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Mr Colin Powell  
Secretary of State  
US State Department  
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WASHINGTON DC  
20520  
USA

HOUSE OF COMMONS

2003 JUN -6 P 4: 09

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RELEASED IN PART  
B6, B7(C)

23 May 2003

Please Quote Our Ref:ED/MJ/11511

*New Secretary of State,*

[Redacted]

Detention by US Authorities

B6, B7(C)

I am writing to you directly to express my very grave concerns about the continuing detention of my constituent, [Redacted] currently held by the US authorities at Guantanamo Bay in Cuba. I have raised this case twice in recent months with Ambassador Farish. In the absence of any meaningful response from him, I regret that I am compelled to raise this very serious matter with you in person. His continuing detention is having serious effects on his immediately family, who are also constituents of mine. I must request that the US government responds urgently in light of the grave concerns about the welfare of the two men. You will doubtless also be aware of the serious concerns that a range of international human rights organisations, including Amnesty International and Human Rights Watch, have raised about the general conditions of those detained at Bagram Air Force Base and Guantanamo Bay.

B6, B7(C)

[Redacted] has lived in the UK with his family for a period in excess of 20 years, although he has retained his Iraqi citizenship. During this time he has been a law abiding citizen and a tax payer. He is held in high regard by those who know him. [Redacted] parents left Iraq about 25 years ago to escape the oppressive regime of Saddam Hussein and settled in this country.

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B6, B7(C)

On 8 November 2002, [Redacted] together with two friends, [Redacted] travelled to the Gambia on a business venture, connected with the processing of peanut oil. Immediately upon arrival, they were detained by the Gambian National Intelligence Agency. They were then handed over to representatives of the US government for questioning about alleged links with the Al-Qaeda terrorist network. It is alleged that they were detained by the Gambians at the behest of the US authorities. I would emphasise that the families of both of the men still held strenuously deny any involvement with Islamic terrorist organisations. There are totally at a loss to explain why they have been detained.

B6, B7(C)

B6, B7(C)

[Redacted] both hold British citizenship and were released and deported after they had been questioned. It appears that there are also very serious allegations that the interrogations were carried out under duress. What is clear, is that both of the released men remain deeply traumatised following their detention and interrogation. [Redacted]

B6, B7(C)

B6, B7(C)

UNITED STATES DEPARTMENT OF STATE

REVIEW AUTHORITY: THEODORE SELLIN

DATE/CASE ID: 28 DEC 2004 200303827

Please reply to the constituency office: 21 Berrylands Road, Surbiton, KT5 8QX

For casework enquiries, please call 020 8266 0296 (fax 020 288 1090).

For general enquiries, please call 020 288 0161 or visit www.EdwardDavey.co.uk

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[redacted] remained in detention and were subsequently in the early months of this year, transferred to Bagram Air Force Base in Afghanistan, where they were held for several months. B6, B7(C)

On the information currently available to me, it appears that [redacted] B6, B7(C) have now been transferred to the US facility at Guantanamo Bay. I have made strenuous efforts through a variety of agencies in recent months to seek assurances about their health and wellbeing; however, no such assurances have been forthcoming. I am gravely concerned that the detainees have now been held incommunicado, for a period approaching eight months, without consular access or access to legal representation or advice. No information has been *forthcoming about why they were detained and no charges have so far been brought against either of them.* In short, it appears the US government seems now to have a total disregard both for the due process of law and the human rights of those that it is holding on suspicion of terrorism.

I am aware that there is some dispute as to the exact status in international law of those detained at Bagram, Diego Garcia and Guantanamo Bay. They have been categorised, I believe, as "unarmed combatants". I understand that the US government is proposing that those being held will be tried by a US Military Tribunal rather than through the US judicial system.

This being the case, then I suggest there are parallels with the action taken by the four allied powers against the major Nazi war criminals at the International Military Tribunal at Nuremburg. As you may be aware, once detained and indicted, the leading members of the Nazi regime were given access to lawyers to advise on their defence and they were permitted supervised visits from their families.

This raises the question as to why those suspected of terrorist involvement by the US government today, should be treated any differently to the worst criminals produced by the 20th century, in 1946.

I would be grateful therefore, if you could exert whatever influence you may possess to provide me with reassurances about the health and welfare of the detainees. If possible, please could you *clarify why they are being held, what if any charges are contemplated and when these are likely to be made.* Please could you clarify when it is anticipated that the detainees will be afforded full access to legal and consular advice.

Whilst I realise that there is great pressure on the US government to bring those responsible for the September 11 and other terrorist atrocities to justice, it is clear from experience of previous anti-terrorist operations in this country, that mistakes can be made, particularly when precipitate action is taken on the basis of incomplete information. In the last 20 years in this country, there have been a number of high profile cases where it has become clear that innocent individuals have been wrongly convicted of terrorist offences. I have grave concerns that [redacted] now face the same risk from the actions of the US government. B6, B7(C)

In the absence of satisfactory assurances forthcoming from the US administration about my  
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constituent and his friend, I shall be left with no alternative other than to raise this matter formally in Parliament and call for the formation of a group of senior parliamentarians to visit Guantanamo to inspect the conditions and talk to detainees. I trust that the State Department would be prepared to assist in this process, as presumably the US government would not have a problem with an inspection team comprising senior parliamentarians drawn from its closest ally.

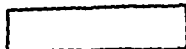
Thank you for your help with this matter. I look forward to hearing from you at your earliest convenience.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Edward Davey".

Edward Davey MP

Copied to



*Rt. Hon. Jack Straw MP, Foreign Secretary*

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