

The “Black Sites” of Guantanamo: UK Spy Agencies Under Scrutiny Over Torture of Saudi Men by CIA

Court to investigate complaint of British complicity in mistreatment at 'black sites' of Guantanamo detainee Mustafa al-Hawsawi

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British intelligence agencies are facing a new investigation over their alleged complicity in the torture of two Saudi men at CIA “black sites” prior to their detention at Guantanamo Bay.

In separate legal cases, the two men accuse British intelligence agencies of conspiring with US officials in a CIA-run “secret detention, torture and interrogation programme” in the aftermath of the 9/11 al-Qaeda attacks in the US in 2001.

Lawyers representing the two men, Mustafa al-Hawsawi and Abd al-Rahim al-Nashiri, have filed complaints with the Investigatory Powers Tribunal, a court that hears allegations of wrongdoing by the UK’s security services.

In a key [judgment](#), judges last week unanimously agreed that the tribunal would consider Hawsawi’s complaint, rejecting arguments by the British government that it did not have jurisdiction in the case. They said the case raised issues “of the gravest possible kind”.

“If the allegations are true, it is imperative that that should be established. If they are not true, it is just as important that that should be made clear, so as to maintain public confidence,” the judgment said.

Lawyers for Nashiri have called on the tribunal to also consider his complaint which accused UK agencies of having “aided, abetted, encouraged, facilitated and/or conspired with the US authorities in his mistreatment”.

Hawsawi is among five detainees being held at Guantanamo Bay, a US military detention facility in Cuba, who have been charged over their alleged involvement in the 9/11 al-Qaeda

attacks in the United States in September 2001.

They face potential death sentences if convicted. But none of the cases have yet gone to trial, in part because of ongoing pre-trial legal arguments over the interrogation and torture of the five men at Guantanamo and CIA black sites.

‘Credible evidence’

Hawsawi was captured in Rawalpindi, Pakistan, in March 2003 alongside alleged 9/11 ringleader Khalid Sheikh Mohammed and handed over to the CIA. He was then held in a number of black site prisons where he was interrogated and tortured.

According to a [US Senate report](#) into the CIA torture programme, at one detention facility in Afghanistan, Hawsawi was subjected to rectal examinations conducted with such “excessive force” that he was left with severe injuries and ongoing health issues.

The report noted that Hawsawi was among detainees subjected to other CIA “enhanced interrogation techniques, despite doubts and questions surrounding their knowledge of terrorist threats and the location of senior al-Qaeda leadership”.

US authorities did not acknowledge his detention until after he was transferred to Guantanamo Bay in September 2006.

Hawsawi’s complaint to the tribunal said there was “credible evidence” that British agencies had provided questions or information to US officials interrogating him, and received information obtained during interrogations despite knowing he was being subjected to torture.

The tribunal’s judgment was welcomed by Redress, an international organisation bringing legal cases on behalf of survivors of torture which is representing Hawsawi.

Redress believes it is the first full investigation to be undertaken by the tribunal relating to the CIA black sites programme.

Chris Esdaile, a legal advisor at Redress, said:

“The serious allegations of collusion in his torture by the UK intelligence services deserve a proper investigation, and we are pleased that the tribunal has robustly rejected the UK government’s attempts to prevent the tribunal from doing so.”

MEE understands the UK government could still appeal against the judgment.

Mounting pressure

Nashiri was captured in the United Arab Emirates in October 2002 and detained over his alleged involvement in an al-Qaeda attack on the USS Cole, a US Navy warship, in Aden, Yemen, in 2000.

According to the Senate torture report, Nashiri was repeatedly subjected to torture and mistreatment despite assessments by interrogators that he was compliant and cooperative.

These included being placed in a “standing stress position” with his hands tied above his

head for two-and-a-half days, and having a pistol held to his head and a cordless drill operated near his body while naked and hooded.

Nashiri's lawyers argue that he was of "specific interest" to British intelligence and allege that British authorities allowed a private jet used by the CIA to render Nashiri from Thailand to Poland in December 2002 to use Luton Airport to refuel.

"There is an irresistible inference that the UK agencies participated in intelligence sharing in relation to the complainant and were complicit in his torture and ill-treatment," Nashiri's lawyer, Hugh Southey, said in court documents presented to the tribunal.

The European Court of Human Rights has previously ruled that Poland, Lithuania and Romania violated the rights of Nashiri and Abu Zubaydah, another suspected senior al-Qaeda figure, by allowing the CIA to torture them at black sites on their territory.

An inquiry in 2018 by the British parliament's Intelligence and Security Committee found that the UK's intelligence agencies, MI5 and MI6, were aware at an early stage that their US counterparts were torturing and mistreating detainees.

It said the UK agencies had been involved in the rendition and torture of hundreds of detainees, mostly in cases in which it had supplied information used in interrogations, and accused government ministers of turning a blind eye to concerns.

Moazzam Begg, a former British Guantanamo Bay detainee, told MEE the UK government was facing mounting pressure to come clean about the full extent of British involvement in the CIA torture and rendition programme.

He cited a judgment by the Court of Appeal last year which ruled that Abu Zubaydah could sue the UK government in England over the alleged passing of questions by British intelligence agencies to his American interrogators.

"Britain's role in torture is incontrovertible - I know that from my own ordeal," said Begg, who is now a senior director at Cage, an advocacy organisation representing people affected by counter-terrorism policies.

"But I also know, after personally engaging with government-appointed judge-led inquiries, parliamentary investigation committees, and even the Metropolitan Police, the British government will find a way to avoid accountability at any cost."

A Ministry of Defence spokesperson told MEE: "It would be inappropriate to comment due to ongoing litigation."

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Featured image: Mustafa al-Hawsawi spent several years at CIA black sites before being taken to Guantanamo Bay in 2006 (Twitter)

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