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4 Britons and an Australian to Be Freed at Guantánamo

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LONDON, Jan. 11 - The United States has agreed to release the last four Britons and one Australian who have been held without charge or trial at Guantánamo Bay in Cuba for around three years, officials in the three countries announced Tuesday.

The announcement was broadly welcomed by civil and human rights campaigners here who said, however, that the United States should now free all the estimated 550 prisoners held at Guantánamo, and that Britain should release 11 foreigners it is holding without charge or trial under its terrorism laws.

Jack Straw, the British foreign secretary, announced the release in Parliament on Tuesday, saying it came about after "intensive and complex" discussions with the United States. He added that he expected the men to return to Britain within the next few weeks.

In a statement in Washington, the Pentagon said it had agreed to release the four Britons and an Australian, describing them as "enemy combatants who had been detained by the United States in accordance with the laws of war and U.S. law."

The statement said Britain and Australia had "accepted responsibility for these individuals and will work to prevent them from engaging in or otherwise supporting terrorist activities in the future." The Pentagon said further that the countries had "made a number of security assurances to the U.S. government in this regard that was important to the transfer decision."

Defense Secretary Donald H. Rumsfeld reaffirmed that point in Washington on Tuesday. The transfer "ought not to leave anyone with any particular impression as to the nature of the individuals," he said, "because in every instance, the discussions include an arrangement with the other countries as to how they will manage those individuals once they arrive in their country."

In Parliament in London, however, Mr. Straw said that once the men were back in Britain, "the police will decide whether to arrest them" in accordance with terrorism laws.

Mr. Straw said the British authorities would take "every practical step" to "maintain national security and to protect public safety" after the men's release. But in response to a question in Parliament, he said no promises had been made to the United States authorities on the prisoners' treatment back in Britain.

When five other Britons were released from Guantánamo last March, they were interviewed by the British police but set free within hours.

The four Britons to be transferred were identified as Moazzam Begg, Feroz Abbasi, Martin Mubanga and Jamaal Belmar. The Australian was identified by Australian officials as Mamdouh Habib.

In a statement, Australia's attorney general, Phillip Ruddock, and Foreign Minister Alexander Downer said the United States believed that "Mr. Habib had prior knowledge of the terrorist attacks on or before 11 September 2001," adding, "Mr. Habib has acknowledged he spent time in Afghanistan, and others there at that time claim he trained with Al Qaeda." But, the statement said, it did not seem likely that he could be prosecuted under Australian law.

According to Mr. Straw, the Britons were among thousands of people detained by American-led forces, which ousted the Taliban government in Afghanistan after the Sept. 11 attacks.

But some human rights advocates say not all of the detainees were seized on the battlefield in Afghanistan, as the United States maintains. One of the British detainees, Mr. Mubanga, was said to have been arrested in Zambia.

At the same time, Shami Chakrabarti, the director of a civil rights group called Liberty, urged the British government to heed a ruling last year by Britain's highest court that said the government could not continue to detain indefinitely foreign terrorism suspects without charging or trying them. The court, a special panel of the House of Lords, found that the detentions conflicted with European human rights conventions.

"We now look to the government to practice what it preaches and to listen to the House of Lords by releasing or charging all those detained without charge in the U.K.," Ms. Chakrabarti said.

One of those still in detention is Abu Qatada, a Syrian cleric Britain says was a spiritual mentor to Mohamed Atta, believed to be one of the leaders of the Sept. 11 attacks.

In Parliament, Mr. Straw said British consular officials had reported that the four men to be released from Guantánamo seemed to be in reasonable physical shape.

In a letter last year, which the United States authorities agreed to declassify, Moazzam Begg, 36, said he had been subjected to torture at Guantánamo. Three of the Britons released last March also said they had been tortured and mistreated.