

Suspects Held on Diego Garcia

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I

Since 2002, the British Government has repeatedly denied that the United States detained people on Diego Garcia, and also refused access to the International Committee of the Red Cross on the basis that there were no prisoners for the ICRC to visit.

First, Baroness Amos, then Bill Rammell MP who succeeded her at the Foreign Office, informed us that 'there was no truth to any of these allegations' that the US was holding suspected terrorists on Diego Garcia. Bill Rammell, in a letter to Ken Coates dated 9 December 2003, added for emphasis that 'we have our own personnel on Diego Garcia who could not fail to be aware if there were any substance to the allegations which you raise, and they, too, assure me that they are without foundation'. But it seems the detainees may have been removed from the island by that time.

The allegations about interrogation and torture of captives held on Diego Garcia first surfaced in the *Washington Post* on 26 December 2002 (see *Spokesman* nos. 77 and 78). We subsequently sent a copy of Baroness Amos's denial of these allegations to Barton Gellman, one of the journalists responsible for the story. Mr Gellman replied to say:

'Our experience with spokesmen most likely mirrors yours: they persuade themselves sometimes that they avoid a lie (while appearing to call something true false) by using private definitions of ordinary language. The formulation of Baroness Amos might be consistent with a view that those being held are not suspected "terrorists" but perhaps "associates" of some organisation, or that being held aboard ship is not "on" Diego Garcia. (I don't know if they're aboard ship or not.) ... What we have from our sources is that some Al Qaeda suspects are indeed being held and questioned at Diego Garcia. The British Government could go some way to clearing this up by permitting you or us to pay an unrestricted visit ...'

Now, five years later, the substance of the allegations made in the *Washington Post* has at last been corroborated by the UN Special Rapporteur on Torture, Manfred Nowak (see below), who says he received 'credible allegations' that suspects were held on Diego Garcia for up to a month between 2002 and 2003.

Tony Simpson

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II

The United Nations special rapporteur on torture says he has credible evidence that the US used a British territory for the secret detention and transportation of 'terror' suspects. Manfred Nowak's assertion contradicts statements by the UK and US governments that Diego Garcia island was used merely as a refuelling stop for 'renditions'.

Nowak said on Sunday 9 March 2008 that he had received information about detentions on the British island from multiple sources. He said detainees and other sources had told him 'quite a long time ago' that suspects were sent to the remote outpost and kept there between 2002 and 2003. 'I've had a few allegations and, in my opinion, they were credible,' Nowak told The Associated Press, adding that he could not disclose any of his sources.

Nowak said he did not know how many suspects had been held on the island, but prisoners were purportedly kept at Diego Garcia for 'short periods of time'.

The revelations add further pressure on both the US and UK governments to fully disclose activities on Diego Garcia. British legislators are demanding answers over the allegations.

The British government has admitted that the United States had used Diego Garcia as a refuelling stop for the secret transportation and detention of two terror suspects, but it strenuously denies that the island was used to detain 'high value' prisoners under the US extraordinary rendition programme (see box).

But the CIA was recently forced to issue an 'official apology' for two rendition flights containing terror suspects that landed on the US military base on the island,

'Contrary to earlier explicit assurances that Diego Garcia had not been used for rendition flights, recent US investigations have now revealed two occasions, both in 2002, when that had in fact occurred. An error in the earlier US records search meant that those cases did not come to light. In both cases, a US plane with a single detainee on board refuelled at the US facility in Diego Garcia. The detainees did not leave the plane, and the US Government have assured us that no US detainees have ever been held on Diego Garcia. US investigations show no record of any other rendition through Diego Garcia or any other overseas territory, or through the UK itself, since then.'

*David Miliband, Foreign Secretary,
Statement to House of Commons, 21 February 2008*

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saying information previously provided 'turned out to be wrong'.

In February 2008, David Miliband, the British Foreign Secretary, revealed in Parliament that recent talks with Condoleezza Rice, the US Secretary of State, indicated two suspects on flights to Guantanamo Bay and Morocco, in 2002, made a stopover at Diego Garcia. But Miliband said the United States had expressly denied that Diego Garcia was a detention centre. Britain is the first Western European government to directly acknowledge that one of its territories was used in the so-called renditions carried out by the US government.

Human rights groups argue that the practice of sending detainees to third-party countries opens the door for the torture and interrogation of suspects outside international law. The European Parliament and the Council of Europe accuse 14 countries of colluding with the CIA to transport terror suspects to clandestine prisons in third countries.

On 6 March 2008, the High Court of England and Wales granted an injunction to prevent Ben Griffin, a former member of the UK's special forces, from making any further disclosures relating to his allegations regarding the use of British territory and airspace for the secret detention and transportation of 'terror' suspects. Following the injunction, Anne FitzGerald, a senior adviser at Amnesty International, the human rights group, said:

'Rather than seeking to silence people who might have credible evidence of alleged human rights violations, which may include war crimes, the UK authorities should be seeking to investigate those allegations. Amnesty International repeatedly makes calls for the UK to ensure that full and independent investigations are carried out wherever there are credible allegations that agents of the UK, including members of the armed forces, may have been responsible for grave violations of human rights law or for war crimes. Those calls all too often go unheeded: ... Amnesty International repeated its call for such an investigation into the UK's alleged involvement in the US-led programme of renditions and secret detention, following official confirmation, after years of denial, that rendition flights did indeed touch down in the UK territory of Diego Garcia. There can be no accountability without transparency: people – including former soldiers – who have information that may constitute evidence of war crimes or of grave human rights violations must be reassured that they can safely make that information public, without fear of punitive legal action against them. If the government of the UK succeeds in gagging Ben Griffin and burying any significant information he may possess, it risks preventing others from coming forward who may have evidence of serious violations.'

Mark Seddon