

HEARING SUMMARY

- Bisher al-Rawi and Jamil el-Banna have been prisoners at Guantanamo for 3 ½ years.
- Before being transferred to Guantanamo, they were:
 1. Imprisoned and tortured in the notorious Dark Prison in Kabul, Afghanistan for two weeks;
 2. Imprisoned and tortured at a prison on Bagram Air force base for 2 months.
- They were arrested in The Gambia at the apparent request of British Intelligence. A series of telegrams released by the British government appears to establish this fact.

MEN WERE WELL KNOWN TO BRITISH INTELLIGENCE

- Both men were well known to British intelligence:

Bisher al-Rawi

Al-Rawi worked for MI5 for approximately 10 months, serving, among other things, as an intermediary between Muslim cleric abu Qatada and MI5

THERE IS NO REAL DEBATE ON THIS POINT.

See, 22 March 2006 letter from Treasury Solicitor, Kate Juttner, to Birnberg Pierce in which the British government agrees to intercede on al-Rawi's behalf.

Al-Rawi worked closely with three MI5 agents, Alex, Matt, and Martin. **ALL THREE AGENTS HAVE VISITED BISHER IN GUANTANAMO ON MULTIPLE OCCASIONS**

Bisher received express assurances from a MI5 attorney named Simon on two separate occasions that Bisher would not be compromised as a result of his work with MI5. These meetings took place only after MI5 denied

Bisher's request to arrange a meeting with Gareth Pierce and MI5.

- British Intelligence repeatedly sought to recruit el-Banna to work as an informer. He refused. Among other things, British Intelligence offered to help el-Banna "start life with a new identity, new nationality, money to set himself up in business and to provide for his family," if he would cooperate with British Intelligence. **See Note For File dated 31 October 2002, page 6 of documents produced by Government to Birnberg Peirce.**
- El-Banna did drive the wife and son of abu Qatada to see abu Qatada before the British government arrested him. At the time, MI5 absolutely knew where abu Qatada was located because al-Rawi was serving as an intermediary between abu Qatada and MI5.
- On the day abu Qatada was arrested, Jamil was called to taxi the wife and son home. Officials at the scene expressly thanked him.

BRITISH INTELLIGENCE TURNED INFORMATION ON THE MEN OVER TO THE CIA THAT RESULTED IN THEIR BEING ARRESTED IN THE GAMBIA

- The British Government has released telegrams that were sent to CIA. These documents are in the public domain.
- The CIA operatives in Gambia told all of the men that the British had "sold them out" to the CIA. The following are statements from the prisoners made at various times:

When el-Banna expressed anger towards Americans, his interrogators told him: "Why are you angry at America? It is our government, Britain and the MI5 who called CIA and told them that you and Bisher [al-Rawi] were in Gambia and to come and get you. Britain gave everything to us. Britain sold you out to the CIA."

Wahab al-Rawi has testified under oath as follows: "I asked once more for a lawyer and to see the [British] High Commissioner. One of the CIA officers told me I should not ask for assistance from the British. 'Who do you think ordered your arrest?' the CIA officer asked. He implied to me that it had clearly been the British who wanted us all detained."

Abdullah el-Janoudi, a British citizen who was arrested in The Gambia, has testified that "Mr. Lee [the interrogating CIA agent] told me that the British had 'sold you out' to the Americans . . ."

- The CIA had information that can only have come from British intelligence, including knowledge of Bisher's hobbies. **See Out-Telegram dated 11 November 2002; Subject: Individuals Detained in Gambia at page 16 of documents produced by Government to Brinberg Peirce. Exhibit 3**

THE MEN WERE RENDERED BY THE CIA

- **This was a classic CIA rendition.** The men were detained by a group of 7-8 men (in one case a woman was present) dressed entirely in black and wearing full faced black masks. The men's clothes were cut off. They were dressed in nappies and jump suits.
- The men were rendered aboard a CIA Gulfstream V N379P. The flight began out of Washington/Dulles Airport, the airport closest to CIA Headquarters in Langley, Virginia. It flew to Banjul Airport in the Gambia.
- The flight left Banjul and flew to Cairo, Egypt, where it refuelled. It then flew to Kabul, Afghanistan.
- Gulfstream V N379P was re-registered as N 8068V.

THE DARK PRISION

- Both men were tortured.
- Both men were shackled at the legs and around their waist. Their hands were handcuffed behind their backs. After three days, the handcuffs were changed to the front.
- The cell was underground and completely dark. No light. Very cold. Men dressed only in shorts and tee shirts.

- Cacophonous noise 24 hours a day. Jet engine sounds. Still, the men were able to hear screams from other prisoners.
- El-Banna was beaten, kicked and dragged around while chained

TRANSFER TO BAGRAM

- Men chained hand and foot. Hands cuffed behind their backs. Hooded. Thrown onto truck bed. Al-Rawi-was struck in the face with some blunt object. His injury took months to heal. Upon arrival to Bagram, a photograph was taken. That photograph was later shown to Prisoner Ali (#1001) at Guantanamo.
- Jamil was beaten repeatedly.
- Other prisoners were simply piled on top of Bisher and Jamil in a truck bed.
- At Bagram the men were tortured repeatedly, beaten, kicked, dragged, sleep deprived for more than 72 hours at a time, threatened and coerced into making statements.
- During interrogation, the only information the CIA was interested in had to do with abu Qatada.
- El-Banna was offered \$5 million and then \$10 million and an American passport. When he refused to provide false testimony, he was savagely beaten about the face while chained in place. **During this same time, the CIA agent told Jamil that his wife, Sabah, would never get her British citizenship, information that can only have come from the British.**

TRANSFER TO GUANTANAMO

- Transfer to Guantanamo was among the most brutal experience.
- Chained hand and foot, starving, sick prisoners were forced to maintain a sitting position without moving for nearly 24 hours. Any movements resulted in beatings.

- First month spent in isolation. Constant interrogations. Left “short-shackled” in rooms with the temperature reduced to induce hypothermia.

REQUESTS TO WORK FOR U.S. INTELLIGENCE

- The Americans have repeatedly asked al-Rawi to work for U.S. intelligence.
- Agents in Gambia and Bagram asked al-Rawi to work for the Americans.
- One CIA agent named Elizabeth told al-Rawi: “Don’t think that leaving here will come without a price.” She asked whether al-Rawi would work with the Americans. Al-Rawi said, no. She then suggested working with MI5.

MI5 AT GUANTANAMO

- Al-Rawi has met with MI5 agents at Guantanamo on numerous occasions:

First time was with an agent in late summer/early fall 2003. The agent told al-Rawi that he was with Mi5 and apologised to al-Rawi for the situation.

Alex, one of the agents with whom Bisher worked in London, visited two times, once with a “pretty young woman agent”

Matt and Martin, two other agents with whom al-Rawi worked in London visited in early 2004. Over two days, they reached an agreement with al-Rawi to work for MI5 again upon his release. They told al-Rawi that it could take from one to six months to secure his release.

Former interrogators at Guantanamo have confirmed that all meetings with foreign intelligence agents at Guantanamo are videotaped. The U.S. Government is under an order to preserve this information.

MI5 REFUSED TO ADMIT RELATIONSHIP WITH AL-RAWI

- At his Combat Status Review Tribunal (“CSRT”), al-Rawi spoke of his involvement with MI5.
- Al-Rawi asked that MI5 agents Matt, Martin, and Alex testify on his behalf. The Tribunal President agreed that the witnesses were relevant and directed the prosecutor to make inquiries of the British. The British refused to allow the witnesses to participate.
- “The British government didn’t say they didn’t have a relationship with you, they just would not confirm or deny it. That means I have only your word for what happened.”

LEGAL POSTURE OF THE CASE

- Al-Rawi and el-Banna are facing years more imprisonment.
- Two appeals have been fully briefed and argued. Irrespective of the result, the decisions will be appealed, thereby leaving the prisons in legal limbo.
- Passage of The Detainee Treatment Act allowed the U.S. government to move to dismiss all of the cases, including al-Rawi’s and el-Banna’s.

FBI DOCUMENTS

- Thousands of documents released by the FBI in response to a Freedom of Information Act case reveal the use of extensive and systematic torture at Guantanamo. The documents detail many of the tortures inflicted on prisoners at Guantanamo.
- All the allegations contained in the account of the Tipton Three’s account are completely corroborated. (Two of the Tipton Three, confessed to being in photographs with Osama Bin Laden in Afghanistan when, in fact, they were working in England.)
- Military interrogators posed as FBI agents during the torture sessions.

MCCAIN TORTURE AMENDMENT

- Although President Bush signed the McCain Torture Amendment, he did so with a “clarifying statement” that allows the administration to evade its provisions.