

# EXHIBIT F



# Intelligence and Security Committee

## Rendition

Chairman:  
The Rt. Hon. Paul Murphy, MP

Presented to Parliament by the Prime Minister  
by Command of Her Majesty  
JULY 2007

Cm 7171

£18.00

## BINYAM MOHAMED AL-HABASHI

### *Background*

98. Binyam Mohamed al-Habashi, an Ethiopian national, sought political asylum in the UK in March 1994 and was given indefinite leave to remain whilst his asylum application was considered (his application was refused in May 2000). In June 2001 he travelled to Pakistan, planning to return in April 2002. On 10 April 2002 the Pakistani authorities arrested him at Karachi airport (having fled Afghanistan where he had reportedly been fighting with the Taliban) for travelling on a false passport.

### *Allegations*

99. Al-Habashi alleges that he was held by the Pakistani authorities for a period of three months, during which time he was mistreated. He says that he was interrogated by British officials and that “one of them did tell me I was going to get tortured by the [Arabs]”.<sup>78</sup>

100. Al-Habashi alleges that, in July 2002, he was the subject of an American “Extraordinary Rendition” operation, from Pakistan to Morocco.<sup>79</sup> He claims he was subjected to torture and CIDT whilst detained by the Moroccan authorities. He says that the Moroccans told him that they were working with the British Security Service and that he was asked questions containing details about his life that could only have come from UK sources.

101. After 18 months’ detention in Morocco, al-Habashi alleges that he was rendered to Kabul in January 2004 where he suffered further mistreatment. In September 2004, al-Habashi was transferred to Guantánamo Bay, where he is still being held.

### *Outcome of Investigation*

102. The Committee has taken evidence about this case. We have been told that SIS never had any contact with al-Habashi. A member of the Security Service did interview al-Habashi once, for a period of approximately three hours, whilst he was detained in Karachi in 2002. The interview was conducted by an experienced officer and was in line with the Service’s guidance to staff on contact with detainees.

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<sup>78</sup> Statement by al-Habashi to his lawyer (Clive Stafford Smith) whilst in Guantánamo Bay, taken from Reprise written submission to the Committee, 4 December 2006.

<sup>79</sup> The Committee has been told that the Security Service first learnt of the allegation that he had been transferred to Morocco in 2005.

103. The Security Service denies that the officer told al-Habashi he would be tortured, as he alleges. Furthermore, the officer reported that he did not observe any abuse and that no instances of abuse were mentioned by al-Habashi.

104. The Security Service had no further contact with al-Habashi since this one interview in 2002. However, they were aware of the U.S. plan to transfer him, because:

*... at the beginning it was thought [al-Habashi] was [a British national], we were told by [the U.S.] that they were going to move him to Afghanistan and we know that he was moved to Guantánamo. He has claimed that on the route there he was held in Morocco and that while in Morocco he was tortured... We do not know whether that happened...<sup>80</sup>*

105. \*\*\*

\*\*\*. In giving evidence to the Committee in 2006, the Director General of the Security Service told us:

*... when we knew he was in custody, because he had information we believed relevant to the UK from having lived here, \*\*\**

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*\*\*\*. That is a case where, with hindsight, we would regret not seeking proper full assurances at the time...<sup>81</sup>*

106. Whilst no assurances were sought, this is understandable given the lack of knowledge, at the time, of any possible consequences of U.S. custody of detainees. Indeed, the Director General of the Security Service said to us:

*I do not think we would know today if Congress and the Supreme Court had not pressed the American Government to move the way it did.<sup>82</sup>*

### **Conclusions**

**M. There is a reasonable probability that intelligence passed to the Americans was used in al-Habashi's subsequent interrogation. We cannot confirm any part of al-Habashi's account of his detention or mistreatment after his transfer from Pakistan.**

**N. We agree with the Director General of the Security Service that, with hindsight, it is regrettable that assurances regarding proper treatment of detainees were not sought from the Americans in this case.**

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<sup>80</sup> Oral evidence – Security Service, 23 November 2006.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.