

Render unto Caesar

Scott Poynting details the British state's involvement in kidnapping and torture.

The violence of the British state in the global 'war on terror' is a form of state crime, but as these crimes are largely committed as a 'junior partner' in the unlawful violence of a US-led empire's counter-terrorism, they are better understood as 'empire crime'. This article considers three levels of complicity by the British state with such empire crime. The first level is the willing facilitation of state kidnapping, either through intelligence advice identifying 'terrorism suspects' for unlawful arrest, or by providing landing and refuelling for clandestine flights effecting illegal 'extraordinary rendition'. The second is the presence of British state personnel while agents of allied states in the 'war on terror' are perpetrating torture, and declining to intervene. The third, usually in conjunction with the second but with a higher degree of complicity, entails providing information that abets interrogation under torture, or receiving and using information obtained during interrogation under torture. This level in the most extreme cases involves actual co-participation in interrogation while torture or physical abuse is being committed.

At the first level, British military airports have been used by CIA rendition flights. The government conceded in 2006 that 'suspected' CIA rendition flights landed 14 times at RAF Northolt in West London and RAF Brize Norton in Oxfordshire between October 2003 and May 2004 (*The Guardian*, 7 March 2006). In 2008, Foreign Secretary David Miliband admitted, having previously denied it, that two such 'ghost planes' bound for Morocco and Guantánamo had landed at the Indian Ocean military air base on British territory at Diego Garcia. The US had not advised Britain

previously because of 'record errors' (*The Sunday Times*, 21 February 2008).

Instances of British security services' abetting foreign intelligence agencies to seize 'suspect' British citizens and residents usually only come to light with allegations about mistreatment or torture: that is, with the second level of complicity. The 'we didn't know' defence is often deployed by the state in these cases, as with the servicing of rendition flights, but is less credible here in cases of countries and security services with well-known records of torture. Over 20 cases have been documented of British nationals or residents being taken unlawfully into captivity abroad in the 'war on terror', held without charge or trial, and interrogated under torture. The great majority of these were subjected to 'extraordinary rendition' by US forces, mostly to Guantánamo Bay, but also (sometimes as an intermediate measure) to Afghanistan, being subjected to physical and psychological abuse and interrogation by and on behalf of US agencies.

The second level of complicity involves the compliance of UK security services in the torture of its citizens and residents by foreign powers, by being present and failing to intervene. We may add, at this level, the failure to intervene to attempt to remove British nationals and residents from detention regimes such as at Guantánamo Bay, where torture and abuse are known to be systematically and routinely practised. British citizens and residents rendered by the CIA and tortured, with various degrees of British complicity, include the following. UK resident Ahmed Belbacha was sold to the US for bounty in Peshawar in December 2001, interrogated and tortured in Afghanistan and rendered in March

2002 to Guantánamo where he remains, despite being approved for release in 2007. He cannot be deported to his native Algeria, where he faces certain torture, and the UK has meanwhile rejected his asylum application. Former British resident Farhi Saeed bin Mohammed was seized in Pakistan in December 2001 after fleeing Afghanistan, rendered to Guantánamo in February 2002, and incriminated by evidence of Binyam Mohamed under torture (see below). He won a habeas corpus case in 2009, but cannot be repatriated to his birthplace Algeria for likelihood of torture there and remains incarcerated in Guantánamo.

Other cases, which space precludes detailing here, include Bisher al-Rawi, Jamil el-Banna, Richard Belmar, Omar Deghayes, and Martin Mubanga, all of whom, with Binyam Mohamed, are suing the British government for abuse and wrongful imprisonment. All were rendered to Guantánamo and tortured (Deghayes was blinded there), and all allege that MI5 and MI6 colluded in this. Mubanga attests that an MI6 agent and a US military operative tried to recruit him as an undercover agent when he was arrested in Zambia in 2002, and that MI6 connived in his kidnapping and rendition to Guantánamo.

The third level of complicity involves actual collaboration by UK intelligence services in the interrogation, under torture, of their own citizens and residents. Many such cases came to light in the campaign for the release of Moazzam Begg, and especially after his repatriation from Guantánamo, through his subsequent activism on behalf of those still incarcerated there and public testimony about the regime there. Further evidence still, particularly of a documentary nature, has been disclosed in the case of Binyam Mohamed and other instances of British state complicity in torture that have been brought to public attention in association with Mohamed's case.

UK citizen Moazzam Begg was taken by the CIA in Pakistan in 2002, was kept a year in Afghanistan and then rendered to Guantánamo, where he was illegally detained and

finally released without charge in 2005. He was tortured in all three places, and British agents were present at every stage of his journey (Begg, 2007). Ruhal Ahmed, Shafiq Rasul, and Asif Iqbal, all British citizens from Tipton in the West Midlands, were seized by Northern Alliance militia in November 2001 and turned over to US forces in Afghanistan, where they were detained under abusive conditions before rendition to Guantánamo where they were unlawfully imprisoned until March 2004. In Guantánamo they were severely tortured: hooded, beaten, kept naked, menaced with dogs, chained in painful postures, subjected to extreme cold and noise and light, sleep-deprived, and threatened with shooting. Each were interrogated by MI5, as well as US personnel, in both Afghanistan and Guantánamo. British citizen Tarek Dergoul was also brutally tortured in both Afghanistan (where he had successive toe amputations – once without anaesthetic – after untreated infection) and Guantánamo, where he was also sexually humiliated. He was repeatedly interrogated by MI5 and MI6 in both countries during the regime of torture.

Ethiopian-born UK permanent resident Binyam Mohamed was arrested in Karachi in 2002. US authorities refused to let him go and denied him a lawyer (Reprieve, 2009). Pakistani security services tortured him, hanging him for a week by his wrists with his feet barely taking weight. MI5 operative 'Witness B' went to Pakistan in May 2002 to interview Mohamed. MI5 was informed by the CIA before this that Mohamed was being subjected to ongoing sleep deprivation and threats of 'rendition', which, combined with earlier interrogations, were causing him 'significant mental stress and suffering' (*The Guardian*, 11 February 2010). In July 2002, the threat of rendition was realised, and Mohamed was unlawfully transported in a CIA jet to Morocco, where he was tortured over 18 months. His testimony details scalpel slashes inflicted on his penis and his chest, some 20 or 30 of them over a period of one, sometimes two hours,

and then a 'burning' liquid poured on the wounds. He was also beaten and starved at various times, and continuously subjected to loud music and other noise and deprived of sleep. While Mohamed was being tortured in Morocco, MI5 was providing information to the CIA to aid in his interrogation. Indeed, MI5 agent 'Witness B' travelled to Morocco three times over that period.

British resident Shaker Aamer remains in unlawful detention at Guantánamo. Like Begg, he was taken into captivity by Afghan militias in late 2001, and handed over to US forces. He claims to have been tortured and threatened with death in Afghanistan by US agents in the actual presence of MI5 and MI6 officers. He was rendered to Guantánamo in early 2002 and has been tortured there.

In addition to collaborating with the US state's kidnapping and torture, the British state has been accused by victims and their lawyers of prompting the arrest and detention without charge, and collaborating with foreign security services in interrogation under torture in a number of countries, including Pakistan, Bangladesh, the United Arab Emirates, Egypt, Gambia and Zambia. Victims include: Faisal Mostafa (in Bangladesh in 2009), Azhar Khan (in Egypt in 2008), Rangzieb Ahmed (in Pakistan in 2006–2007), Ghafoor Alam and Saddique Rafiq (in Dubai, in 2005), Salhuddin Amin (in Pakistan in 2002), Farid Hilali (in United Arab Emirates, then Morocco in 1999).

Rangzieb Ahmed, a British citizen from Rochdale, was tortured while in the custody of Pakistan's notorious Inter-Services Intelligence Directorate (ISI), including having his fingernails pulled out, as well as being beaten, whipped, and denied sleep. During his unlawful incarceration and

brutalisation, he was interrogated by MI5 agents and had questions supplied by Manchester police put to him by ISI interrogators. He was convicted in Manchester in 2008 of terrorism offences using evidence thus extracted, with the court making a secret ruling, after in camera hearings, that the evidence was admissible (this ruling and the conviction are since under appeal). In cases such as these, the state cannot invoke the 'bad apple' defence. Beyond the torture being widespread and systematically instituted, the state has benefited from, as well as encouraged, the torture.

Thus key apparatuses of the British state are shown as knowing and willing collaborators in the state violence of 'empire crime' in the

'global war on terror' under US hegemony. Not all apparatuses of the state have been so readily recruited, however, and the fact that much of the account given here is in the public domain is thanks to the some old-

fashioned rule of law insisted upon in the British (and US) judiciary, as well as the persistence of some excellent investigative journalism and the dedication of human rights lawyers and activists. Public campaigns of activists have played a crucial part, especially in some key cases. We do not need to accept that the 'counter-terrorist' empire crime is inevitable and illimitable. ■

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