

British police to investigate MI5 over Binyam Mohamed's torture

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Attorney General Baroness Scotland, the main legal advisor to the British government, has authorised a criminal investigation by the Metropolitan Police into whether the intelligence agency MI5 was complicit in the torture of ex-Guantánamo detainee Binyam Mohamed.

The decision follows allegations by British resident Mohamed that he was tortured in Morocco in 2002 with the collusion of MI5. Mohamed's claims centre around an MI5 agent known to him as "John," who was involved in his original interrogation in Pakistan. It comes after five months of deliberation since Mohamed's case was first passed to Baroness Scotland in October. The investigation was approved after she and Keir Starmer, the director of public prosecutions, scrutinised "substantive material" relating to the case, including the testimony of an MI5 officer.

Mohamed was originally arrested in Pakistan and subsequently rendered by US authorities to Morocco, Afghanistan and finally to Guantanamo Bay. He was released without charges in February this year after nearly seven years in captivity. Throughout his detention, Mohamed was subjected to prolonged physical and mental torture.

Mohamed welcomed the announcement of the investigation, but added, "I remain concerned that the investigations shouldn't just focus on the small people, and that one agent shouldn't be the scapegoat for what was a government policy, and if indeed they do try to scapegoat Agent B, I would consider testifying on his behalf, because it's very important that we get to the truth for everyone in the future."

He continued, "I understand that the investigation will include the people directly responsible for the torture, the Americans, and this is obviously very important.

The big difficulty faced by the police will be whether the Americans will cooperate by providing evidence that they consider classified, and obviously the investigation can't reach the truth without the Americans providing their complete side of the story."

Mohamed's lawyer, Clive Stafford Smith said that he believed the knowledge of Mohamed's torture extended to the highest levels of government in Britain and the US. "I would be astounded if Number 10 [the prime minister's residence] did not know," he said. "If the security services were not reporting something like this to Number 10, we would have other questions we would have to ask about whether we had some rogue security services.

"It was not just Number 10. Binyam was told when he was in Pakistan, by the Americans who were interrogating him and abusing him, that the decisions were being made in the White House."

Stafford Smith and a host of human rights groups, including Amnesty International, have called for a full judicial inquiry into the case, including access to all the relevant documentation.

At the heart of Mohamed's case are a series of incriminating documents that have been classified by both the US and British governments. Mohamed's lawyers have demanded full access to this material.

Zachary Katznelson, the legal director of the charity Reprieve, representing Mohamed, warned, "Many of the documents related to Mr. Mohamed's treatment have been classified either in the US or the UK, and unless the police have access to all of them they will only see one tiny piece of the picture."

Amnesty International said the investigation, "should just be the first step," and added, "What we must not lose sight of here is that Binyam Mohamed's is far from being the only case where there are serious allegations

that the UK colluded in the mistreatment or illegal detention of people from this country and elsewhere."

Documents released by the High Court in London last week revealed that a draft plea bargain agreement was put forward last year by US government lawyers. The agreement required Mohamed to plead guilty to two charges in return for a lighter sentence.

The agreement also required Mohamed not to take part in any legal challenge against the US or any of its allies relating to his "capture, detention or prosecution," and to abandon any legal challenge to obtain documents that he believed could prove his innocence.

Any rights to compensation would be assigned to the US government. Had Mohamed accepted such an agreement, the guilty plea would have resulted in a maximum period of 10 years imprisonment. But any sentence over one year would have been suspended, meaning he would have been freed relatively soon after.

Speaking about the plea bargain, Stafford Smith said that it was a ploy by the US authorities to cover up the torture suffered by Mohamed at their hands and was also a threat that he would never be freed unless he agreed to the deal. Smith said, "This reflects the way the US government has consistently tried to cover up the truth of Binyam Mohamed's torture.

"He was being told he would never leave Guantánamo Bay unless he promised never to discuss his torture and never sue either the Americans or the British to force disclosure of his mistreatment.

"Gradually, the truth is leaking out, and the governments on both sides of the Atlantic should pause to consider whether they should continue to fight to keep this torture evidence secret."

The concern of Mohamed and his lawyers that the investigation agreed to will only revolve around the MI5 agent who questioned him in Pakistan is legitimate. On the evening of the announcement, the BBC's security correspondent commented that there were already rumours that it would be a very "narrow" investigation and that was the reason why it had been authorised by the attorney general.

Nevertheless, that an attempt at damage limitation should require a police inquiry into MI5 is a measure of the extraordinary break with the rule of law and the trampling of democratic rights by the government and the security services that has occurred in the so-called

"war on terror." It is clearly seen by some within ruling circles as a dangerous development.

In a leader comment, "Torture Claim Inquiry is Not in the Public Interest," the *Daily Telegraph* stated, "In the very week that the Government published its new counter-terrorism strategy and pledged to redouble its efforts to combat the menace of violent Islamism, it is extraordinary that the time and effort of the police and MI5 is to be spent on such an inquiry."

The illegal methods raised by Mohamed's case are the inevitable product of the criminal wars of aggression waged on behalf of a financial elite that is set on plundering the globe. Even as the Brown government's denial of any involvement in torture unravels, an official Foreign Office report released last week laid bare the fact that "evidence" obtained through torture is not ruled out by the powers-that-be.

The Foreign Office report stated, "The provenance of such intelligence is often unclear—partners rarely share details of their sources. The use of intelligence possibly derived through torture presents a very real dilemma, given our unreserved condemnation of torture and our efforts to eradicate it." However, the report insists, "Where there is intelligence that bears on threats to life, we cannot reject it out of hand."



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