clear warning that it is subject to legal privilege. It should be safeguarded by taking reasonable steps to remove the risk of it becoming available, or its contents becoming known, to any person whose possession of it might prejudice any criminal or civil proceedings to which the information relates. Neither the Crown Prosecution Service lawyer nor any other prosecuting authority lawyer with conduct of a prosecution should have sight of any communications subject to legal privilege, held by the relevant public authority, with any possible connection to the proceedings. In respect of civil proceedings, there can be no circumstances under which it is proper for any public authority to seek to rely on communications subject to legal privilege in order to gain a litigation advantage over another party in legal proceedings." [9]

4.3.5.2 The terms "seek to rely on" cause significant confusion. They lie in stark contrast to the position in criminal proceedings whereby no lawyer "should have sight" of LPP material. The Draft Codes implicitly envisage circumstances in which it may be appropriate for those engaged in civil proceedings to have sight—but not rely on—LPP material. This is plainly unlawful. The mere fact of one party seeing LPP material can taint litigation. The Draft Codes must make clear that there are no circumstances in which policy officials may have sight or rely on LPP material.

4.3.5.3 Further, the Interception Code calls for practical safeguards to be considered at paragraph 4.15: "In order to safeguard against any risk of prejudice or accusation of abuse of process, public authorities must also take all reasonable steps to ensure that (so far as practicable) lawyers or policy officials with conduct of legal proceedings should not see legally privileged communications relating to those proceedings (whether the privilege is that of the other party to those proceedings or that of a third party). If such circumstances do arise, the public authority must seek independent advice from Counsel and, if there is assessed to be a risk that such material could yield a litigation advantage, the direction of the Court."[10]

4.3.5.4 This is inadequate. No examples are given of what may constitute "reasonable steps". The Draft Codes should mandate, at least, the following:

a. The creation of an automated deletion process—or "bin list" as operated by MI6—for lawyers and their agents who are not deemed to represent national security threats or are not the subjects of investigation by the Intelligence Agencies;

b. Delivering any intercepted LPP material to the claimants; and

c. The immediate destruction of any LPP material.

4.3.6 In particular, there is no prohibition on staff that conduct interception or equipment interference operations being witnesses, giving instructions in litigation or seeing privileged materials that may give the government an advantage in litigation. This loophole means the government may conduct litigation being aware, wholly or in part,

[9] The Hacking Code has a similar provision at paragraph 3.16.
[10] The Hacking Code contains similar provisions at paragraph 3.17

of the other party's LPP material, in full compliance with the terms of the Draft Codes. The Draft Codes must explicitly incorporate "Chinese walls" to protect LPP material.

## 5. Conclusions

5.1 The Draft Codes reveal a fundamental misunderstanding of the concept of LPP and the impact that modern surveillance technology has on this pillar of British justice. This consultation process fails to take into account of the fact that it was only through public disclosure and public scrutiny that the Intelligence Agencies policies were found to be unlawful.

5.2 In short, it is necessary to go back to the drawing board.

5.3 Hasty amendment to the Draft Codes to address LPP material is not enough. The most appropriate method to protect legal privilege must be fully debated in Parliament.

5.4 Without such meaningful oversight Reprieve has concerns that the British public can only expect more of the same from the government: secret policies drafted to rig the game in their favour and rubber stamped by supposedly independent officials who—despite their high judicial office—fail to spot obvious illegality.

5.5 Without prejudice to the above position, Reprieve submits that amendments to the Draft Codes, at a minimum, include:

5.5.1 LPP be defined as including:

i. The fact of communication; and

ii. Communications between legal advisers and third parties (for example, witnesses) in the context of contemplated or on-going legal proceedings.

5.5.2 Civil proceedings be defined as any:

i. Legal proceedings before courts and tribunals which are not criminal in nature, including immigration, judicial review and IPT proceedings; and

ii. Confidential alternative dispute mechanisms, including negotiation, mediation or arbitration.

5.5.3 When applying for RIPA warrants for interception the Agencies should detail steps to be taken to guard against or mitigate the risk that once obtained LPP material is not seen or used by policy officials or lawyers involved in legal proceedings of any nature.

5.5.4 When applying for warrants for hacking the Agencies should detail steps to ensure that any knowledge of matters subject to legal privilege which is obtained is not:

i. Seen by those involved in criminal investigations or proceedings; and

iii. Seen or used by those involved in civil proceedings.

5.5.5 Once LPP material has been obtained, as a minimum the following safeguards should be put in place:

i. The terms “seek to rely on” at paragraph 4.14 of the Interception Code and paragraph 3.16 of the Hacking Code should be replaced by “to have sight of or seek to rely on”;

ii. Operational staff should be explicitly prohibited from being witnesses, giving instructions in litigation or seeing privileged materials that may give the government an advantage in litigation;

iii. An automated destruction system—or “bin list” as operated by MI6—whereby the communications and the contents of communications of lawyers deemed not to be of interest to the IS are immediately deleted without human intervention; and

iv. LPP material that is obtained through hacking or interception be delivered to the claimants to whom it belongs and is deleted as soon as possible.

## Annex 1

1. In 2004, Mr Belhaj and his four-month pregnant wife were subjected to a joint CIA-MI6 extraordinary rendition to Colonel Qaddafi's torture chambers in Libya. At the time Mr Belhaj was a vocal and prominent opponent of the Qaddafi regime. In 2011, a memo authored by Sir Mark Allen—head of counterterrorism at MI6 at the time of Mr Belhaj's rendition—was recovered from the vaults of the Libyan intelligence agency. In it, he makes clear that the intelligence that led to Mr Belhaj's rendition originated from MI6.

2. Mr Belhaj is currently engaged in a private law claim against the UK government for their complicity in his rendition. The Snowden revelations in the summer of 2013 brought to light the distinct possibility that the UK Intelligence Agencies—MI5, MI6 and GCHQ—had unlawfully intercepted Mr Belhaj's legally privileged communications and may have used them to secure a litigation advantage in the private law proceedings. Consequently, Mr Belhaj filed a complaint before the IPT to ascertain whether his suspicions were well founded.[11]

3. On 18 February 2015, the Intelligence Agencies admitted that they had been unlawfully intercepting communications subject to LPP since January 2010.[12] For the past five years, the Intelligence Agencies have run roughshod over LPP, putting the rule of law in serious peril. This unlawful behaviour escaped the supposed scrutiny of both the Interception Commissioner and the Intelligence and Security Committee. It was only once the individual policies of the Intelligence Agencies saw the light of day that they were deemed to be unequivocally unlawful.[13]

[11] *Belhaj and others v Security Service, SIS, GCHQ and others* [2015] Case No: IPT/13/132-9/H
[12] The Law Society Gazette, 'Government admits lawyer snooping unlawful', available from: http://www.lawgazette.co.uk/law/government-admits-lawyer-snooping-unlawful/5046901.fullarticle
[13] Reprieve, 'UK Government to release secret policy on surveillance of lawyers after last-minute u-turn', available from: http://www.reprieve.org.uk/press/2014_10_29_ipt_libyan_rendition_hearing_policy/