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FO Paper Reveals British Knowledge of Torture Flights:

Leaked document shows shift in official stance Unease over legality of British cooperation

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The government's desperation to get on to "the front foot" over its role in the CIA's so-called rendition campaign, as laid bare by the leaked Foreign Office briefing paper, dates back to the disclosure last September of the extent of British support for the operation. An investigation by the Guardian had shown that the CIA's aircraft had flown in and out of Britain at least 210 times after the attacks of 9/11.

Some flights were on unconnected US government business, and the purposes of other journeys were unclear. Some, however, were clearly involved in rendition operations: the abduction of terrorism suspects who were taken to secret interrogation centres in countries where torture is commonplace.

At that time, the government denied all knowledge of the CIA using British territory for refuelling during such operations, despite the fact that the agency was using RAF bases as well as civilian airports. One Foreign Office official even attempted to dismiss it as "a conspiracy theory".

Four months on, official inquiries are under way in Germany and Spain. The Council of Europe is also investigating the CIA's use of the continent's airports and airspace. In Milan, a magistrate has issued warrants for the arrest of 19 American agents said to have abducted a Muslim cleric who was dragged off a street and spirited away to Egypt. Yesterday, the European parliament established a committee of inquiry to look into the CIA's "transportation and illegal detention of prisoners" and threatened what it described as "political action" against any country found to be involved.

With feelings running high among European parliamentarians and human rights activists, Condoleezza Rice, the US secretary of state, made a remarkable statement before boarding a flight to Berlin in December, conceding the existence of the rendition campaign. While denying that the US transported anyone "for the purpose of interrogation using torture", Ms Rice insisted that "hard choices" must be made during counter-terrorism operations. Renditions, she suggested, might have saved thousands of lives. The leaked briefing paper, written two days after this statement, makes clear that the Foreign Office was aware of the CIA's requests for British logistical support. As the author admitted: "We now cannot say that we have received no such requests for the use of UK territory or airspace." The document also shows that the FO knew of the existence of secret interrogation centres, and it betrays the mounting alarm in Whitehall that some detainees could initially have been seized by British troops in Afghanistan or Iraq.

The paper makes clear that the view of Foreign Office lawyers is that any rendition which places a detainee at risk of being tortured "could never be legal".

Critically, it adds, British cooperation "would also be illegal if we knew of the circumstances". This was 15 days before Tony Blair said at a press conference: "I have absolutely no evidence to suggest that anything illegal has been happening here at all."

The rendition programme began during the Reagan era, when men wanted in the US for a range of offences would be captured overseas and brought to the US without any extradition process. They would be read their rights, given lawyers and then put on trial. A succession of federal court judgments upheld the legality of this policy.

Requests for British logistical support date at least to 1998, when the Clinton administration decided that the CIA could abduct four suspected Islamist terrorists in the Balkans and take them to Cairo for questioning by the Egyptian intelligence service. Three of those men are now believed to be dead, while the fourth says he was tortured.

In convincing themselves of the legality of this operation, CIA and White House lawyers appear to have relied upon a narrow reading of international law, and upon a reservation that the US expressed when it ratified the Convention Against Torture. Article 3 of the convention makes clear that it is illegal to take a detainee to any country "where there are substantial grounds for believing he would be in danger of being subjected to torture".

Washington said it understood "substantial grounds" to mean that it was "more likely than not that he would be tortured".

Since then an unknown number of men have disappeared into what has been described as a secret gulag. A small number have emerged, and told of suffering terrible torments in Cairo, Damascus, Islamabad, Kabul and Rabat. There are rumours of others being held in Thailand and Uzbekistan, and even reports of secret detention centres in Poland and Romania.

Despite Ms Rice's insistence that the US would never move a detainee around the world for the purpose of having them tortured, critics on both sides of the Atlantic say there is a growing body of evidence to suggest that this is exactly what is happening.

Typical, perhaps, is Benyam Mohamed, 27, an Ethiopian who grew up in Notting Hill, west London, and who spent more than two years being flown to various destinations by US officials for interrogation in Morocco and Afghanistan following his arrest in Pakistan.

Mr Mohamed, 27, is said by the US to have plotted to murder large numbers of civilians in the US. He denies this. When eventually taken to Guantanamo Bay, Mr Mohamed told his lawyer that he had been beaten, deprived of sleep, drugged and subjected to non-stop noise. He also showed scars on his genitals, which he said had been slashed with a razor. Fellow detainees, he said, had completely lost their minds - "and I'm dead in the head."