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Mr John Allman
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Dear Mr Allman,

Thank you for your letter of 22 September further to mine of 17 September.

In your latest letter you refer to intimidation through the overt use of thought influencing and monitoring technologies. The most obvious overt deployment can be seen in prolonged hostage taking situations where the hostage taker is exposed to sound waves to influence their thoughts and to prevent them from concentrating or sleeping. There is no legislation that applies explicitly to this deployment which has been used, and publicly acknowledged, without any popular expression of concern or a Court ruling that its use is unlawful. That is clearly use of technology to influence human thought – but I'm sure that is not the sort of technology which your group is concerned with.

Your concern appears to be about overt deployment of technology, such that a person is aware it is taking place, that will monitor their thoughts or influence their thoughts, and intimidate that person in some way. You do not describe in what way, but I imagine you mean some form of oppressive or unjust intimidation. But you then refer to technologies enabling "*undetected* perpetration of thought influence using ... messages that are *barely audible*" (your emphasis). If they are barely audible or subliminal they are, realistically, covert.

You have made an assumption that my position within the Covert Investigation Policy Team means I cannot comment on overt deployment of surveillance technology. In fact I can. My day-to-day work addresses surveillance both covert or overt, intrusive, directed or undirected. Reference to covert in the title of my team is an acknowledgement, as you acknowledge in your letter, that deployment of covert surveillance of whatever sort is more sensitive and rightly subject to regulation than overt surveillance.

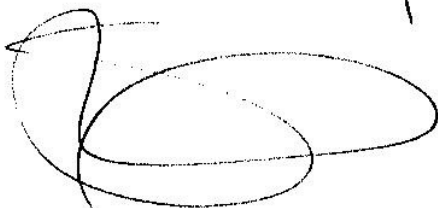
Perhaps you might like to describe for me, and my colleagues, how you envisage the overt deployment of surveillance that monitors human thought technologically and the purposes for which you envisage that being done. To the extent your research indicates, or suggests, this practice takes place perhaps you can let me know. If you would like to send it to me I would welcome a copy of your research, over and above John McMurtrey's paper which I have.

You go on to describe what you see as a conflict between keeping secret "the use of classified technology" and enabling "those whose human rights it has been used to abuse" to seek legal redress. Much of the technology used to undertake lawful intrusive surveillance is classified to protect the capability of law enforcement to continue deploying that technology to prevent and detect crime. However the use of that technology, where used to interfere with a human right, must be authorised in accordance with the law. The law provides for effective remedy, within the meaning of ECHR Article 13, both under section 7 of the Human Rights Act 1998 or by application to the Investigatory Powers Tribunal.

I am afraid I cannot see how you have construed my earlier letter to imply such sweeping statements as:

- "the British Government considers itself *entitled* to monitor and influence the thoughts of civilian citizens technologically";
- "no further legal protection is desirable for citizens against the technological monitoring and influencing of their thoughts non-consensually";
- "the government's position is that it is refusing to introduce legislation that would define non-consensual technological thought monitoring or influence as a crime against humanity".

I have implied none of those things. This is a complex area where much of the science, as McMurtrey points out, is still theoretical or not beyond a patented idea. What I would say is that monitoring thoughts is very different from influencing thoughts, and that influencing a hostage taker not to sleep is very different to influencing someone to have a thought they would not otherwise have had and to act upon that. The use overtly of any such technologies – to the extent they are or maybe used – is very different to its use covertly. Finally the purpose for which any such technology is or might be used has to be both lawful and necessary and in a democratic society.

Yours sincerely


Simon Watkin
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