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# **ENFORCED DISAPPEARANCE, ILLEGAL INTERSTATE TRANSFER, AND OTHER HUMAN RIGHTS ABUSES INVOLVING THE UK OVERSEAS TERRITORIES**

## **EXECUTIVE SUMMARY**

- *Reprive's* submission to the Foreign Affairs Select Committee highlights the use of UK Overseas Territory to support illegal interstate transfer, enforced disappearance and torture in the context of the “war on terror”.

### **Diego Garcia - Background**

- There have been repeated, credible and concurrent claims that Diego Garcia has played a major role in the US system of renditions and secret detention.
- General McCaffrey has twice stated that ‘terrorist suspects’ are held on the island and the Council of Europe (June 2007) spoke of receiving: *‘Concurring confirmations that United States agencies have used the island territory of Diego Garcia, which is the international legal responsibility of the United Kingdom, in the “processing” of high-value detainees.’*

## **New Information**

- An order, made by the Commissioner for the Territory of BIOT in December 2001 ‘*declared certain specified premises in Diego Garcia to be a prison.*’ This occurred at the same time that secret prisons were being modified and built in places such as Poland and Romania after secret NATO agreements were made post 9/11.
  
- *Reprive* formally claims that at least three ‘ghost prisoners’ - Khalid Sheikh Mohammed, Abu Zubaydah and Hambali - have been subject to torture, cruel, inhuman and degrading treatment, and prolonged incommunicado detention on or with the material support of resources from British Indian Ocean Territory at Diego Garcia.<sup>1</sup>
  
- *Reprive* names amphibious assault ships the USS Bataan and the USNS Stockham as being possible sites of “floating prisons” serviced from Diego Garcia. The UK government is therefore implicated in any events on board those ships.
  
- *Reprive* submits that the UK government is potentially systematically complicit in the most serious crimes against humanity: of enforced disappearance, torture and prolonged incommunicado detention.
  
- *Reprive* submits that the UK has repeatedly failed to investigate these credible allegations, relying on vague US ‘assurances’ that rendition and imprisonment have not taken place in or around Diego Garcia
  
- *Reprive* submits that the UK’s failure to conduct a prompt, independent and effective inquiry into these claims is a further clear breach of its duties under international and domestic law.

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<sup>1</sup> *Assenov and Others V Bulgaria* ECtHR, Judgement 28 October 1998; *Aksoy v Turkey* ECtHR, Judgement 18 December 1996; *Kurt v Turkey* ECtHR, Judgement of 8 July 1999; *Akdeniz and Others V Turkey*, ECtHR, Judgement 31 May 2001

- *Reprieve* submits that the UK government is under a clear duty to effect a prompt, impartial and effective inquiry into the allegations contained within our submission to the FASC.

### **Turks and Caicos**

- *Reprieve* documents rendition flight logs including 23 stopovers of rendition planes in the Turks and Caicos, en-route to or from known multiple sites of US extrajudicial detention. In almost half of documented flight circuits, aircraft stopping in Turks and Caicos were shuttling between Guantanamo Bay and other known sites of secret detention.
- Turks and Caicos may have been used as a luxury ‘rest and recovery’ spot and planning hub for agents en route to or from illegal rendition operations or Guantanamo Bay.
- *Reprieve* details at least 4 occasions in which Turks and Caicos appears to have been used as a ‘staging post’ within renditions missions.
- Aircraft stopping at Turks and Caicos include N379P (N8068V), otherwise known as the “Guantanamo Bay Express,” N313P, N85VM and N829MG. These planes have been linked to the renditions to torture of numerous individuals, including British residents Binyam Mohamed, Bisher Al-Rawi and Jamil El-Banna.
- Over thirty individuals associated with at least two of the planes regularly visiting Turks and Caicos have been indicted in Germany and Italy for their role in the renditions of Khaled El-Masri and Abu Omar. Interpol arrest warrants have been issued for these agents.
- *Reprieve* calls on UK government to fulfil its obligations under international and domestic law, and commence a prompt and effective inquiry into the role of Turks and Caicos for rendition operations.