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Revealed: Britain's role in Guantanamo abduction

Freed detainee tells of horrors in US terror camp

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British intelligence officials played a crucial part in the secret abduction of UK citizen Martin Mubanga to Guantanamo Bay. There, he reveals today in an exclusive interview, he endured 33 months of ill-treatment and often abusive interrogation.

Documents seen by The Observer disclose that even the Pentagon's own lawyers now accept that the intelligence that consigned him to Guantanamo may have been deeply flawed. Mubanga, who was released without charge after his return to Britain on 25 January, now plans to sue the British government.

In his interview today, the first by any of the four Britons who returned from Guantanamo last month, Mubanga, 32, describes a horrifying catalogue of abuse:

- In one interrogation session, he was forced to urinate in the corner of the interview room while chained hand and foot.
- He was treated to a regime known as 'BI [basic item] loss'. This meant his thin mattress, trousers, shirts, towel, blankets, and flipflops were all taken away, leaving him naked except for boxer shorts in an empty metal box.
- Last autumn, while Pentagon lawyers were writing memos suggesting that Mubanga may not have had any involvement in terrorism at all and may not have been given a fair hearing, the Guantanamo authorities subjected him to the harshest treatment in his 33 months in Guantanamo, with three brutal assaults by the 'Instant Reaction Force' riot squad for trivial violations of the camp rules.
- Mubanga's worst moment came last March, when the first five British detainees were sent home. He had at first been told he would be joining them, but was instead confined in a block with prisoners he could not communicate with, and told he would be held there for many more years.

The disclosure that British intelligence was instrumental in consigning Mubanga to Guantanamo raises serious questions about the consistency of British policy towards the controversial US camp. In public, ministers, led by Lord Goldsmith, the Attorney-General, negotiated for months with the Pentagon for the release of British detainees.

Mubanga's solicitor, Louise Christian, said yesterday that she planned to take legal action against the government. His arrest, detention and transfer had clearly breached British, Zambian and international law, she said. 'We are hoping to issue proceedings for the misfeasance of officials who colluded with the Americans in effectively kidnapping him and taking him to Guantanamo.'

Mubanga, a former motorcycle courier, says he went to Afghanistan at the end of 2001 to study Islam. He was never, he insists, a sympathiser with al-Qaeda, and he condemned the 9/11 attacks. 'I do not approve of the killing of innocent men, women and children,' he said.

He says he fled to Pakistan after the beginning of the war against the Taliban, but says that someone stole his passport. A dual British-Zambian national, he phoned his family from Karachi

and asked them to post him his Zambian passport. He says he used this in February 2002 to go to Zambia, where he was joined by his sister and stayed with other relatives.

However, on 2 March the Sunday Times claimed Mubanga had been arrested in Afghanistan, fighting with the Taliban - presumably this referred to the man who stole or was handed his passport. Soon afterwards, he was seized by Zambian security men.

He was held in a series of guarded motels, where he was interrogated for days by a female American official and a Briton who called himself Martin and said he worked for MI6. 'Martin' produced Mubanga's British passport, together with a list of Jewish organisations in New York and a military training manual that he claimed Mubanga had handwritten. They had been found with the passport in a cave in Afghanistan, he said. Mubanga pointed out that his handwriting was nothing like that in the manual, and said he had never seen the documents before, or been to any caves.

A few days later, Mubanga was loaded on to a plane by men in balaclavas and flown to Guantanamo. For more than two years, the claims made by the MI6 man - that he had been on a mission to reconnoitre targets in New York and had travelled to Zambia on false documents - were the main grounds for his detention.

Last October, this was confirmed by a Guantanamo Combatant Status Review Tribunal, a panel of military officers. Later, however, this decision was reviewed by a US military lawyer, who found it deeply flawed. His report shows that Mubanga had asked to call members of his family in his defence, saying they prove that he had not travelled to Zambia on false documents for a terrorist mission, but to visit relatives on his own passport.

Last night a Foreign Office spokesman said he could not comment on the activities of British intelligence or security agencies. He said Mubanga's 'transfer to Guantanamo Bay is a matter for the Zambian and American authorities'.