

REPRIEVE

February 9, 2009

President Barack Obama
The White House
1600 Pennsylvania Avenue
Washington, D.C.

Re: Torture and abuse of British Resident Binyam Mohamed

Dear President Obama:

I am writing with great urgency concerning the rendition and torture of a Guantánamo Bay prisoner represented by our charity. His name is Binyam Mohamed, and he is a British resident.

You will doubtless have been informed about Mr. Mohamed's torture – he was abused in truly medieval ways over a period of more than two years in Pakistan (at the behest of the US), then again in Morocco (where he had been rendered by the CIA), and then in the Dark Prison in Kabul.

There has been a firestorm in the media of our closest ally, the United Kingdom because, according to two British judges, the Bush Administration 'threatened' to withdraw national security cooperation with the UK if the judges ordered the release of materials concerning the torture of Mr. Mohamed in US custody.

The British judges bowed to this 'threat' – but suggested at the end of their judgment that your administration might reconsider the position taken by your predecessors. See *Binyam Mohamed v. Secretary of State for Foreign & Commonwealth Affairs*, No. CO/424/2008, at para. 107 (February 4, 2009) ("it must now be for the United States Government to consider changing its position or itself putting that information into the public domain.").

Since we, at *Reprieve*, are US lawyers with appropriate security clearances, we have access to this classified material. We have therefore assembled a memorandum that collates the evidence of torture in question. It is attached.

As the British judges emphasize, these materials reflect specific admissions by his abusers: "it is important that, as the reports of the detention and treatment of BM [Binyam Mohamed] summarised in the redacted passages are reports by officials of the United States Government, they amount to admissions by those officials of the way in which BM was detained and the treatment accorded to him during that part of his detention in April and May 2002. Given their source and detail, they would also amount to powerful evidence...." *Mohamed v. Secretary of State*, at ¶22. These are US personnel. Obviously, there should ultimately be a full evaluation of

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their conduct under the Convention Against Torture, covering the whole period of his detention.

However, for now, to deal with the British judges' request, we are submitting this information to you with no reference to any agent's name, or even the location of the abuse. Thus, as the British judges suggested, there is nothing in the memo that divulges material that should be considered classified.

We are submitting this letter and attachment to the Privilege Review Team established by the Department of Defense to deal with these issues, asking them to consider two alternatives:

1. Simply declare the material unclassified, since it reveals no information that should be classified. (To reach any other conclusion conflates national security with national embarrassment.)
2. Alternatively, urgently forward this letter and the memo to you under appropriate classification strictures, so that you can assess for yourself whether evidence of torture by US personnel is the kind of thing that we, as Americans should be keeping in the dark. We would request that you immediately make this material public upon your consideration of it, or make it known to the British that the judges should feel free to publish.

If the DOD is unwilling to forward this material to you, then we will send you only what we are allowed to send you – which will be a copy of this letter and a redacted version of the memo illustrating the extent to which it has been censored.

If this turns out to be the case, you should be aware of the bizarre reality of the process under which we operate: That you, as Commander-in-Chief, are being denied access to material that would help prove that crimes have been committed by US personnel. This decision is being made by the very people who you command. This is a state of affairs that you may wish to redress.

I remain,

Yours sincerely,

Clive A. Stafford Smith,
Director

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Memo

To: [REDACTED]

Re: Torture of British resident Binyam Mohamed by US personnel

Date: February 9, 2009

From: Clive Stafford Smith, Reprieve

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