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In Reversal, Britain Decides to Help One British Resident at Guantanamo

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LONDON (AP) - Britain, which has long refused to represent its residents held at Guantanamo Bay in Cuba, will take up the case of one detainee with U.S. authorities, the government said Wednesday.

The news that the Foreign Office would intervene on behalf of Iraq-born Bisher al-Rawi was disclosed at a High Court hearing where lawyers sought to force Britain to intercede for him and two other prisoners.

"The circumstances of Mr. al-Rawi's case were different from the other claimants. The Foreign Secretary considered it appropriate to reconsider Mr. al-Rawi's request that he make representations to the U.S.," the Foreign Office said.

A spokeswoman, who insisted on anonymity because she is a civil servant, refused to discuss why Britain considered al-Rawi's case exceptional.

His lawyers have claimed that before his arrest al-Rawi was supplying information to British intelligence about a London-based radical preacher.

Britain has secured the release of all nine British citizens detained at Guantanamo, but until Wednesday had refused to take up the cases of residents who were not citizens.

The government had contended that al-Rawi, Jamil el-Banna and Omar Deghayes had no legal right to the assistance available to British citizens.

Al-Rawi, 37, who had lived in Britain since 1985, and his Jordanian business partner el-Banna, who was granted refugee status in 2000, were detained three years ago in Gambia.

They were alleged to have been associated with al-Qaida through their connection with the radical Muslim cleric Abu Qatada. Their lawyers claim that contact was "expressly approved and encouraged by British intelligence," to whom al-Rawi supplied information about the cleric.

Deghayes, 35, fled Libya with his family in the 1980s and was granted refugee status in Britain. He was arrested in Pakistan in 2002 and has been held at Guantanamo for more than three years.

Timothy Otty, one of the lawyers representing the three, said in court that all had been "severely tortured and subjected to inhuman and degrading treatment." The United States denies using torture.

Otty said Deghayes alleged he had been sexually assaulted, held in solitary confinement, hit with a high-pressure water jet and permanently blinded in one eye with pepper spray while at Guantanamo.

"The United States is effectively adopting a different definition of torture to that recognized in other democratic countries," Otty said.

The only remedy for the men, he said, "is to request their immediate release and achieve their immediate release."

Otty told a courtroom packed with relatives of the men that all three had been wrongly detained. He said Deghayes had been captured in Pakistan, "it appears by bounty hunters," before being handed over to U.S. authorities.

They alleged -- mistakenly, Otty said -- that Deghayes appeared in a video alongside Chechen rebels.

"The individual shown in the video is a quite different individual," the lawyer said.

Otty said the other two men had been arrested in Gambia after British intelligence passed on information about their travel plans to U.S. intelligence.

Lord Justice David Latham and Justice Michael Tugendhat presided at the hearing, which is expected to last three days.

All nine British citizens who were detained at Guantanamo were released in 2004 and 2005.

Six British residents who hold other citizenship remain in the camp. They are among about 490 detainees at Guantanamo, accused of links to Afghanistan's ousted Taliban regime or al-Qaida. Only a handful have been charged since the camp opened in January 2002.