

Parliamentary committee for inquiry into British complicity in torture

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On August 4 Parliament's Joint Human Rights Committee called for an independent inquiry into claims that UK security services were complicit in the torture of up to 15 people in other countries.

One case the committee looked at was that of Ethiopian-born, British resident Mohamed. Mohamed says he was tortured whilst being held in Morocco in 2002-03 by interrogators who asked personal questions that could only have come from British authorities.

Another case involved Salauddin Amin, who believes that authorities were complicit in the torture he suffered following his arrest in Pakistan. He alleges that the Pakistani Inter-Services Intelligence beat him and threatened him with an electric drill.

Rangzieb Ahmed has claimed that his fingernails were pulled by a Pakistani torturer and that MI5 supplied his interrogators with questions. Speaking about the treatment of Ahmed in July, Conservative Party Member of Parliament David Davis said, "A more obvious case of outsourcing of torture, a more obvious case of passive rendition, I cannot imagine".

The select committee issued its call just days after a High Court sitting was adjourned into the case of Binyam Mohamed.

Mohamed was originally arrested by Pakistani immigration officials at Karachi airport in April 2002 and was sent, via "extraordinary rendition", to Morocco, Afghanistan and, finally, to Guantánamo Bay. Mohamed was subjected to prolonged physical and mental torture, including being repeatedly beaten, scalded and having his penis slashed with a scalpel.

He was released without charges in February this year after nearly seven years in captivity.

A statement by the Joint Human Rights Committee accused the British Labour government of complicity in the rendition and torture of people abroad, including British residents and citizens. It accused government ministers of "hiding behind a wall of secrecy".

Andrew Dismore, a Labour MP and chair of the committee said, "The allegations we have heard about UK complicity in torture are extremely serious. It is unacceptable both for ministers to refuse to answer policy questions about the security

services, and for the director general of MI5 to answer questions from the press but not from a Parliamentary committee."

In an interview with the BBC, Dismore said, "Basically we have got now about up to 15 allegations of complicity in torture by UK security agencies." He added, "The problem is the government simply just denies them without answering the allegations in detail."

The Human Rights Committee has a responsibility to consider human rights issues in the UK. The government of Prime Minister Gordon Brown has refused the committee's invitation on three occasions for the foreign and home secretaries to give evidence.

As well as calling for an independent inquiry, the committee requested that ministers immediately publish instructions given to MI5 and MI6 officers on both the detention and interrogation of those named as "terror suspects" abroad.

The committee define complicity as having "an arrangement with a country that was known to torture in a widespread way... systematically receiving and/or relying on the information, but not physically participating in the torture". Complicity includes "the presence of intelligence personnel at an interview with a detainee being held in a place where he is, or might be, tortured" and "the systematic receipt of information known or thought likely to have been obtained from detainees subjected to torture".

The government's claims that the security services had no knowledge of the torture of Binyam Mohamed were undermined last week at the High Court in London. The court is deciding whether it can authorise the publication of a seven-paragraph summary of CIA information regarding the Mohamed case. Lawyers for Mohamed are attempting to force the disclosure of the documents as they directly pertain to his allegations that he was tortured. Lawyers representing the *Guardian* newspaper and other media groups are supporting the demand for publication.

Lord Justice Thomas and Mr Justice Lloyd Jones reissued a judgement they made on the case last August and inserted new material relating to the role of the UK security services. The information released by the two Justices revealed that an MI5 officer visited Morocco three times during the period Binyam

Mohamed stated he was being tortured. Lord Justice Thomas said the new information regarding the role of MI5 in the case of meant they had taken the “very unusual step of correcting a judgment”.

The judges said that MI5 documents it had seen showed that Witness B, an MI5 official, visited Morocco once in November 2002 and twice in February 2003. The judges continued, “We have been informed that [MI5] maintains that it did not know that BM [Binyam Mohamed] was in Morocco in the period in question”.

By September 2002, the judgment deemed it was clear to the UK security service that Mohamed being held in a covert location and that they continued to supply information and questions to those holding him. By that time MI5 were “aware that BM was being held in a covert location where he was being debriefed... direct access was not possible but [MI5] were able to send questions to the US authorities to be put to him”.

The judges added that “the relationship of the United Kingdom Government to the United States authorities in connection with Binyam Mohamed was far beyond that of a bystander or witness to the alleged wrongdoing.”

An article commenting on the High Court amendment in the August 4 *Guardian* stated, “There is a widespread view that the summary indicated what the British government knew about Mohamed’s treatment”.

Guy Vassall-Adams, representing the *Guardian* in court, said that if the CIA information remained secret, this would provide a “veto” to those who had allegedly committed human rights abuses.

The British government is seeking to prevent the High Court from publishing the paragraphs citing “national security” implications. The judges were informed of letters sent by US Secretary of State Hillary Clinton and CIA officials, who had warned that the US would review with the UK its intelligence-sharing agreement if the court made public the seven paragraphs.

Representing the UK Secretary David Miliband, lawyer Karen Steyn said, “The conversations that he has had with the US Secretary of State are part of the information that he has taken into account in forming that assessment.”

Lord Justice Thomas said to the court that the paragraphs did not pose any threat to national security and ordered the transcript of the hearing be sent to Miliband. The hearing was adjourned to allow Miliband to respond.

Clive Stafford Smith, the director of Reprieve, a human rights organization that defends the legal rights of prisoners and who represented Mohamed whilst he was held in Guantánamo Bay, said, “It is now obvious that the British authorities were not telling the truth when they denied knowing that Binyam was in Morocco. Again the question for the police and the public must be, how far up the political ladder did this knowledge go?”

Stafford Smith claimed that the evidence pointed to Witness B travelling to Morocco in order to meet an informant. He

added, “Informant A actually met Binyam in the secret prison in Morocco in September 2002. He then clearly spoke with British intelligence. Since Witness B went to Morocco in November 2002, it seems most likely that he was debriefing Informant A, and then facilitating the man’s return to Britain.”

Mohamed is one of seven former Guantánamo Bay detainees who are bringing High Court test cases for damages against MI5 and MI6, the Attorney General, the Foreign Office and the Home Office. The seven allege that the UK security services were guilty of systemic misconduct and of “unlawful conduct amounting to domestic and international crimes in aiding and abetting the unlawful imprisonment, extraordinary rendition and torture” of each claimant.

Last month Mohamed began a legal bid to prevent courts in the United States from destroying a piece of crucial evidence proving he was abused while held at Guantánamo Bay a photograph shot in 2006 after he was severely beaten by guards. Mohamed claims that the photograph was put on his cell door because he had been so badly assaulted that it was difficult for guards to identify him.

The only copy of the photograph is currently being held at the Pentagon and is now classified under US law. Mohamed has appealed to the federal district court in Washington that the image not be destroyed. The photo was part of a case dismissed by a US court prior to Mohamed’s release from his detention in Guantánamo and must be automatically destroyed under US law. The photo can only be preserved if it is to be used as a court document.

Speaking about the photograph last month in comments made to the *Guardian*, Mohamed said, “That is one piece of physical evidence that I know exists of my abuse... The authorities have consistently denied that I have been abused, and this is physical evidence that I am telling the truth, and they are not.”



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