

Fabricating Terrorism - Executive Summary

In her briefing on *The State Department's 2005 Country Reports on Human Rights Practices*, released 9th March 2006, Condoleezza Rice declared America's destined role on the international stage to the world's media:

*'Our promotion of human rights and democracy is in keeping with America's most cherished principles and it helps to lay the foundation for lasting peace in the world ... The duty to defend human rights and to help spread democracies' blessings is especially great for the United States and other free nations ... We must help struggling democracies deliver on the high hopes of their citizens for a better life. We must call countries to account when they retreat from their human rights commitments and we must always stand in solidarity with the courageous men and women across the globe who live in fear, yet dream of freedom.'*¹

1. Why has Fabricating Terrorism: Britain's role in Rendition and Torture been published now?

Those organizations and individuals defending human rights in the areas of law and politics, especially post 9/11, may have found their experiences at odds with the above hymn to America. It is as a corrective to a steady stream of propaganda by both American and British authorities that Cageprisoners has released its own report: *Fabricating Terrorism: British Complicity in Renditions and Torture* aims at uncovering the underside of American and British commitment to uphold and spread 'human rights'.

Debates around rendition and the use of torture are intensifying with eyewitness accounts of released detainees, interviews with disaffected intelligence officers, and information gathered from various sources by human rights groups, lawyers, and journalists. As a result a political momentum is building with investigations at National and European Parliamentary levels²; law reform demands to curb rendition or torture flights;³ official Police investigations⁴; court cases by former British detainees, and campaigns lobbying for the release of detainees.

2. Researching Rendition and Torture

Fabricating Terrorism: British Complicity in Renditions and Torture has been compiled against a backdrop of misinformation, censorship and silence. Partial information by the British and American governments (based on legal threats), was eventually released as a damage limitation exercise.⁵

The numbers of renditions which have taken place since 2001 has been extremely difficult to quantify as both US and British governments have refused to respond to requests by different organisations.⁶

3. Rendition – a definition

“Well it all depends on what you mean by rendition. If it is something that is unlawful I totally disapprove of it; if it is lawful, I don't disapprove of it.”⁷ Tony Blair.

Fabricating Terrorism: British Complicity in Renditions and Torture states plainly that rendition and extraordinary rendition are illegal and that the British Government's position purposely misinterprets the law to cloak its underhand practices. The only legal transfer recognised by international law, such as the United Nations conventions, is extradition. Rendition, however, is described as the transfer of individual(s) from one State to another without recourse to due process of either country involved, or under the regulatory influence of internationally recognised laws.⁸ The intensified use of rendition after 9/11, the dossier points out, was a unilateral decision by the USA to pursue its policy of the 'Global War on Terror' which allowed 'intelligence gathering', without safeguards protecting individuals.

Rendition - Torture

The report describes how detainees are often transferred to third-party countries such as Egypt, Pakistan, Morocco, Jordan, Libya and Afghanistan with appalling track records on human rights. Organisations such as Amnesty International, Human Rights Watch and even State Department annual Country Reports have all highlighted wide spread abuses and torture in these countries.

4. Findings of the Report

Despite initial reassurances from the British government denying any involvement in rendition and torture, evidence contradicting these statements has been emerging:

- *Rendition Flights.* CIA chartered aircraft used in the process of rendition have been allowed into British airspace post 9/11 utilising airport facilities as shown in documentation supplied by plane spotters and human rights activists. Just one example is of the infamous 'Guantanamo Bay Express', which made several trips between Cairo and Prestwick in December 2001, as well a trip to Uzbekistan⁹. Further evidence is laid out in the report which seriously undermines the British authority's denials on aiding rendition flights.
- *Involvement of British Intelligence Services.* Case studies are presented to show the degrees of culpability British authorities were involved in the rendition process and eventual torture. Cases such as Binyam Mohammed Al Habashi highlight British intelligence agencies sending questionable 'intelligence' that would have a bearing on Binyam's fate – rendition and subsequent torture when rendered to Morocco. In the case of Jamil El Banna and Bisher Al Rawi British intelligence requested Gambian security forces pick up the pair and interrogate them – thus the use of the phrase 'outsourcing torture'.
- *Unwillingness of Foreign Office and Diplomats to represent British citizens and residents.* Case studies show civil servants' awareness of the precarious state that the detainees were held in and allowed them to continue to suffer.

5. Impact of British Complicity in rendition and torture

Apart from the life-destroying affect on the detainees themselves the British government's actions reverberate at both domestic and international levels.

International Level

By opting out of internationally agreed laws which Britain initially signed up to there is an increasing risk that other countries will not take their obligations on human rights seriously. Britain's claims of leading the worldwide promotion of human rights¹⁰ are largely undermined by the Government's political double-dealings. Opting out of international law and the deployment of Diplomatic Assurances and the Memorandum of Agreements in order to legitimise the transfer of suspects to brutal and unpopular regimes is highly controversial. These assurances and agreements against the use of torture have no legal grounding and cannot be effectively enforced.

Domestic Level

The British government, in neglecting its responsibilities towards British citizens and especially British residents granted permanent leave to stay in the UK, threatens to alienate a sizeable portion of the British population. Whilst in custody Moazzam Begg summed up the attitude the British authorities had towards him when he explains the moment they allowed him to be rendered to Kandahar, Afghanistan from Pakistan,

*This was a side of Britain that I'd never seen ... 'He's just a Paki they probably thought. That's what I thought too'*¹¹

6. Recommendations

Fabricating Terrorism: British Complicity in Renditions and Torture recommends the following measures:

- Government complicity in acts relating to rendition must be effectively halted.
- Rendition flights involving CIA chartered planes should be refused entry into British airspace, and banned from using facilities at UK airports. Information on all previous flights relating to renditions should be handed over to the relevant Parliamentary Committees forthwith and not withheld to avoid embarrassment to the Government.
- The British intelligence agencies must cease complicity in illegal interrogations involving torture, and have no dealings with the use of intelligence gleaned from torture. The roles of the foreign office and the diplomatic service have come under suspicion and must be investigated.
- It is essential that the British Government should fully respect its obligations to international law regarding human rights abuses. If it suspects the use of torture it must be reported to the appropriate authorities for thorough independent investigation

It is the responsibility of lawyers, politicians and ultimately the public to force an end to Britain's role in these illegal and dangerous practices.

¹ See the State Department's website

<http://www.state.gov/secretary/rm/2006/62738.htm>

² In the UK the 'All parliamentary Group on Extraordinary Renditions' and Council of Europe investigation headed by Dick Marty

³ The amendment, tabled to the Civil Aviation Bill by Baroness d'Souza, will be debated in the Lords on 28 March – it will allow the Secretary of State to force any suspicious aircraft in UK airspace to land and that plane to be searched

⁴ <http://www.liberty-human-rights.org.uk/press/2005/acpo-investigates-extraordinary-rendition.shtml>

⁵ 23rd Feb 2006 Federal Court ruling forced the Pentagon to part with detainee list
http://www.editorandpublisher.com/eandp/news/article_display.jsp?vnu_content_id=1002074552

'Minister admits 'rendition' planes used RAF bases, 7th March 2006. This relates to Adam Ingram, armed forces minister, written comments.

<http://politics.guardian.co.uk/foreignaffairs/story/0,,1725223,00.html>

⁶ Mayer, "Outsourcing Torture", the New Yorker, 14 Feb.2005, cited in "Extraordinary Rendition", *Wikipedia Encyclopedia*: http://en.wikipedia.org/wiki/Extraordinary_rendition

⁷ Prime Minister's Morning Press Conference, 22nd December 2005

<http://www.number-10.gov.uk/output/Page8834.asp>

⁸ See Articles 5, 9, 12 and 13 of the Universal Declaration of Human Rights (UDHR)

⁹ Uzbekistan is subject of a damning report by the State Department on human rights abuses, and was where former British Ambassador Craig Murray was recalled by the government for whistleblowing on US and UK complicity in torture

¹⁰ As in the UK signing up to Optional Protocol to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) December 2003

¹¹ *Enemy Combatant: A British Muslim's Journey to Guantanamo and Back*, Moazzam Begg, Simon and Schuster, London, 2006