

PRESS RELEASE

A Guantánamo Bay detainee sues British Government for not releasing evidence that could prove his innocence



Binyam Mohamed, a British resident from Kensington, has today sued the British government for refusing to produce evidence that could prove his innocence of charges in Guantánamo Bay.

Mr. Mohamed faces a military commission in Guantánamo Bay based exclusively on evidence derived from his torture. From 21st July 2002 until 21st January 2004, he was rendered by the CIA to Morocco where he was tortured with a razor blade to his penis. From January to May 2004, he was tortured further by US military in the ‘Dark Prison’ in Kabul. He now faces a Guantánamo military commission, characterized by Lord Steyn as a ‘kangaroo court’ and condemned by all parties in the UK. The British government holds evidence that could be the key to proving his innocence. Lawyers for Mr. Mohamed requested that the government turn this evidence over. The government lawyers refused, writing that “the UK is under no obligation under international law to assist foreign courts and tribunals in assuring that torture evidence is not admitted”

The Government lawyers continued: “it is HM Government’s position that ... evidence held by the UK Government that US and Moroccan authorities

engaged in torture or rendition cannot be obtained” by lawyers trying to provide Mr. Mohamed with a fair trial.

Extraordinarily, the Government denies that the UK provided evidence that was used in Mr. Mohamed’s torture: “You further allege that HM Government provided information to the US or Moroccan authorities which was subsequently used in the torture of your client. However, you do not provide any evidence to support ... your assertion that such alleged information or assistance ‘was subsequently used in the torture of your client.’” To the contrary, Mr. Mohamed has specifically alleged this, saying this was the low point in all the months of his torture. He reconstructed his “Torture Diary” with his lawyer, writing in reference to the Summer of 2002:

“Today I was questioned about my links with Britain. The interrogator told me, ‘We have been working with the British, and we have photos of people given to us by MI5. Do you know these?’ I realized that the British were sending questions to the Moroccans. I was at first surprised that the Brits were siding with the Americans. I sought asylum in Britain rather than America because it’s known as the one country that has laws that it follows. To say that I was disappointed at this moment would be an understatement.”

Mr. Mohamed’s allegation was found credible by the Intelligence and Security Committee (ISC). The Government chooses to ignore the ISC’s conclusion: “There is a reasonable probability that intelligence passed to the Americans was used in [Binyam Mohamed]’s subsequent [Moroccan] interrogation.” See *Intelligence and Security Committee Rendition Report* (July 2007).

Richard Stein of Leigh Day & Co solicitors, representing Mr Mohamed in the proceedings issued today in the High Court, said “Mr Mohamed has been the victim of extraordinary rendition, horrific torture, years of detention without trial, all apparently with the assistance of or, at least, the Nelsonian blindness of the British Government. It beggars belief that they will not lift a finger to help a British resident when he may face the death penalty.”

Lt. Col. Yvonne Bradley, US Airforce and military defense counsel for Mr Mohamed, joined the lawyers' request for help from the UK government. "I have been charged with defending Mr. Mohamed to the best of my ability," she said. "I cannot pretend that the US military commissions are fair, but how can we possibly hope to help Mr. Mohamed if his own government leaves him to his fate?"

Clive Stafford Smith, *Reprive's* Director, has represented Mr. Mohamed for three years. "The moral compass of this government seems to have caught a very perverse magnet," said Mr. Stafford Smith. "Since when could we criticize the US for 'kangaroo courts' in Guantánamo while simultaneously leaving Binyam Mohamed to be condemned based on evidence tortured out of him with a razor blade to his penis? Abolishing a 10 percent tax rate is one matter; abandoning our commitment to the Convention Against Torture is quite something else."

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