

Reprive
PO Box 52742
London
EC4P 4WS

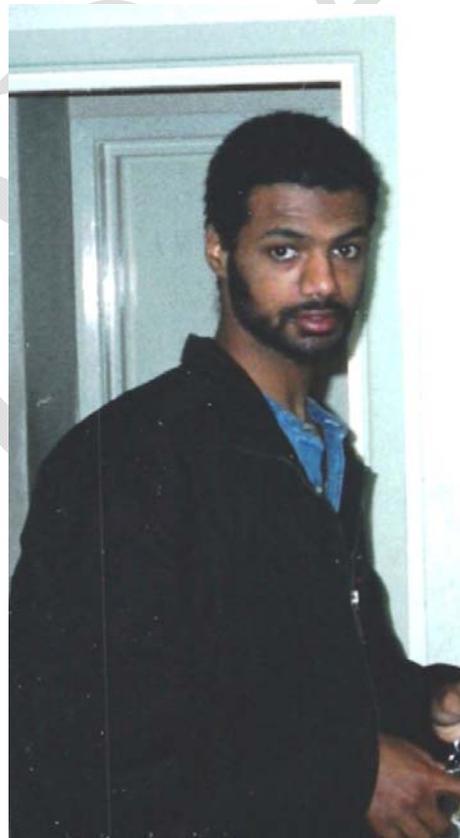
Tel: 020 7353 4640
Fax: 020 7353 4641
Email: info@reprive.org.uk
Website: www.reprive.org.uk

30 July 2008

ADDING INSULT TO INJURY

Reprive report on

**Torture in the Twenty-First Century:
Refuting the 'incredible' US statement that Binyam Mohamed's
Description of his CIA-sponsored torture in Morocco is
'not credible'**



I. INTRODUCTION: SINCE THE UK SEEMS TO HAVE SIMPLY ACCEPTED THE BALD AMERICAN FALSEHOOD THAT BINYAM MOHAMED'S EXPERIENCE OF RENDITION TO TORTURE IN MOROCCO IS 'NOT CREDIBLE', THE FOLLOWING REPRIEVE REPORT PROVIDES EVERYONE WHO IS INTERESTED WITH IRREFUTABLE PROOF

The US has made various statements to the UK government that add insult to injury, and the British seem to have accepted them. See *Appendix A*.¹

A. It adds insult to terrible injury to suggest that Binyam Mohamed has never been abused since the US abducted him in Pakistan in April 2002

First, the US has stated that “[t]he allegations made by counsel to Mr. Mohamed that are reflected in your letter are not credible.” *Appendix A*. By this, the US means that Mr. Mohamed was not tortured in Pakistan, was not tortured in Morocco, was not tortured in the ‘Dark Prison’ in Kabul, and has been well treated in both Bagram Air Force Base and Guantánamo Bay. The British government merely repeats the US position, without making any comment on it.

That which is “incredible” is the gall with which the US makes this statement. As the UK reported earlier this year, the United States has never bothered to investigate Binyam Mohamed’s claims of torture. Indeed, in a Freedom of Information response made on May 8 2008 by the British government to Mr. Mohamed’s UK lawyers, it was stated:

2. There are serious allegations widely referenced in the public domain that BM [Binyam Mohamed] was tortured whilst detained in Morocco [after being rendered there by the CIA]. I attach Amnesty International’s profile on him at Flag A as an illustration. BM’s habeas lawyers in the US (Reprieve) also claim to have a large body of evidence in support of his allegations that he was [rendered] to Morocco to face torture. They no doubt intend to use this to challenge any evidence alleged to be the result of torture during his trial. **The US informed us in Washington in February that they were not looking into the allegations of mistreatment.**²

The *New York Times* has confirmed this.³

Since that time, as no effort has been made by the US to contact Mr. Mohamed’s lawyers to discuss the issues with Mr. Mohamed, or to make a full assessment of the materials, the conclusion that the allegations are “not credible” is, simply, beyond belief.

The Bush Administration must believe that the public and the world media are very credulous. Mr. Mohamed vanished from the face of the earth from April 10, 2002, until he arrived in Guantánamo Bay in September 2004.

¹ Mr. Mohamed does not wish to speak for the UK Government, and obviously the government should state its own position. Mr. Mohamed hopes that the UK government is going to press publicly and privately for a full and fair investigation.

² See Extract of submission – Foreign & Commonwealth Office Officials to Foreign Secretary David Miliband (20 March 2008) (underlining in original).

³ Raymond Bonner, *British Judge Sets Hearing on Evidence for Detainee* (New York Times, June 6, 2008).

Consider simply the time in Morocco. As discussed in more detail below, it is undisputable that Mr. Mohamed was taken on a CIA plane to Morocco on July 21, 2002. It is undisputable that Mr. Mohamed was taken by a CIA plane from Morocco to Kabul on January 21, 2004. Mr. Mohamed described in great detail 18 months of torture in the infamous Témara prison in Morocco. It is undisputable that Morocco has a terrible history of torture, particularly in Témara.

If the US wishes the world to believe that Mr. Mohamed was not “rendered to torture”, what, pray tell, does the US suggest this was all about? Does the US suggest that perhaps Mr. Mohamed spent a leisurely 18 months at a Club Med resort in Tangiers at the expense of the CIA?

It is a sad comment that the US authorities here are far less credible than Mr. Mohamed, the man that they have accused.

B. The US suggestion that Binyam Mohamed was not razor bladed is similarly incredible

The US claims:

There is no evidence to support counsel’s claim that Mr Mohamed’s genitalia were brutalized. Nothing abnormal about his genitalia is noted in any of his medical records. He received complete medical intake evaluations after he arrived in DoD control and upon arrival at Guantanamo. The doctors did not identify any scarring on his genitalia. He has never complained to doctors about his genitalia ...

Appendix A.

Again, this is simply false and depends on a great deal of credulity on the part of the public and the media.

Mr. Mohamed explained in his original allegations three years ago that he was cut with a razor – and any person who shaves will understand that this is a torturer’s weapon of choice because cuts heal relatively quickly, and leave little obvious evidence in the long term (else every shaver would have the face of Frankenstein).

Mr. Mohamed explained in his original allegations that the US took steps to help cure the cuts – taking photographs of the original signs of abuse and later pictures of the genitals as they were treated.

We know that these photographs exist, as a US intelligence officer has stated as much.

We know that the doctors who examined Mr. Mohamed did not examine his genitals to look for any faint residual scarring, if it had been visible.

We know that no US doctor has ever asked Mr. Mohamed about his genitals. Indeed, no US official has shown the slightest interest in his mistreatment over the 23 months of his worst abuse. It is unsurprising that Mr Mohamed “has never complained to doctors about his genitalia”, as Mr. Mohamed is well aware that the US was responsible for that torture in the first place.

We know that in order to assess the evidence now would take medical testing that has not been done to date. It would certainly not be possible to exclude the torture described by Mr. Mohamed without such sophisticated testing.

We know that the US has never sought to conduct such testing.

We know that, since the issue was raised by Mr. Mohamed's lawyers, the US authorities have never asked Mr. Mohamed whether he was abused in this way, asked to inspect his body, or shown the slightest interest in his allegations of torture.

C. The US suggestion that Binyam Mohamed was not held in solitary confinement is similarly incredible

Finally, the US represents that “[w]hile at Guantánamo, Mr. Mohamed has not been held in solitary confinement, abused, or denied medical treatment at any time.”

With respect to this statement, first, it is worth considering what is generally meant by “solitary confinement”. I should note that a basic definition of the term would be as follows:

Solitary confinement, colloquially referred to in American English as “the hole” or “the pound” (or in British English “the block”), is a punishment or special form of imprisonment in which a prisoner is denied contact with any other persons, excluding members of prison staff.⁴

As of today, Mr. Mohamed is being held in a single cell, in Camp V, cut off from the other prisoners (he does not meet with them, eat with them, have recreation with them or even pray in the same prayer hall as them), under circumstances similar to those under which he has been held for most of his four years in Guantánamo.

Second, in terms of whether he has been abused, apparently the US feels that holding him for four years under conditions worse than any Death Row in the US is not “abuse.” If so, perhaps the US feels that sending the ERF (Emergency Reaction Force) in to beat him up does not constitute abuse. Mr. Mohamed was actually photographed when being abused on at least one occasion, and he has been mistreated constantly for the entirety of his time there.

Third, the denial of medical care has been extensively documented by counsel. Certainly, he has received no treatment for the Post-Traumatic Stress Disorder (PTSD) that he suffers from his torture – indeed, the US denies that he suffered in this way in the first place

* * *

All in all, the US position is an insult to the intelligence. The fact that the UK official letter (*Appendix A*) seems to accept this statement without criticism is troubling. Sufficient uncontroverted evidence has been supplied to both the US and the UK governments to convince any reasonable person of the need to conduct a full investigation, rather than merely shrug and assert that it is “not credible”.

⁴ See http://en.wikipedia.org/wiki/Solitary_confinement (July 22, 2008).

II. THERE CAN BE NO CONTRADICTING THE DOCUMENTARY RECORD OF THE CIA FLIGHTS THAT FIRST RENDERED BINYAM MOHAMED TO THE TÉMARA TORTURE PRISON IN MOROCCO, AND THEN RENDERED HIM FOR SOME MORE TORTURE IN THE ‘DARK PRISON’ IN KABUL

On or around 21 July 2002 Binyam Mohamed reports being taken to a military airport in Islamabad, with two others also apparently slated for rendition. After around two hours of waiting, Binyam was turned over to American personnel.⁵ Binyam describes a routine consistently recounted by numerous victims, and recorded by NGOs, government inquiries and other witnesses⁶ around the world, that has come to be known as the *modus operandi* of US renditions. Binyam recalls that his kidnappers were dressed in black, with masks, wearing what looked like Timberland boots.⁷ They stripped him naked,⁸ took photos,⁹ put

⁵ The UK Security Services have admitted in evidence to the UK Intelligence and Security Committee that they knew of the plan to transfer Binyam Mohamed out of Pakistan:

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...*

105. *** [redacted]

See “UK Intelligence and Security Committee Rendition Report”, July 2007, at p34. The UK Security Services stated to the Intelligence and Security Committee that no assurances were sought as to Binyam Mohamed’s treatment after he left Pakistan, and that this is regrettable. See “UK Intelligence and Security Committee Rendition Report,” July 2007 (“***. That is a case where, with hindsight, we would regret not seeking proper full assurances at the time...”).

⁶ See for example the account of Mohamed Bashmillah to his lawyers in “Surviving the Darkness: testimony from the U.S. ‘Black Sites’”, New York University School of Law Centre for Human Rights and Global Justice, 2007 available at

<http://www.chrgj.org/projects/docs/survivingthedarkness.pdf>. For the account of Khaled El-Masri see declaration of Khaled El-Masri in support of Plaintiff’s Opposition to the United States’ Motion to Dismiss, in *El-Masri v. Tenet et al*, Eastern District Court of Virginia in Alexandria, 6 April 2006, at pp 8-9. For the accounts of Bisher Al-Rawi and Jamil El-Banna, see Parliamentary Assembly of the Council of Europe, “Alleged Secret Detentions and Unlawful Interstate Transfers Involving Council of Europe Member States”, AS/Jur (2006) 16 Part II, at p39.

⁷ See for example unclassified statement of Bisher Al-Rawi made to his lawyer in Guantánamo Bay describing “big people in balaclavas” referred to in the “witness statement of Clive Stafford Smith” submitted to the UK High Court of Justice in Case No. 2005/10470/05, at p31; unclassified statement of Jamil El-Banna made to his lawyer at Guantánamo Bay describing people “dressed in black like ninjas” referred to in the “witness statement of Clive Stafford Smith” submitted to the UK High Court of Justice in Case No. 2005/10470/05, at p 40; and see Office of the Parliamentary Ombudsman (Sweden), describing people wearing “ordinary clothes, but hooded”: Interview Conducted with State Official X of the Security Police (Sapo), Case No. 2169-2004, 30 September 2004, at p10. See Center for Human Rights and Global Justice (“CHRGJ”), NYU School of Law Report “Surviving the Darkness: Testimony from the U.S. ‘Black Sites’”. Mohamed Farag Ahmed Bashmilah described people “dressed head to toe in black, with black masks covering their faces” at p14/15.

fingers up his anus and dressed him in a tracksuit.¹⁰ Binyam was then shackled, with ear-mufflers, blindfolded, and put into a plane.¹¹ He was tied to the seat for the roughly 8-10 hour flight, and arrived on 22 July 2002 in Morocco.¹²

A. The decision making process in the US government, going all the way up to the White House, that led to Binyam Mohamed's rendition to Morocco.

The euphemistic term “rendition to justice” first appeared in the 1980s, and has undergone a steady creep towards greater illegality since that time.¹³ At this point, only the most unapologetic propagandist would pretend that “extraordinary rendition” – a term used where the victim is taken without judicial process to another country where he may be subjected to torture to secure information – had any basis in law. Throughout most of the world, the legal term for this practice is an age-old one: kidnapping. It is a crime that carries stiff penalties.

⁸ See Office of the Parliamentary Ombudsman (Sweden), describing the methodical cutting off of the victim's clothes, Interview Conducted with State Official X of the Security Police (Sapo), Case No. 2169-2004, 30 September 2004, at p13. See also Amnesty Report “Human Cargo” in relation to Khaled Al-Maqtari at p42, the CHRGI report at p14 (see above) and the Human rights Watch Report on Marwan Jabour, all of which describe detainees being stripped naked.

⁹ Binyam was photographed again when he was rendered from Morocco to Kabul, and both Khaled El-Masri and Mohamed Al-Zeri were photographed during their renditions. Binyam Mohamed said that as he was being taken onto a plane in Rabat, “there was a white female with glasses...One of them held my penis and she took digital pictures.” See Reprieve file Al Habashi Unclassified at p20. Khaled El-Masri said: “They took off my blindfold ... As soon as it was removed, a very bright flashlight went off and I was temporarily blinded. I believed from the sounds that they had taken photographs of me from throughout.” See declaration of Khaled El-Masri in support of Plaintiff's Opposition to the United States' Motion to Dismiss, in *El-Masri v. Tenet et al*, Eastern District Court of Virginia in Alexandria, 6 April 2006, at p9; And see Office of the Parliamentary Ombudsman (Sweden), Interview Conducted with State Official X of the Security Police (Sapo), Case No. 2169-2004, 30 September 2004, comment made at p13: “He wasn't naked, he had his underpants on; the upper body was undressed and then his picture was taken.” See also Amnesty Report “Human Cargo” at p42 (Al-Maqtari was stripped naked and had photos taken.); “Surviving the Darkness” p15 (Bashmilah describes being stripped and photographed); Human Rights Watch Report, “The Case of Marwan Jabour” who describes being stripped naked and videoed, at <http://www.hrw.org/reports/2007/us0207/2.htm>.

¹⁰ See “Surviving the Darkness” report which describes Bashmilah having a finger inserted into his anus at p15.

¹¹ See declaration of Khaled El-Masri in support of Plaintiff's Opposition to the United States' Motion to Dismiss, in *El-Masri v. Tenet et al*, Eastern District Court of Virginia in Alexandria, 6 April 2006, at p9.

¹² Reprieve file, *Binyam Mohamed Unclassified*, p5.

¹³ See, e.g., Margaret L. Satterthwaite, From Rendition to Justice to Rendition to Torture: Informal Transfer under International Law and the Prospects of Enforcement in U.S. Courts, New York University School of Law (July 9, 2008),

at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1157583 (“In the United States, ‘rendition to justice,’ in which a suspect is apprehended and transferred to the United States for criminal prosecution, was approved and formalized by President Reagan and expanded by President George H.W. Bush. U.S. courts approved of the practice in a series of cases that culminated in the 1992 Supreme Court case *U.S. v. Alvarez-Machain*. President Clinton altered the practice by initiating the transfer of suspects from one country to another, placing them into foreign legal processes rather than bringing them into the U.S. legal system. Since 9/11, the administration of President George W. Bush has been criticized for the new practice of ‘extraordinary rendition’ – the transfer of suspects to countries known for the systematic use of torture.”).

The timing of what happened in Mr. Mohamed's case is crucial, and will draw unhappy attention to what was happening in the White House between March and August 2002. It was not until August 2002 that Department of Justice lawyers John Yoo and Jay Bybee wrote their notorious memos on torture, purporting to give a legal justification for practices that have now received international condemnation. Yet here we know that Abu Zubaydah was waterboarded (and subjected to other inhumane treatment) from March 2002. And Binyam Mohamed was rendered to Morocco in July 2002, to face "outsourced" torture.

Those close to the subject know – and it has been made public in the media – that the White House knew about, and authorized, the abuses of Ibn Al Sheikh Al Libi (in Egypt) and Abu Zubaydah (in Thailand). The catastrophic consequences of this torture is also known, as both "admitted" under torture that al Qaeda was working with Saddam Hussein on weapons of mass destruction. This provided one of the planks for war in Iraq, and History is already beginning to judge this use of information gained by torture as hugely damaging to the US.

In the case of Mr. Mohamed's rendition, there are revelations yet to be made, that will inevitably surface if this case is referred to military commission. There are only two possibilities: One, the White House did not know that it was going to happen. This seems highly improbable, but if it is the case, there are some people lower down the intelligence food chain who are going to face condemnation and likely criminal prosecution. Two, that the White House did know, as in the case of both Al Libi and Abu Zubaydah. This is much more likely, and the information in Mr. Mohamed's possession from UK intelligence suggests that such a decision was reached in early July 2002.

In any event, the decision to render him was made and Mr. Mohamed has plenty of evidence to prove it.

B. The "Torture Taxi"

According to official Eurocontrol flight data, at twenty-five minutes to six in the evening of 21 July 2002, Gulfstream V N379P left Islamabad, arriving in Rabat at eighteen minutes to four in the morning. Gulfstream V N379P is a plane that was then owned by a CIA front company called Premier Executive Transport, and is according to Amnesty International the plane "most frequently associated with known cases of rendition."

N379P has been dubbed "the torture taxi" by journalists and plane spotters around the world. The distance from Islamabad to Rabat is 7,031 km (4,369 miles). N379P had an average range of 5,800 nautical miles, cruising at between 459 and 585 knots.¹⁴ At 470 knots, then, the flight from Islamabad to Rabat would take just over 8 hours, which is consistent with Binyam's estimate that the flight took 8-10 hours.¹⁵

There are plenty of truths that are still to come to light concerning the "Torture Taxi." [The US government has documents and evidence about the plane – the question is whether or not the Military Commission will force the government to give them to Mr. Mohamed's defense team. This information will be vital to his defence – but highly detrimental to the](#)

¹⁴ Amnesty International, *USA: A case to answer, from Abu Ghraib to secret CIA custody: the case of Khaled al-Maqtari*, AI Index: AMR 51/03/2008, at p16.

¹⁵ 1 international knot = 1.852 km/hr.

reputation of the US, and the various civilian and front corporations involved in the effort to keep the program covered up.

To provide just a soupçon of what is to come, this Gulfstream executive jet has been successively registered as N379P, N8068V and N44982. In February 2000, and at the time of Mr. Mohamed's first rendition, it was registered by the CIA front company Premier Executive Transport Services.

At the beginning of 2004, around the time Mr. Mohamed was being rendered from Morocco to another spell of abuse in the 'Dark Prison' in Kabul, the plane was re-registered as N8068V. Then in December 2004 it was re-registered again as N44982 by Bayard Foreign Marketing, described by Amnesty International as "a phantom company registered in Oregon State since August 2003."

The plane was sold in early 2006. Until August 2005, Premier Executive Transport planes were licensed to land at US bases world-wide. N379P could be configured for eight to 18 passengers.

III. JULY 21 2002 TO JANUARY 21 2004: BINYAM MOHAMED SUFFERS IN THE TÉMARA TORTURE PRISON FOR 18 MONTHS AT THE BEHEST OF THE US

A. A brief discussion of how Binyam Mohamed suffered abuse for more than 500 days and nights in the torture chambers of Morocco

In unclassified statements, Binyam Mohamed has described being taken to his first prison cell in Morocco:

At the airport, I was put in what I believe to be a Reynolds van. I was told to lie down. My cuffs were changed to plastic ones, and they drove for half an hour or 45 minutes. I heard Arabic being spoken at this time.

Where I was first held, from July 23rd, 2002, to about August 15th, there was a series of houses which were dug down, almost underground. There were six rooms per house, and at least five houses in a group, with more further away. Three of the rooms were for the prisoners, one for interrogation, one for the guards and one empty. When I arrived, there were already two other prisoners in the other rooms.

From July 23rd to about August 15th, I was in the middle room of three. The wall was whitewashed. There was a large window, but it was shuttered.

I was then moved from the 15th to about the 22nd to the end room, which was next to the toilet. This was the dark, 'torture' room with wood panelling.

There was a metal fence all around. The trees outside were about ten metres high.

Reprieve has established that Binyam Mohamed had been brought to the notorious Témara detention centre, near Rabat.

Binyam's description of his journey and the features of this prison echo the description of Témara in a 2004 report by Amnesty International. Amnesty describes Témara as a semi-underground detention centre:

[O]perated by the DST, [Témara] is one of the main places where torture is reported to occur. Dozens of those arrested in the context of 'counterterrorism' measures have allegedly been subjected to torture or ill-treatment while being held there. Their detention at the centre has been both secret and unacknowledged, and consequently in breach of both Moroccan law and international human rights standards. It is located in a forested area outside the seaside town of Témara, which lies some 15km south of the capital Rabat in the direction of the city of Casablanca.¹⁶

The U.S. State Department's Bureau of Democracy, Human Rights and Labor's 2003 report on human rights practices in Morocco concurs with Binyam's description of his conditions of detention:

Prison conditions [in Morocco] remained harsh [throughout 2002], and did not generally meet international standards ... Extreme overcrowding, malnutrition, and lack of hygiene continued to aggravate the poor health conditions inside prisons.¹⁷

Paradoxically, of course, the US was taking part in the very practices that it condemned, outsourcing torture to the Moroccans of a US prisoner. No greater hypocrisy can be imagined.

Binyam Mohamed reports that he was tortured on countless occasions between July 2002 and January 2004, by a team of interrogators and others, most of whom were Moroccan. Some of the torturers wore masks, others not. At least one of the team – an interrogator who told Binyam she was Canadian – is likely to have been a US agent.¹⁸

Binyam described his treatment in Morocco as going through several phases: first, an initial "softening up" phase, a subsequent "cycle of torture", and finally "heavy" psychological and physical abuse.¹⁹ In the first few weeks, Binyam was shackled and hung from walls and ceilings (again in the *strappado* position) and beaten:

They came in and cuffed my hands behind my back. Then three men came in with black ski masks that only showed their eyes...one stood on each of my shoulders and the third punched me in the stomach. The first punch...turned everything inside me upside down. I felt I was going to vomit. I was meant to stand, but I was in so much pain I'd fall to my knees. They'd pull me back up and hit me again. They'd kick me in the thighs as I got up. They just beat me up that night...I collapsed and they left. I stayed on the ground for a long time before I

¹⁶ Amnesty International "Morocco/Western Sahara, Torture in the "anti-terrorism" campaign – the case of Témara detention centre" AI Index: MDE, pp 1 and 4.

¹⁷ US State Department Bureau of Democracy, Human Rights and Labor, "Morocco: Country Reports on Human Rights Practices," 31 March 2003, <http://www.state.gov/g/drl/rls/hrrpt/2002/18284.htm>.

¹⁸ Reprieve file, *Binyam Mohamed Unclassified*, pp 6-7.

¹⁹ Reprieve file, *Binyam Mohamed Unclassified*, pp 8-19.

lapsed into unconsciousness. My legs were dead. I could not move. I'd vomited and pissed on myself.²⁰

Next, Binyam describes how there was a quiet moment (the “phoney war”) where he was left alone, before his torturers started with the “heavy” torture. They stripped him naked and cut him with doctor’s scalpel all over his body, including his genitals:

One of them took my penis in his hand and began to make cuts. He did it once and they stood for a minute, watching my reaction. I was in agony, crying, trying desperately to suppress myself, but I was screaming. They must have done this 20 or 30 times, in maybe two hours. There was blood all over. They cut all over my private parts. One of them said it would be better just to cut it off, as I would only breed terrorists ... there were even worse things, too horrible to remember, let alone talk about.”²¹

Binyam says that he said whatever his abusers wanted to hear in his interrogation sessions to avoid being tortured:

They said, if you say this story as we read it, you will just go to court as a witness and all this torture will stop. I could not take any more ... and I eventually repeated what they read out to me. They told me to say I was with Bin Laden five or six times. Of course that was false. They continued with two or three interrogations a month. They weren’t really interrogations – more like trainings, training me what to say.²²

One interrogator told Mr. Mohamed what was going on: “We’re going to change your brain”, he said.²³ The purpose was a form of Pavlovian conditioning, where Mr. Mohamed would do what he was told by the US:

One time I asked a guard, “What’s the point of this? I’ve got nothing I can say to them. I’ve told them everything I possibly could. What’s the point?”

“As far as I know, it’s just to degrade you. So when you leave here, you’ll have these scars and you’ll never forget. So you’ll always fear doing anything but what the US wants.”²⁴

Thus, the abuse went on and on. In Binyam’s words:

I suffered the razor treatment about once a month for the remaining time I was in Morocco. About once a month they would do other things to me that I just cannot talk about. I would be ‘interrogated’ perhaps once every ten days or so, though this was mostly about how I could be a witness. This happened even after I’d agreed to confess to whatever they wanted to hear. If this torture is for information, why are we tortured even though the real interrogation had been over for a year or so?²⁵

²⁰ Reprieve file, *Binyam Mohamed Unclassified*, pp11-12.

²¹ Reprieve file, *Binyam Mohamed Unclassified*, pp15-16.

²² Reprieve file, *Binyam Mohamed Unclassified*, p17.

²³ Reprieve file, *Binyam Mohamed Unclassified*, p16.

²⁴ Reprieve file, *Binyam Mohamed Unclassified*, p18.

²⁵ Reprieve file, *Binyam Mohamed Unclassified*, pp18-19.

This is the basis for the case against Binyam Mohamed. It should, rather, be the basis for a case against those who inflicted it on him, both American and Moroccan.

IV. IDENTIFYING MARWAN, BINYAM MOHAMED'S MAIN MOROCCAN TORTURER

Reprieve has conducted a preliminary investigation into the perpetrators of the crimes committed against Mr. Mohamed in Morocco. In this report, Mr. Mohamed will confine his analysis to one person who was responsible for a significant amount of his suffering.

Mr. Mohamed describes this individual as going by the name “Marwan”.²⁶ Marwan is an agent for the *Directorat de Surveillance de la Territoire (DST)*, the Moroccan Intelligence services. In his *Torture Diary*, Mr. Mohamed described Marwan:²⁷

My lead tormentor was Marwan. He was the one who was in charge of much the actual abuse. He was 6’2”, said he weighed 90kg, brown skin, brown eyes, and clean shaven. He slapped me a few times during the interrogations, smoked Marlboro lights, and had a Motorola Wing telephone.²⁸

Throughout Binyam’s time in the *Témara* facility in Morocco, “Marwan” features as a major player in Binyam’s interrogations and appears as a person in charge, often ordering other staff to beat and abuse Binyam. Finally, he was the person who gave the go ahead to his colleagues to slice Binyam across his body, including his genitals, with a razor blade:

It was Marwan who came in. “Give me the whole story all over again.” I did what I could. “If this is the best you can come up with, you haven’t seen any of the tortures yet.” He called the three goons in. He stood behind them watching while they beat me. He was just standing there, watching, smoking cigarettes like the Godfather in the film. He just gave an order, *Idrabo*, in Arabic, which means beat him. And he stood back while they did it.²⁹

Marwan continued to keep the pressure on Binyam, both physically and psychologically:

He started speaking about my case. “You’re doing good. But we need to prepare you for other stuff. Someone in Al Qaida has said you’re a big man in Al Qaida, so we figure it must be true.”

I had been through so much, I said, “I’ve got no problem saying whatever you want me to say”

“That’s good. When I say something, you say yes.”³⁰

²⁶ This is a phonetic spelling, which would be rendered in French along the lines of “Marouane” or “Marouani”. Throughout this section he will be referred to as Marwan, except in quotations of other sources.

²⁷ This came long before he had access to any information from other sources, and therefore could not have been tainted in such a way.

²⁸ Binyam Mohamed *Torture Diary*, page 7.

²⁹ Binyam Mohamed *Torture Diary*, page 13.

³⁰ Binyam Mohamed *Torture Diary*, page 14.

When Binyam was forced to endure the most brutal of torture by having a razor blade taken to his body, including his genitals, “Marwan” did not take up the blade himself but he was the one who gave his colleagues the order to go ahead:

Marwan brought in the three thugs.

“Strip him.”

They cut off my clothes with some kind of doctor’s scalpel. I was totally naked. I was afraid to ask Marwan what would happen, because it would show fear. I tried to put on a brave face. But maybe I was going to be raped. Maybe they’d electrocute me. Maybe castrate me.

“You don’t think I’m a man, not with Intelligence. Show him who’s a man.”

They took the scalpel to my right chest. It was only a small cut. Maybe an inch. At first I just screamed because the pain was just. . . . I was just shocked, I wasn’t expecting . . .

Then they cut my left chest. This time I didn’t want to scream because I knew it was coming.

Marwan got agitated at this. “Just go ahead with the plan.”

One of them took my penis in his hand and began to make cuts. He did it once, and they stood still for maybe a minute, watching my reaction. I was in agony, crying, trying desperately to suppress myself, but I was screaming. I remember Marwan seemed to smoke half a cigarette, throw it down, and start another.

They must have done this 20 to 30 times, in maybe two hours. There was blood all over.

“I told you I was going to teach you who’s the man”, Marwan eventually said.

They cut all over my private parts. One of them said, it would be better just to cut it off, as I would only breed terrorists.³¹

Through the preliminary investigation, it is clear that Binyam Mohamed is not the only person held at Témara who was abused by someone called “Marwan”.

[Witness A]³² is an [XXXXX]³³ citizen of Moroccan origin who was also rendered to Morocco by the US. He was seized in Pakistan in 2002 and arrived on a CIA plane at the military airport in Salé, close to the Moroccan capital of Rabat in May 2002, just two months before Mr. Mohamed. He was taken directly to Témara and was held there until

³¹ Binyam Mohamed Torture Diary, page 15.

³² While Witness A has given us permission to use his real name in litigation, it is currently withheld because of fears for his safety and the safety of his family. Requests to interview the witnesses whose names have been withheld should be submitted to Reprieve, as some of the witnesses are willing to speak publicly.

³³ Nationality also redacted.

February 2003. He was released for a period of three months before being taken back to Témara a second time in May 2003.

In an article written by Taieb Chadi, entitled “*Qui est le tortionnaire ‘Marouani’?*” published in the weekly Moroccan magazine *Le Journal*, [Witness A] described Marwan, speaking of a Moroccan torturer who called himself ‘Marouani’. The physical description that he gives of ‘Marouani’ is very similar to Binyam Mohamed’s Marwan:

“Marouani was in his thirties, overweight, tall and smoked a lot”, claimed [Witness A], who was unfortunate enough to come to know him well. “Marouani was in charge of the interrogations and told me that he was part of the DST. He tortured me by slapping, insulting and hitting me. When I was released, he gave me money: 5000 Dirhams that got me by for three months. He tried to convince me to go back to live in Italy so that I could work as an informer and infiltrate the networks of Islamists; he often came to where I lived ... He drove an olive green Fiat Uno.”³⁴

In a recent trip to Morocco, Mr. Mohamed’s representatives met with the wife of [Witness A]. In a statement she described “Marwan” as someone who had an ongoing relationship with her husband and as someone who continued to harass him after he was initially released from custody in February 2003, up until he returned to Témara in May of that year. According to her:

During this time he was being harassed by someone called Marwan who worked for the *Directorat pour la Surveillance du Territoire (DST)*, the Moroccan equivalent of Homeland Security and widely known as the secret police. My husband didn’t have a mobile phone but this Marwan bought him one and told him “I want to be able to call you any time”, “you cannot leave Morocco because you never came in, there is no entry stamp in your passport”. Marwan phoned my husband 2 or 3 times a week and they would meet up once a week and go and have a coffee together. Marwan kept telling my husband “you will never leave Morocco” and my husband believed him. Marwan told him that he shouldn’t tell anyone about him but my husband trusted me. The first time that he left the house alone I asked him where he was going because during this time he never left the house. He explained to me that this person who was called Marwan would not leave him alone. After, I would know when Marwan called him because straight away [my husband] would become shaky and nervous. Marwan’s telephone number is 00 212 (0)67-680013.”³⁵

Later when [Witness A] left the place he had been living in an attempt to travel back to his home country he had further problems from his abuser, Marwan:

As my husband had deliberately left his mobile that Marwan called him on he had lots of missed calls from Marwan. One time when the phone rang my sister in law ... decided to answer. She explained to Marwan that me and her brother had left and we had left the mobile there at the house. I don’t think he believed us because he rang the landline at the house and said he was a friend of [Witness A]’s. But [Witness A] did not have any friends [there] and his family had only recently moved there and

³⁴ Taieb Chadi, « Qui est le tortionnaire Marouani ? » *Le Journal* (May 2003).

³⁵ Statement of the Wife of Witness A (July 7, 2008).

[Witness A] had been in [XXXXXX] so he definitely did not have any friends in this area. Marwan tried the mobile again this time from another number.”³⁶

In a statement [Witness A] gave on July 10, 2008, he added some details to his description of Marwan:

“Marwan also brought me photos; I spoke about him in the weekly Moroccan publication *Le Journal*. I can add that the colour of his skin, his size and something about his face reminded me of the Moroccan actor [Witness N] Didane. He was well spoken, he hit me on several occasions – I was blindfolded but I knew it was him because of his voice.”³⁷

Although [Witness A] did not receive the razor blade torture, he was threatened with it:

“One time when Marwan was beating and hitting me he threatened to slice my genitals.”³⁸

Marwan is one person who needs to be prosecuted for his crimes. If not, then at the military commission hearings there are going to be some difficult questions for the Moroccan government to answer.

There are a large number of others – from guards, to interrogators, to doctors – whose descriptions have been provided by Mr. Mohamed, and who are currently under investigation.

V. CORROBORATING BINYAM MOHAMED’S MOROCCAN ABUSE – OTHER VICTIMS OF MARWAN AND THE TÉMARA TORTURE PRISON COME FORWARD WITH THEIR STORIES

Binyam Mohamed’s account of his torture and ill-treatment is at the extreme end of a continuum of similar accounts of other prisoners recounted in research by international human rights organisations.³⁹ However, not relying on this, *Reprieve* has conducted a

³⁶ Id.

³⁷ Statement of Witness A (July 10, 2008).

³⁸ Id.

³⁹ See Human Rights Watch Report, “Morocco: Human Rights at a Crossroads”, Vol. 16 No. 6(E), October 2004; FIDH Report “International Mission of Investigation, Morocco – Human Rights Abuses in the Fight Against Terrorism.” No. 379/2, July 2004; Amnesty, “Morocco/Western Sahara, Torture in the “Anti-Terrorism Campaign – the Case of Temara detention Centre”, AI Index: MDE 29/004/2004, June 2004. According to Amnesty International’s account of routine torture in Temara detention centre in 2002 and 2003:

The torture or ill-treatment has taken a number of forms during interrogation sessions. Some detainees have allegedly been blindfolded and handcuffed throughout the session; others have been stripped or suspended from the ceiling of the interrogation room in contorted positions. Many have reported being beaten around the body and the head with fists or an implement, such as a wooden stick or a metal ruler. Reports have also indicated that electric shock batons or live electrodes were applied to the body of some of the detainees. One former detainee, [Witness T], told Amnesty International that he had his head repeatedly plunged into a sink containing water. Some have reportedly had an object, such as a bottle, forcibly inserted into the anus or been threatened with this treatment and other sexual abuse.

canvass of some of the witnesses who could come to testify to the abuse that Mr. Mohamed suffered in Morocco.

There are roughly 150 potential witnesses identified to date, although *Reprieve* has thus far taken statements from only 16.⁴⁰ These are all prisoners imprisoned in the so-called “War on Terror”, as part of the Moroccan effort to be a good ally to the United States. There are certainly other very important witnesses not yet identified or located by *Reprieve*.

In their statements, the witnesses have a great deal to say about Témara, and the abuse that Binyam Mohamed went through. The witnesses also have descriptions of the torturers, and of other victims brought in from abroad for torture. As the table below shows, at the Témara detention centre the brutal beating of the prisoners is commonplace. It is also apparent that the DST agents are experts in torture and witness statements mention a variety of different techniques in use – rape, electric shock treatment, hanging, the use of stress positions, sleep deprivation, drugging and music torture are amongst those that have been used by DST agents. The threat of rape is widely used to instill fear into the prisoners.

It is also very clear that the goal at Témara is to force the prisoners into confession by any means necessary. As the table illustrates the majority of the men held there signed confessions without knowing the content of the documents.

The following represents these other prisoners’ experiences of a selection of the torture methods that Mr. Mohamed relates being applied against him:

**Torture Method Similar Witness Accounts by other victims
used on Binyam
Mohamed**

Torture by Beating	“They used all types of torture, I was hung like a sheep from the ceiling, punched, kicked, they tried to dislocate my shoulder, hit me hard in the face, slapped me on my ears so much I lost my hearing, they tied my
-----------------------	---

Some say that they were also threatened with the arrest and rape or other sexual abuse of their wife or other female relative. Some former detainees have even reported hearing screams which they believed at the time might have been those of a female relative in an adjoining room, but later, after leaving the Témara centre and confirming that no female relative had been detained there, concluded this might have been a tape recording meant to dupe them. One former detainee told Amnesty International that, after being subjected to torture, he was given basic medical attention, though he believes no record was kept of the treatment. Former detainees have reported that, throughout their time at the Témara centre, whether for a few days or a few months, they were held in solitary confinement in basic cells, containing blankets on the floor rather than a bed, and a toilet and tap in one corner. They say they never saw other detainees and were not allowed outside the cell to enjoy fresh air or exercise. In addition, they were held in secret detention and denied contact with the outside world. Such conditions of detention may themselves amount to cruel, inhuman or degrading treatment, or even torture.

⁴⁰ About half of these witnesses are willing to make statements publicly; the other half are afraid of retaliation by the people who have already tortured them once, and have thus asked that their names be kept confidential from the Moroccans. In order to protect all those who are showing such courage coming forward on Mr. Mohamed’s behalf, for purposes of this document their names have been substituted by Witness A-T, omitting I and O to avoid confusion. Again, requests to interview the witnesses whose names have been withheld should be submitted to *Reprieve*, as some of the witnesses are willing to speak publicly.

right foot and my left foot and would pull them apart, it was so painful, I nearly tore into two pieces.” Statement of [Witness M]

“He told me that one time, during one of the interrogation sessions he was punched so hard his blindfold came off” Statement of Wife of Witness A.

“If I answered no to their allegations they would hit me from all angles until I collapsed, until I felt I was going to die.” Statement of [Witness R].

“After about two hours of interrogation, and huge psychological suffering, I could not please them which made one of them call a group of beating and torture experts who all took part in a ‘falaka’ on my legs which lasted for more than ten minutes until I passed out from the pain.” Statement of [Witness B].

“they beat me severely” Statement of [Witness F].

“Then I was taken to a secret place (Témara) that I recognized afterwards where I spent 11 days suffering horrible torture in all its forms and shapes. The torture included tying up my hands and blind folding me in a painful way (using elastic) which lead to permanent illness in my head and the loss of sight in my right eye. Also the torture included forcing me onto my knees for 4 hours three times a day and severely beating me all across my body and kicking me and slapping me. Also it included beating my foot with sticks and kicking and horrible insults which lead me to partially losing my memory because of the severe torture and the threats to murder me.” Statement of [Witness E].

“When it comes to physical torture it included electric shocks, being hung from both of my legs and being beaten with sticks on my foot.” Statement of [Witness D].

“They pulled out my nails with pliers and squeezed the pliers on my fingers till the blood came out....They beat me with the electric baton which causes terrible shakes in the body; they shocked me with the electric chair which was specially made to cause severe physical pain.” Statement of [Witness C]

“The ‘Haj’ (pilgrim) brought me out with his known contemptuously provocative attitude, and this time put me on the edge of the corridor outside the cell kneeling facing the wall with my arms raised, with vicious beatings to the head if I did not maintain that position!” Statement of [Witness B]

“his interrogators forcibly removed his clothes and ordered him to kneel on the floor, whereupon he was repeatedly slapped on the face until dawn.” Amnesty International Report 2004, Case of [Witness S]

“he was reportedly tortured, including by being stripped and beaten

around the head and shoulders with a wooden stick and metal ruler. On at least one occasion, he allegedly had his head repeatedly plunged into a sink containing water.” Amnesty International Report 2004, Case of [Witness T]

“He told his lawyer and family that during this time he was subjected to torture on three consecutive days. He said he was beaten with fists and sticks and hit with electric-shock batons.” Amnesty International Report 2004, Case of [Witness B]

Threats of Rape

“They made me sit on a glass bottle and threatened to rape me with trained dogs, one of them took my clothes off, dragged me to the floor, uncovered his genitals and threatened to rape me.” Statement of [Witness M].

“forced me to sit on a glass bottle, threatened me with rape, molested me” Statement of [Witness K].

“They also threatened to bring my wife and rape her, I wish I was dead to relieve me from the torture.” Statement of [Witness K].

“They threatened to bring my wife and rape her.” Statement of [Witness N].

“They threatened me with death and rape, they burnt me with cigarettes all over my body, they poured cold water on me until I nearly suffocated, I was forced to sit on a bottle and they threatened to rape my wife and sisters if I did not cooperate.” Statement of [Witness R].

“I suffered insults, bad language, threats of rape, they put me naked out in the open for long periods while being insulted and mocked. They threatened to rape my wife.” Statement of [Witness Q].

“they threatened me with rape” Statement of [Witness F].

“threats of rape” Statement of [Witness D].

“They used the empty bottle and threatened to rape me with it” Statement of [Witness C].

“He was reportedly threatened with rape more than once and told that, if he did not cooperate, his wife would also be raped in detention.” Amnesty International Report 2004, Case of [Witness T]

Torture by Drugs

“forced me to drink a drink which made me unconsciousness.” Statement of [Witness H].

Torture in the
Second Degree:
Seeing or
Listening to the
Torture of Others

“During my imprisonment I used to hear a lot of sounds that I still cannot erase from my memory. Sounds of people being tortured and crying and asking for help that is accompanied by sounds of other people insulting them. Therefore, I never slept that night because of what might happen to me the next day.” Statement of [Witness G].

“Even when I was in the cell, listening to other detainees screaming when being tortured was enough to feel terrible “you would know that your turn was coming”. Statement of [Witness C].

“On this day, I heard a woman screaming and crying during her interrogation, I was terribly affected by that, I remembered my wife so I started screaming and banging on the door till one of the interrogators came and made sure that my wife was safe and that she was in a wing far away from the interrogation wing. After they moved me to another cell, the cell looked down onto the underground room for interrogation and group torture. I heard what would make children’s hair become grey. I saw people forced to sit on bottles, sticks and other things inserting in the anuses of detainees, beating, electric shock treatment. Detainees were screaming and many of them lost consciousness. I could hear the torture day and nights and hated sleeping and eating.... I suffered from hearing and seeing people, women and men being tortured.” Statement of [Witness J]

Strappado (the Spanish Inquisition torture method involving hanging by the wrists, just touching the ground, resulting in excruciating pain to the shoulders)

“I was hung like a sheep from the ceiling” Statement of [Witness M].

“hung upside down from the ceiling” Statement of [Witness N]

“hung me from the ceiling upside down” Statement of [Witness K].

“hanging” Statement of [Witness H].

Religious Abuse

“They threatened me the day after saying I was not to speak to anyone or to read the Quran out loud.” Statement of [Witness G].

“I was not allowed any visits or allowed to read the Quraan out loud. I was not allowed to have a copy of the Quraan” Statement of [Witness J].

Being forced/beaten into Confessing

“The cycle of torture ended with me signing a false confession which led to me being sentenced to 20yrs in what was called the case of the Robert group (French terrorist cell).” Statement of [Witness M].

“They wanted me to confess so I would get the harshest sentence. I was forced to sign a confession the content of which I did not know and after days of torture which seemed like years. I was taken at 1am on the 5th June exhausted and shaken with the marks from the torture visible on my body, to the appeal court to stand in front of the examining judge. He was very harsh and cruel and started abusing me and insulting me, he forced me to sign another confession and stopped me from reading it.” Statement of [Witness K].

“I was forced to sign a confession without reading it.” Statement of

[Witness N].

“After eight days I was transferred to the judicial police where I was asked to sign a lot of papers which had been written before I got there, all whilst being threatened. They threatened to take me back to Temara so I signed the papers to make everything stop. I appeared before the examining judge in the night when I was extremely physically exhausted. I told him that I signed the documents under duress.”
Statement of [Witness R].

“Before going to Court I signed another attestation without looking at it and under complete duress.” Statement of [Witness L].

“Then he brought me the police deposition and forced me to sign”
Statement of [Witness B].

“I was forced to sign a confession the content of which I did not know and after days of torture which seemed like years.” Statement of [Witness K].

“After 15 days of torture (physically and psychologically), Al Hajjaj brought me some papers and asked me to sign them. I asked them to remove the blindfold to be able to see what it was written. They were ordered to torture me again. I was forced to sign them while I was blindfolded.” Statement of [Witness H].

“I found my file ready and they asked me to sign it before I read it and I declined and so they brought my father and promised me that I would leave with him if I sign. And they said: That I didn’t confess to anything and there are no allegations against me and that’s why I should feel comfortable and just sign. My father started to cry and begged me to sign and that’s how I agreed to sign even though the date of the detention had been modified from 26-02-2003 to 07-03-2003 as it was written on the file papers. They threatened to return me to where I came from (DST) in Temara. So I signed without reading the file with my hands cuffed.” Statement of [Witness G].

“On the 19th day, they brought me some documents and asked me to sign them while I was blindfolded and handcuffed. Whilst being severely beaten and verbally abused I had to sign the papers without being allowed to look at them.” Statement of [Witness F].

“It was like this for three days then afterwards they brought me papers to sign. I refused to sign unless I knew what these papers contained. But then I was punched in the face until I bled. So eventually I signed the papers while my hands were in chains and I was blind folded.”
Statement of [Witness D].

“They blindfolded me and put papers on a desk. I was not able to move my right hand, it was nearly paralysed and I am still suffering from it now. They wrote my full name at the bottom of every page and asked me to sign it without knowing what was written in it. After that they

handcuffed me and moved me along with a group of young people none of whom I recognised. I suddenly stood in front of a man (after they took off the blindfold) who was reciting to me a really massive but totally false charge. I was shocked. He gave me a blank document and asked me to sign it.” Statement of [Witness J].

Torture by Razor Blade “Another had the accent of someone who is from Marrakesh. One time when Marwan was beating and hitting me he threatened to slice my genitals” Statement of [Witness A].

These are the bedfellows that the US made when they entered into the practice of outsourcing their torture to Morocco.

VI. OTHER CIA FLIGHTS IN AND OUT OF RABAT, MOROCCO, LINKED TO THE TORTURE OF BINYAM MOHAMED

The flight that took Binyam Mohamed to face torture was not the only CIA flight⁴¹ to Rabat before or after he arrived in Morocco. Mr. Mohamed already has access to the following flight records coming to Rabat – and these are just the ones covered by Eurocontrol. There are doubtless others, which should be the subject of investigation, but the following may be surmised from the information that Mr. Mohamed already has:

o *July 21, 2002*

This flight came from Islamabad, and was the flight carrying Binyam Mohamed to Rabat. It went on to Shannon, Eire. The Irish therefore have information about who travelled from Morocco to Shannon (and on to the US).

In a letter to the Taoiseach, Brian Cowen T.D., Mr. Mohamed has requested a full investigation by the Irish of flight details. Because this is a sensitive issue in Eire, such an investigation will undoubtedly take place in one form or other. Mr. Mohamed obviously seeks information about the US personnel on board the flight, other than the flight crew, so that he can determine what they were doing in Morocco.

o *Sept. 13-14, 2002*

This flight came indirectly from Diego Garcia to Rabat. It was used to render another prisoner via Diego Garcia, and is one of two flights implicated in recent revelations by British Foreign Secretary David Miliband.

It went on to Porto, in Portugal.

⁴¹ Mr. Mohamed uses the phrase “CIA flight” as shorthand, based on the assumptions made by various journalists and human rights organizations dealing with these issues. He does not mean, however, to limit his demands based on that assumption. He knows, for example, that many “CIA flights” were chartered, or had crews hired privately. All flights involved in rendition or its associated activities that were connected to the US government are intended to be included in the phrase “CIA flight”.

Mr. Mohamed does not yet know what US personnel were doing coming to Morocco at the time he was being tortured there, but this is clearly highly relevant to his case. He has made specific requests to both the British and the Portuguese governments for information concerning this flight. In Portugal, counsel has met with the prosecutors who are investigating official misconduct in relation to these issues. They have promised to share all information possible with Mr. Mohamed's defence.

He also believes he has identified the prisoner who was rendered on the flight through Diego Garcia. This was an individual who was taken to Egypt where he faced torture himself for 90 days. Mr. Mohamed's counsel are in touch with him and anticipate that he would be a witness in the case.

○ *Sept. 17-18, 2002*

This flight came to Rabat from Amman, Jordan. It was probably implicated in the rendition of two other prisoners to Jordan, Hassan bin Attash and Abdul al Sharqawi, both of whom later appeared on Mr. Mohamed's "Torture Flight" to Guantánamo Bay on September 19-20, 2004. Both are now in Guantánamo Bay – Hassan bin Attash being the younger brother of Tawfiq Walid bin Attash, who is currently facing capital charges in the military commissions. (Indeed, it is notable that Hassan was only a minor at the time he was rendered by the US for torture.)

It seems very likely that the personnel on board this flight included US personnel who were involved in the torture of prisoners in both Jordan and Morocco.

The flight went on from Rabat to Porto, Portugal. Again, the Portuguese officials have been notified and their assistance requested.

○ *Dec. 11-12, 2002*

This flight originated in Germany, came to Rabat, and then went on to Kabul. While Mr. Mohamed does not yet know what the US personnel were up to, he is seeking information from Germany. It seems fairly obvious that they were involved in dealings with prisoners, since they went to Kabul. On the other hand, it is possible that they were involved in the use of the German secret site (apparently at Mannheim) that has previously been identified.

○ *Feb. 7, 2003*

This flight originated in Washington, went to Morocco, and then went on to Poland at the time of the establishment of a secret prison in Poland. There has been information about "high-value detainees" in Morocco, as yet unconfirmed by Mr. Mohamed. If this flight reflected the transfer of such a prisoner to Poland, that would be compelling evidence. On the other hand, it is equally likely that the plane carried US personnel involved in the abusive interrogations of prisoners in both countries.

○ *May 9-11, 2003*

This flight came from Larnaca, close to the British base there, to Rabat. It went on to Marrakech and then on to Washington.

○ *June 4-5, 2003*

This flight came to Rabat from Tashkent, another site where there have apparently been renditions. It went on to Porto. The Portuguese government has been informed, and the appropriate request for information made to them.

- *June 6, 2003*

This flight came from Poland at the time of the secret prison there. It went on to Porto. Again, the Portuguese government has been informed, and the appropriate request for information made to them.

- *Sept. 22-23, 2003*

This flight went from Rabat to Guantánamo, and was likely either carrying prisoners there, or US intelligence personnel.

- *Nov. 19, 2003*

This flight came to Rabat from Baghdad. Presumably there were either US intelligence personnel on board coming to check up on what was being extracted from Mr. Mohamed, or other prisoners were being rendered from Iraq.

- *Nov. 21, 2003*

This flight came from Kabul to Rabat, and went on to Guantánamo. Again, the likelihood is that this flight involved either prisoner transfers, or travel by intelligence officers, or both.

- *Dec. 2-3, 2003*

This flight came from Washington to Porto and then to Rabat and went on to Guantánamo. Again, the Portuguese government has been informed, and the appropriate request for information made to them.

- *Dec. 28, 2003*

This flight came from Guantánamo to Rabat, and then went on to Jordan at the time of the abuse of rendered prisoners there (see above).

- *Jan. 21-22, 2004*

This was the flight on which Binyam Mohamed was rendered for the second time. It came from Larnaca to Rabat, and then went on to Kabul, rendering Mr. Mohamed to the “Dark Prison”.⁴²

⁴² Neither does this stop when Mr. Mohamed was himself rendered to the Dark Prison. Other similar flights include the following:

- *Mar. 8-11, 2004 (indirectly from Kabul; going on to Guantánamo)*
- *Mar. 25-26, 2004 (from Mauritania; going on to Tenerife and then Washington)*
- *Mar. 27-29, 2004 (from Guantánamo; going on to Washington)*
- *Apr. 12-13, 2004 (from Guantánamo, indirectly to Rabat and then back to Washington)*
- *Apr. 13-14, 2004 (from Cape Verde; return indirectly to Washington)*

There are not many innocent reasons why the CIA was flying in and out of Rabat so often at the time that Mr. Mohamed was being tortured there. The fact that two of the flights have already been identified as Mr. Mohamed's rendition flights only makes it more likely that the other flights involved illegal activity as well – all of which is very likely to be relevant to Mr. Mohamed's defence.

This is precisely the kind of matter that the Convening Authority ought to be investigating before referring the case to the military commission. It must be obvious from the number of European and other governments involved in these flights that there is the danger of a very significant international embarrassment here – either because of the exposure of these other governments' complicity in the illegalities, or because the governments are going to provide Mr. Mohamed with the materials that he needs to defend himself.

VII. THE BRITISH CONNECTION IN MOROCCO: BRITAIN PROVIDED MATERIALS USED IN THE TORTURE OF BINYAM MOHAMED IN MOROCCO, RESULTING IN A HUGE LEGAL LIABILITY ON THEIR PART

It is already established that the British government supplied information to the US that was used as part of the torture of Binyam Mohamed.

The UK security services recently gave evidence to the highly influential *UK Intelligence and Security Committee (ISC)* in relation to these allegations. While the report is heavily redacted,⁴³ it is nonetheless clear that there was an admission made by UK intelligence. The ISC concluded:

*There is a reasonable probability that intelligence passed to the Americans was used in Al Habashi's subsequent interrogation.*⁴⁴

-
- May 3-5, 2004 (from Palma de Mallorca; to Sicily [Sgonella])
 - May 12-15, 2004 (from Jordan; to UK [Northolt])
 - May 21-22, 2004 (from Germany; return to Germany)
 - July 24-25, 2004 (roundtrip from Washington to Rabat)
 - July 30-31, 2004 (from Washington; return to Guantánamo via the Azores)
 - Aug. 1-3, 2004 (from Guantánamo; return to Washington via Tenerife)
 - Sep. 29 – Oct. 1, 2004 (from Washington via Tenerife; to Jordan)
 - Nov. 1-10, 2004 (from Germany via Algeria; to Mauritania and Senegal, and back to Rabat; return to Germany)
 - Jan. 16-17, 2005 (from London; on to Banjul, Gambia – rendition site of Bisher Al Rawi & Jamil El Banna)
 - Feb. 12-15, 2005 (from Ethiopia; to Ibiza, Spain; back to Rabat; to Washington via Ibiza)
 - Feb. 4-5, 2005 (unknown origination; to Farnborough UK)
 - April 2-8, 2005 (from Morocco to UK, back to Morocco, back to UK)
 - April 24, 2005 (from UK to Morocco)
 - May 2, 2005 (from Morocco to UK)

⁴³ For example, the Committee reports that the Director General of the UK Security Service told them: “[redacted] ... when we knew he was in custody, because he had information we believed relevant to the UK from having lived here, [redacted]. A further two paragraphs are redacted.” UK Intelligence and Security Committee Rendition Report, July 2007, at p34.

⁴⁴ UK Intelligence and Security Committee Rendition Report, July 2007, at p34.

Thus, British intelligence was used by the Moroccan torturers as part of their abuse of a British resident.

Binyam Mohamed's torturers used personal information to indicate to Binyam that they knew a lot about him, to further break him down and 'persuade' him to say what they wanted to hear. Binyam reports that he was told numerous details of his life in the UK – his education, the name of his kick-boxing trainer and his friendships in London. He had never mentioned these facts during interrogations – therefore, they could only have originated through collusion by the UK security or secret intelligence services. Binyam was shown photographs he was told had been given to his interrogators by MI5, and was told by an interrogator that the Moroccans had been working with the British.⁴⁵

British intelligence stated to the US that the involvement of the British in the “debrief” of Mr. Mohamed would bring to the table British knowledge about his background, and “[t]his will place the detainee under more direct pressure and would seem to be the most effective way of obtaining intelligence on Mohammed’s activities/plans...” (0005Ex) The British may not have known that the UK involvement was going to be put to Mr. Mohamed at the tip of a razor blade, but that is what happened.

There are two critically important consequences of this: One, the fact that Mr. Mohamed's description of the British materials used against him in Morocco match materials that the UK intelligence says they submitted to the US, is further proof that he is telling the truth. More important still, the British insist that they gave the materials to the US without knowing that the materials would be used as part of the torture of a British resident. Accepting the good faith of the British government, this is obviously a matter of immense political embarrassment to them, and will cause a rift between two close allies if it is all aired in a military commission.

VIII. CONNECTIONS WITH OTHER CLOSE ALLIES: MOROCCO DID THE TORTURING WHILE VARIOUS EUROPEAN GOVERNMENTS PROVIDED SANCTUARY TO THE US RENDITION TEAMS AS THEY CONDUCTED THEIR “R&R” BETWEEN KIDNAPPINGS

The fact that Morocco is deeply implicated in the crimes against Mr. Mohamed has already been discussed at length. So has the British involvement. Similarly, we have already discussed in passing the various countries involved in giving sanctuary to the CIA planes that were passing through on their rendition trips, or on other flights related to the torture of Mr. Mohamed. These countries include Germany, Eire, Portugal, and Spain, all countries where Mr. Mohamed has initiated what may be a lengthy process of securing favourable evidence. In each case, this is a close US ally who is going to be mightily embarrassed by what has happened. It is likely that, willing or not, each country will be forced by the courts or simply by public opinion to provide Mr. Mohamed with the assistance that he so desperately requires.

⁴⁵ Reprieve file, *Binyam Mohamed Unclassified*, pp 9-11.

CONCLUSION

The materials detailed above leave no room for any conclusion but that Mr. Mohamed was rendered to Morocco, where he was tortured. The US assertion to the contrary is simply false. The UK government is morally obliged to take an open and forceful stand requiring that a full and fair investigation be conducted into Mr. Mohamed's torture.

APPENDIX A



Foreign &
Commonwealth
Office

DOCUMENT ATTRIBUTES SECTION: DO NOT MODIFY TEXT BELOW

DOCUMENT ATTRIBUTES SECTION: DO NOT MODIFY TEXT ABOVE



Foreign &
Commonwealth
King Charles Street
London
SW1A 2AH

22 July 2008

Mr Clive Stafford Smith
Director Reprieve
PO Box 52742
London
EC4P 4WS

Simon Manley
Director, Defence and Strategic
Threats

Tel: 020 7008 2181/2
Fax: 020 7008 1754
E-mail: Simon.Manley@fco.gov.uk

Dear Clive,

WELFARE VISIT AND ALLEGATIONS OF MISTREATMENT

As the Foreign Secretary has set out previously we have asked the US to examine allegations of mistreatment that Mr Mohamed has made. I wanted to update you on the key points.

The US has informed us, based on a review of records and consultations, that:

- The allegations made by counsel to Mr Mohamed that are reflected in your letter are not credible;
- There is no evidence to support counsel's claim that Mr Mohamed's genitalia were brutalized. Nothing abnormal about his genitalia is noted in any of his medical records. He received complete medical intake evaluations after he arrived in DoD control and upon arrival at Guantanamo. The doctors did not identify any scarring on his genitalia. He has never complained to doctors about his genitalia; and that
- While at Guantanamo, Mr Mohamed has not been held in solitary confinement, abused or denied medical treatment at any time.

Separately I wanted to let you know that the US have agreed to our request to conduct a welfare visit to Mr Mohamed. This will take place tomorrow (23 July). The objective of the visit will be to consider issues related to Mr Mohamed's welfare and treatment. The FCO will be writing to Mr Mohamed's brother and sister today to inform them that this visit will be taking place. I have also informed Karen Buck MP of the visit.

Yours sincerely,

Simon Manley

Simon Manley

