

Britain and South Africa accused of ‘rendering’ terror suspects

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2 June 2006

A growing body of evidence suggests that the British and South African governments are directly implicated in ‘rendition,’ a practice whereby foreign nationals accused of terrorist involvement by a given government have been kidnapped and sent overseas to be interrogated, often tortured and sometimes ‘disappeared.’

The United States has led the way in this illegal activity. The majority of cases have involved European governments either allowing CIA agents to carry out kidnappings or permitting CIA-operated airplanes to land en route to secret facilities in Eastern Europe or countries such as Afghanistan and Egypt, where torture of prisoners routinely takes place.

However, in November 2005, South African newspapers published reports suggesting that the authorities may have cooperated with the British government and its intelligence agencies in the rendition of a man arrested last year at his residence in the town of Estcourt in South Africa’s KwaZulu-Natal Province.

The Pakistani citizen, Khalid Rashid, was wanted by British authorities for alleged involvement in terrorist activities. Rashid has not been seen since his arrest on October 31, 2005.

According to eyewitnesses, about 20 heavily armed men wearing bullet-proof jackets arrived in unmarked cars at the house where Rashid was staying, ransacked the house and bundled Rashid and Indian citizen Mohammed Jeebhai into a vehicle. According to witnesses, at least two of the men involved in the raid seemed to have British accents.

The most damning accusations have been made by Jeebhai, who states that he and Rashid were taken to an area of thick bush outside Estcourt where they were hooded and put in separate cars.

When they arrived at their destination about five hours later, the men were placed in separate cells. Jeebhai reports that during the seven days he was held, he saw Rashid being led out of his cell periodically. He also reported that he noted the name Cullinan on a police vehicle which he saw from his cell. Cullinan is situated about 30km east of Pretoria and about 400km from Estcourt.

The register at the Cullinan police station confirms that Jeebhai and Rashid were held there. It notes that Rashid was taken out of his cell on at least nine occasions by police and Home Affairs officials. Rashid was signed out for deportation twice, once on November 6 and then again the following day.

After being taken to the infamous Lindela repatriation centre, Mohammed Jeebhai managed to get word out to his brother, who

contacted a lawyer, Zehir Omar, who, in turn, obtained an urgent interdict to prevent the deportation of Jeebhai and Rashid. The Department of Home Affairs was requested to disclose the whereabouts of Rashid.

Home Affairs claims Rashid was deported to Pakistan on November 6, less than a week after his arrest. However, his family says that he never arrived in Pakistan. The department was unable to give the flight number, the name of the airline, or the name of the person who met him on arrival in Pakistan. Relatives in Kandahar deny that Rashid ever arrived back in Pakistan.

Zehir Omar maintains that an interview with the head of Home Affairs in KwaZulu-Natal revealed that the National Intelligence Agency was involved in Rashid’s abduction.

Initially there was an unconfirmed allegation that Rashid was flown out of the country via the Waterkloof air base on a plane linked to a foreign intelligence agency. However, on May 19 the *Pretoria News* reported that the South African Air Force confirmed that a plane chartered by the South African Police Services (SAPS) had flown from Waterkloof in the early hours of the morning of November 6. No flight plan was filed with the base, and the aircraft’s registration was not recorded.

Captain Ronald Maseko of the South African Air Force said a request had been made by the SAPS, Home Affairs, the Department of Justice and the Department of Safety and Security to make the Waterkloof air base available for a landing and take off early in the morning of November 6. “The plane arrived during the early hours of the morning and took off a short while later,” he said.

According to an air force officer on duty at the base that night, Home Affairs officials and police arrived at Waterkloof from Cullinan police station with a handcuffed man, who was placed on the chartered aircraft. The officer said when he made inquiries about extra passengers boarding the chartered plane, he was told the man was Pakistani national Rashid Khalid.

“I was told that he was in the country illegally and was wanted for crimes overseas.

“When I tried to inquire further I was told that it was highly confidential,” he said, confirming that no flight plan had been filed through him that night.

The officer said several people were on board the plane, including South African police, at least three other men who spoke “with strong British accents” and others who had identified themselves as Pakistani intelligence officers.

Hazel Blears, then British minister of state at the Home Office, denied claims that British agents were involved in the arrest of Rashid.

In a bizarre twist, documents were later leaked to a samosa (an Indian pastie) vendor in Pretoria suggesting that officials of the Department of Home Affairs falsified information. The vendor, Yaseen Suliman, states that he delivered samosas to a group of lawyers at the Pretoria High Court on May 11; when the empty box was returned, he found the documents in the box. The authenticity of the documents has not been disputed.

An investigative program broadcast in February by South Africa's MNet television channel suggested that Rashid is being held without trial in one of the many secret detention centres run by the US government. Although Home Affairs officials have denied the claims, the documents submitted to the Pretoria High Court by Yaseen Suliman allegedly show that the British government had requested South African authorities to arrest Rashid as part of an international campaign to flush out suspected terrorists.

A hearing into the fate of Khalid Rashid was held at the Pretoria High Court on May 14. A number of Pakistani citizens and other supporters attended the hearing. The Department of Home Affairs was ordered to provide detailed information relating to Rashid's deportation within 10 days, including the name of the person in the Pakistan High Commission who they liaised with regarding his deportation and the name of the person who received him on arrival in Pakistan.

Rudolph Jansen, from Lawyers for Human Rights, remarked, "If you looked at the paper trail, he was rushed through deportation very, very quickly and you have to be extremely naïve to believe that that was a bona fide deportation proceeding."

Jansen went on, "It has all those typical trademarks, not only of American abductions, but abductions under any oppressive government—whether it was under erstwhile South Africa or in dictatorships in South America way back when many of them have those same trademarks."

Zehir Omar, accompanied by former Vlakplaas (apartheid regime secret police unit) operative Dirk Coetzee, said that he believed that Rashid had been handed over to British security forces. He likened the modus operandi of Rashid's disappearance to that of the old apartheid security apparatus, and stated his intention to take the case to the International Criminal Court in The Hague.

"I will ask the prosecution in The Hague to investigate charges of possible murder, abduction and defeating the ends of justice against various officials. The accused will be the Government of South Africa. They are concealing the truth as we know it," Omar said.

Coetzee commented: "It is the same pudding, just another sauce. He (Khalid) has been missing for seven months. If he is still alive I will eat my hat."

Journalists from the investigative television program *Carte Blanche* maintain that the raid in Estcourt, and what followed afterwards, "was executed by an elite anti-terror unit that functions covertly within the crime intelligence component of the South African Police Service, and that they had been specially trained by

the Americans."

As the supporters left the court building, a number of men in unmarked cars, identifying themselves as Home Affairs officials, stopped and detained seven of the Pakistanis that had attended the hearing—Muhammed Khan, Javid Ahmed, Tariq Mahmood, Toqeer Tariq, Asmat Nwaaz, Dharam Singh and Rashid Saleem. They were bundled into cars and taken to Pretoria Central police station. However, a friend of the men, Ijaz Hussain Malik, discovered that they were no longer being held there, and for some time their whereabouts were unknown to friends and relatives.

In a case of mistaken identity a man bearing the same name as Yaseen Suliman, the samosa vendor who had discovered the Home Affairs documents, was also arrested by the Home Affairs officials. The state alleges that Suliman stole the files from a Home Affairs office and has laid a charge of theft against him. However, Justice Poswa, the presiding judge, said that the alleged theft was a secondary matter, and that the admission that the file is the property of Home Affairs is of paramount importance. Suliman's namesake was later released after being interrogated.

Suliman, who had earlier attempted to enter the proceedings as *amicus curiae* (friend of the court), handed in the file and an affidavit to Poswa.

On May 16, Zehir Omar brought another urgent application before the Pretoria High Court to prevent the seven men from being deported before their case could be heard. The application was granted, and the Department of Home Affairs was ordered not to deport the men until their case has been heard. The date set for the hearing was May 17.

After several postponements the hearing was finally held on May 19. All seven men were freed after Judge Bertelman found that the Department of Home Affairs failed to comply with its own legislation when arresting the men.

Minister of Home Affairs Nosiviwe Mapisa-Nqakula claims that Rashid was deported to Pakistan on November 6, 2005, and that Omar should have followed the "correct procedures" to obtain the information that he required by making an application in terms of the Access to Information Act. The minister also attacked Omar's integrity, labelling him as "unprofessional." Nevertheless, despite the fact that a court order demanding this information has been issued, nothing has been forthcoming from the Department of Home Affairs.



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