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Lawyers for Two Guantanamo Detainees Claim Documents Show Arrest Intelligence Was Wrong

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Associated Press
March 28, 2006

LONDON (AP) - Lawyers for two British residents seized by the United States and detained in Guantanamo Bay said Tuesday they have documents which show that British officials instigated the arrests.

The lawyers said they would present the documents to a House of Commons committee later in the day.

Iraqi-born Bisher al-Rawi, who had lived in Britain since 1985, and Jamil el-Banna, his Jordanian business partner who was granted refugee status in Britain in 2000, are alleged to have been associated with al-Qaida through their connection with the London-based radical Muslim cleric Abu Qatada.

The pair were arrested in Gambia in 2002 while trying to return to Britain with electronic equipment and are still being held in Guantanamo.

U.S. Department of Defense records confirm both men have been classed as enemy combatants and members of al-Qaida.

Irene Nembhard, a British lawyer representing the men, said documents show British officials mistook a modified electronic battery charger carried by the men for part of an improvised bomb.

She said the mistake led to their detention.

Lawyers for the men, who appeared in court last week to challenge the British government's refusal to lobby the United States for the release of the men, said British intelligence passed on information about the pair's travel plans to U.S. intelligence.

Nembhard said Tuesday that evidence produced by Britain's Foreign Office for the hearing also shows a report of the battery charger "misdemeanored as part of an improvised explosive device, was sent to the U.S intelligence agency."

"No evidence was presented to the court that this misdescription was ever corrected," she said.

Nembhard said a telegram sent from Britain's domestic security service MI5 to the government's Foreign Office proves that British officials were aware of the mistake.

Telegrams written by MI5, which a security service witness told the court were sent to a foreign intelligence agency, were filed to the court and have been seen by The Associated Press.

An MI5 telegram, which lawyers allege was sent to U.S. officials, dated Nov. 1, 2002, said that the two suspects were arrested at London's Gatwick Airport with a device which "could be used" as part of a car bomb.

In a briefing note, also put before the court, police anti-terrorism officers said the men were carrying items which suggested they were "engaged in terrorist activity."

Another security service telegram, dated Nov. 8, which lawyers allege was also sent to U.S. intelligence, relayed details of the flight the men were taking to Gambia.

Three days later, after al-Rawi and el-Banna had been arrested, British intelligence sent another telegram with details of the suspects' connections to extremists.

In December, British authorities confirmed by telegram that Britain would not seek to "extend consular protection" to the men. Lawyers claim that message was also sent to the United States and relates to plans to transfer the men to Guantanamo.

British government officials declined to comment on the claims.

Andrew Tyrie, an opposition Conservative party legislator and chairman of the All Party Parliamentary Group on Extraordinary Rendition, scheduled a meeting later Tuesday to discuss the cases.

He said the allegation Britain had assisted the U.S. with rendition was "a grave one."

The Foreign Office said last week it had agreed to intervene on behalf of al-Rawi, after reconsidering his request.

The British government earlier won the release of all nine British citizens detained at Guantanamo, but had refused to take up the cases of six residents who are citizens of other countries.