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MI5 'Informed on' Three British Residents Sent to Guantánamo

Richard Norton-Taylor
Guardian
March 17, 2006

MI5 provided information to the US about two British residents before they were seized by the CIA and sent to Guantánamo Bay, the high court heard yesterday.

The admission came during hearings over the refusal by ministers to request the release of three British residents held at the US detention centre in Cuba.

"Information was provided," said Mr Justice Andrew Collins. He agreed with Tim Otty, counsel for the detainees, that allegations of torture and suffering at Guantánamo Bay, and US agents secretly sending detainees to prisons in a practice known as "rendition" was a "matter of real concern at the moment".

The judge has allowed lawyers acting for Bisher al-Rawi, Jamil el-Banna, and Omar Deghayes, and their families, to seek a court order requiring the government to petition for their release.

According to their US lawyer, they have been beaten, kicked and hit with blunt objects, and held in solitary confinement.

Mr Rawi and Mr Banna were seized by CIA agents in Gambia in 2002. Chris Mullin, a former Foreign Office minister, has said British agents helped the Americans capture the two men. They are alleged to have had contacts with al-Qaida because of a connection with the radical cleric Abu Qatada. Mr Deghayes was detained in Pakistan.

Government lawyers yesterday conceded that the security service provided information to the Gambians and Americans about the men but denied it was complicit in their subsequent imprisonment.

Mr Justice Collins said it was not surprising the security service passed on the information given the "suspicions" about the men. He said that according to evidence supplied by the government's lawyers, MI5 had "no part" in any subsequent action taken by the US or Gambian authorities.

Philip Sales, counsel for the government, told the court yesterday that MI5's threat assessments on the men must remain secret.

Mr Rawi is an Iraqi who has lived in the UK since 1985. Mr Banna, his business partner in a planned peanut farm development in Gambia, is a Jordanian refugee, and Mr Deghayes is a Libyan refugee. All three were taken to Guantánamo via Afghanistan.

Tony Blair said at his monthly news conference yesterday that "it would be better if it [Guantánamo] was closed".

The prime minister added: "The only thing I always do to balance it out is remind people that it arose out of the circumstances of 9/11."