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Security Services Linked to Guantánamo 'Injustice'

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The security services were accused today of involvement in the "real injustice" of two British residents being detained and allegedly tortured at Guantánamo Bay.

The accusation came during a high court challenge to the refusal of the foreign secretary, Jack Straw, to press the US to release three men from the detention camp in Cuba. Lawyers for all three men, who are UK residents, are asking two senior judges to declare the refusal "legally unsustainable".

The government maintains that, as foreign nationals, Bisher al-Rawi, Jamil el-Banna and Omar Deghayes have no legal right to the help they are seeking.

But the court heard today that Foreign Office officials now concede that representations should be made for the release of Mr al-Rawi because of the specific circumstances of his case.

Mr al-Rawi, 37, an Iraqi national who had lived in Britain since 1985, and his Jordanian business partner Mr 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 cleric Abu Qatada.

But Mr al-Rawi has always maintained that his contact with Qatada was "expressly approved and encouraged" by British intelligence, for whom he was an informer.

He said intelligence agents to whom he supplied information about the cleric had assured him they would help him if he ran into trouble.

Timothy Otty, for the detainees, told the court that security service documents established there had been "communications" relating to the two men between Britain and the US prior to their arrest.

He said: "We will certainly be contending there has been real injustice, and there is a causal link on the part of those acting for the UK in that injustice."

The third man, Mr Deghayes, was detained in Pakistan. His name was said to be on the FBI's "most-wanted" list, but his legal team say the photograph on his file was of a different person.

Mr Otty said there was now "compelling evidence" that the three men had been "severely tortured and suffered inhuman and degrading treatment".

He said members of the men's families, who are British citizens, were experiencing "the most intense distress" about the situation of their relatives.

But Christopher Greenwood QC, for the foreign secretary, said the British government did not have independent evidence that torture had taken place and did not accept there was "compelling evidence" that it had.