

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

Claim Numbers: HQ08X01180,  
HQ08X01413  
HQ08X01416  
HQ08X03220  
HQ08X01686

BETWEEN:

- (1) BISHAR AL RAWI
- (2) JAMIL EL BANNA
- (3) RICHARD BELMAR
- (4) OMAR DEGHAYES
- (5) BINYAM MOHAMMED
- (6) MARTIN MUBANGA

Claimants

and

- (1) THE SECURITY SERVICE
- (2) THE SECRET INTELLIGENCE SERVICE
- (3) THE ATTORNEY GENERAL
- (4) THE FOREIGN AND COMMONWEALTH OFFICE
- (5) THE HOME OFFICE

Defendants

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EXHIBIT LC14

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1. First item is a telegram from SyS in March 2002 regarding interviews with Martin Mubanga in Zambia. There are eighteen redacted passages on page 1 [p247], seven on page 2 [p248] and six on page 3 [p249]. On page 2 it is notable that opinion evidence about Mr Mubanga's account allegedly lacking credibility is left unredacted while the facts on which it is based have been redacted.

2. Item 2 is a telegram of the 26<sup>th</sup> March 2002 from SyS in Zambia regarding legal and political advice on Mr Mubanga's transfer to US custody [p250]. There are seventeen passages of redaction in a one page telegram. The whole of paragraphs one, three and four of the telegram are redacted. Paragraph 2 reads as follows:-

"We have sought legal and political advice (redacted passage)  
the option of Mubanga's transfer to US custody through UK  
officials will not be accepted by HMG under any circumstances.  
(redacted passages)"

Paragraphs 3 and 4 are then redacted in total. The unredacted passage in paragraph 2 appears to be one which supports the Defendants Defence that they were not engaged in complicity in Mr Mubanga's rendition. But the redaction of significant passages thereafter at least gives rise to a reasonable suspicion that a further passage possibly beginning with the word "however" has been redacted because it is not favourable to the Defendants Defence.

Paragraph 5 reads as follows:-

"Meanwhile we are investigating legal possibilities in the UK with the Metropolitan Police Anti Terrorist Branch. (redacted passage). But it is equally important that undue hopes about the potential success of a UK prosecution are not raised"

Again it is not clear why the sentence which comes in the middle of these two sentences has been redacted unless it is that it does not help the Defendants Defence.

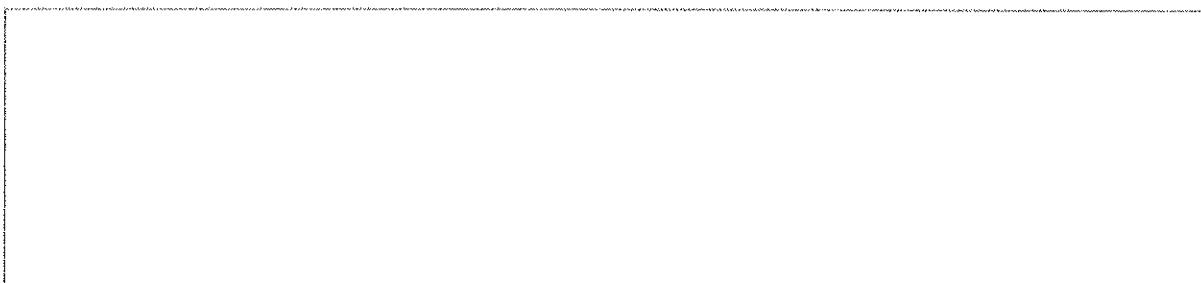
- ( .
3. Item 3 is a telegram from SyS in Zambia regarding Martin Mubanga dated 27<sup>th</sup> March 2002 [p251]. There are sixteen redactions in a one page telegram. The whole of paragraph one is redacted and most of paragraph two is redacted save that these words have been left unredacted:-

".....that HMG will not be party to their proposed plan for Mubanga's handover to the US".

(

Again there is a reasonable suspicion that the unredacted words have been left in because they are helpful to the Defendants case but that other words have been redacted because they are not.

4.



5. The next item is a letter from Eliza Manningham-Buller Director of SyS to Sir John Gieve the Cabinet Secretary of the Home Office dated 27<sup>th</sup> March 2002

entitled "Update on Martin Mubanga" [p253-254]. This largely offers opinions that Mr Mubanga's account of his escape from Afghanistan lacked credibility and that there is insufficient evidence to charge him if he is returned to the UK. The redactions are not as extensive as in the previous telegram. However in paragraph five a substantive passage is redacted after the assertion that there will be insufficient evidence to charge Mr Mubanga with any offence in the UK. The redacted passages are followed by a further sentence:-

"This would obviously be untenable legally".

It is again difficult to see why this passage has been redacted.

6. The next document is entitled "Loose minute dated 2<sup>nd</sup> April 2002" and is an account of interviews by SyS with Mr Mubanga. Pages 9 to 15 are entirely redacted even though the document appears to be a simple account of an interview with Mr Mubanga. However, the identities of family members have been left in when (p.11), for example, these have been redacted from the FCO report of the welfare visit in May 2002
7. The next document is entitled "SyS telegram (Intelligence Pack: Martin Mubanga)" which is variously dated 26<sup>th</sup> March and 17<sup>th</sup> and 18<sup>th</sup> April 2002. Page 27-28 contain's details of Mr Mubanga's date of birth and the identities of his family members and his school, when these details have been redacted from the the FCO report of the welfare visit in May 2002. Page 30 is entirely redacted.

8. The next document is an Sys internal telegram of the 22<sup>nd</sup> April 2002 entitled "Mubanga and GTMO SITREP" and records frustration that the site representative in Guantanamo has been unable to talk to Mr Mubanga. The document states that the author assumes "that wheels are turning in London to sort out clearance for a welfare visit".
9. The next item is a telegram of the same date as the previous telegram 22<sup>nd</sup> April which appears to be a reply to the intelligence report even though no welfare visit had taken place.
10. The next items are unremarkable and include an account of an interview with Richard Belmar which does not have any relevance to Martin Mubanga on its face.
11. The next item is a prisoner interview report dated 2<sup>nd</sup> July 2002 recording an intelligence interview immediately prior to which there was a welfare interview. The report records that Mr Mubanga was shackled in plastic leg casts and that an official from .... Chancery, British Embassy Washington was also present. There are then similar records for the 31<sup>st</sup> May and the 2<sup>nd</sup> June. The first report answers the question as to the physical and mental condition of the interviewee by reference to the welfare questions asked and the second and third report state in response to this question "apparently good".
12. The next item is a memo dated 16<sup>th</sup> July 2002 re South African links of Martin Mubanga which is almost entirely redacted.

13. The next item is a memo dated 22<sup>nd</sup> August from the FCO to the Security Services. In paragraph 1 after the statement that an FCO interview with Martin Mubanga in Lusaka should not prejudice any subsequent legal proceedings there is a significant redaction. This is followed by the statement:-

“Whatever the niceties of the case Mubanga was duly rendited to Guantanamo (redaction) without any official consultations with HMG. Your opportunity for consular access on route was therefore nil”.

Paragraph 2 is unredacted save for a short redaction on page 2 of what appears to be one word after the words “His departure to”. It is difficult to see why this has been redacted.

14. The next document is a note for the file of the SYS of 22<sup>nd</sup> August 2002 headed “Mubanga: Background to case” [p258-260].

It starts with the following sentence:-

“The following is background to Martin Mubanga’s detention in Zambia and subsequent transfer to GTMO”.

There are then four substantial passages of redactions. These are followed by the following sentence:

“Also on 19<sup>th</sup> March (redaction) informed (redaction) that we were keen to obtain access to Mubanga and could not deploy at short notice (redaction) also discussed the possibility of Mubanga’s release, (whole line redacted). The telegram raises the possibility that Mubanga might be sent to GTMO, stating that “whether they do so is a matter solely for the US. However we

would hope that they would have legitimate reasons, and see real advantage in taking this action”.

There are then a further six substantive passages of redactions on the same page including a redaction which covers the entire contents of a letter to Sir John Gieve copied to John Scarlett and Jonathan Sedgewick dated 20<sup>th</sup> March outlining the Mubanga case.

It would appear from the above that the Security Services were of the view at the time of Mr Mubanga’s extraordinary rendition that there could be “legitimate reasons” and “real advantage” for his extraordinary rendition to Guantanamo. The redactions raise the real suspicion that the UK’s failure to intervene to prevent his extraordinary rendition was deliberate and calculated.

15. The next few documents contain accounts of interviews with Martin Mubanga in which the redactions appear to be much less extensive than previously. However a memo of the 1<sup>st</sup> October 2003 from the Security Services concerning details of interviews on the 11<sup>th</sup> and 12<sup>th</sup> September 2003 is again heavily redacted.

16. A loose minute dated 12<sup>th</sup> May 2004 is headed “Martin Mubanga: Capture and move to GTMO” [p261-262]. Paragraph 1 reads as follows:-

“There is no indication in our files that we or any other UK agency had any role in identifying Mubanga’s location or aiding in his capture.  
(Approximately two lines redacted) Prior to this we conducted

background research into Mubanga. (One and a quarter lines redacted)".

Again a reasonable suspicion is created that the redacted passages have only been redacted because they are not helpful to the Defendants.

There is then a heading "Move to Guantanamo Bay". Paragraph 2 contains a quote from the 22<sup>nd</sup> August 2002 memo quoted above about legitimate reasons and real advantage in taking the action to transfer him to Guantanamo Bay. There is then a substantial passage of redaction followed by paragraph 3 which is wholly redacted and the beginning of paragraph 4 which is also redacted. These are substantial passages of redaction and since the whole of the memo deals with the UK involvement in Mr Mubanga's move to Guantanamo Bay there must be the suspicion that the redacted passages contain information about UK involvement in this which is not helpful to the Defendants.

17. The next document is a letter from the Cabinet Office to the Foreign and Commonwealth Office dated 28<sup>th</sup> May 2004 [p263-268] concerning a visit to Washington on the 25<sup>th</sup> May 2004 to discuss the conditions and future of the four remaining UK citizens held at Guantanamo Bay. Apart from the first paragraph stating that this what the letter was about the whole of the rest of the letter containing twenty five paragraphs is redacted. It is very difficult to understand why disclosing the contents of this letter will constitute serious harm to the public interest.



18. There are then further documents containing accounts of interviews with Martin Mubanga and opinions about him. These are again not always heavily redacted. However some of the documents which follow contain more heavy redactions.
19. The last part of the file consists of copy correspondence with ourselves, copies of the papers relating to a potential judicial review application in relation to the removal of Mr Mubanga's passport, copies of the welfare visits and copies of the Combatant Status Review Tribunal papers from the US. These have not been redacted.

[REDACTED]  
Internal Addressees

Action: [REDACTED]

Info: [REDACTED]

Date: 250724Z MAR 02

Originator: [REDACTED]

Telegram Number: [REDACTED]

ADDRESSEES:

TO [REDACTED]

TO [REDACTED]

PROTECTIVE MARKING:  
[REDACTED]

Subject: MARTIN MUBANGA INTERVIEWS AND FUTURE

IN [REDACTED] FOR [REDACTED]

ACTION: [REDACTED]

INFO: [REDACTED]

FILE: [REDACTED]

Following from [REDACTED]:

1. Martin MUBANGA (MM) interviewed for four and a half hours on Saturday 23 March and seven hours on Sunday 24 March by [REDACTED]. Headlines as follows:  
[REDACTED]

- Although MM engaged with his interviewers, his account was short of checkable facts, full of names and events that he could not remember and in many cases unbelievable.

- [REDACTED] More detail was obtained during the interviews and despite lack of detail and obvious lies there are certainly some leads for [REDACTED]

- MM said that the [REDACTED] the list of the Jewish organisations [REDACTED]

MM said that it was obvious that [REDACTED]

/the ...

PAGE TWO [REDACTED]

[REDACTED]  
the organisations shown could/should be targeted for "some action" but denied that by accepting it he had been given (or agreed to) any specific tasking.

- [REDACTED] there were significant reasons to doubt MM's account of his departure from Afghanistan. In brief MM claims that he visited [REDACTED]

[REDACTED] MM said that he told [REDACTED] He then escaped from the country in a truck driven by an Afghan and, once in Pakistan, [REDACTED]

[REDACTED]  
this lacked credibility and, coupled with MM's continued belief in Jihad and reluctance to denounce events such as the Embassy bombings in 1998, think that it is possible that MM left Afghanistan with some form of tasking. [REDACTED]

2. Full write-ups of both interviews will be produced shortly.

3. [REDACTED]

PAGE THREE [REDACTED]

[REDACTED]  
[REDACTED] We would be grateful for any comments/instructions you may have.

- For your information, MM's sister, Constance, [REDACTED]

[REDACTED] has now returned to the UK. [REDACTED]  
[REDACTED]  
[REDACTED]

- Unless the situation changes, [REDACTED] plans to leave Zambia at 1500Z today (25 March) and will be back in London on the morning of 26 March. Before departure, [REDACTED] can be contacted on mobile number [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

End Of Document

[REDACTED]

OUT-TELEGRAM

Action:

Info:

Section/Desk:

From:

Date: 26 March 2002

File Ref:

Copied To:

Our Ref:

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SUBJECT: MARTIN MUBANGA

1. [REDACTED]
  2. We have sought legal and political advice [REDACTED] The option of MUBANGA's transfer to US custody through UK officials will not be accepted by HMG under any circumstances. [REDACTED]
  3. [REDACTED]
  4. [REDACTED]
  5. Meanwhile, we are investigating legal possibilities in the UK with the Metropolitan Police Anti-Terrorist Branch. [REDACTED] But it is equally important that undue hopes about the potential success of a UK prosecution are not raised. [REDACTED]
- [REDACTED]

[REDACTED]

OUT-TELEGRAM

Action: [REDACTED]

Info: [REDACTED]

Section/Desk: [REDACTED]

From: [REDACTED]

Date: 27 March 2002

File Ref: [REDACTED]

Copied To: [REDACTED]

Our Ref: [REDACTED]

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SUBJECT: MARTIN MUBANGA

1. [REDACTED]
2. [REDACTED] that HMG will not be party to their proposed plan for MUBANGA's handover to the US [REDACTED]

3. For future reference: Can you please ensure that future traffic relating to MUBANGA is also copied to [REDACTED] and [REDACTED]. Many thanks.

[REDACTED]

[REDACTED]



THE SECURITY SERVICE

TEL: [REDACTED]

Copied to: DE

27 March 2002

Dear John

UPDATE ON MARTIN MUBANGA

I wrote to you on 20 and 22 March about Martin MUBANGA, who has been detained in Zambia. I am writing with a further update.

2. A Security Service officer travelled to Zambia and interviewed MUBANGA on 23 and 24 March [REDACTED]. The interviews focused on MUBANGA's links to the Islamist community in the UK and his activities in, and departure from, Afghanistan.

3. MUBANGA admitted during interview that, prior to September 11, he had conducted training in AL Qa'ida associated camps in Afghanistan, having formerly attended mosques in London associated with the Islamist extremists Abu QATADA and Faisal AL-JAMAIKEE. MUBANGA also admitted that, following this training, [REDACTED]

[REDACTED] MUBANGA also said that the list of [REDACTED] Jewish organisations [REDACTED] had been given to him [REDACTED] and that the organisations could be targeted for "some action". He denied that he had been given (or agreed to) any specific tasking.

4. It is the belief of those who interviewed MUBANGA that his account of his escape from Afghanistan after September 11 lacked credibility and that MUBANGA's escape may have been arranged by an Islamist network and that he could well have been given a terrorist remit to pursue. It is our assessment that MUBANGA remains committed to his cause and would pose a serious threat if he were to be released.

5. [REDACTED] We fear, and the Anti-Terrorist branch of the Metropolitan Police (SO13) have since confirmed, that there is insufficient evidence at present to charge MUBANGA if he were to be returned to the UK. [REDACTED]

[REDACTED] This would obviously be untenable legally.

John Gieve Esq  
Home Office





6. We are therefore faced with the prospect, as anticipated in earlier discussions, of the return of a British citizen to the UK about whom we have serious concerns, whom it may be difficult to prosecute and whose release could trigger hostile US reaction.

7. Copies of this letter go to Richard Wilson, [REDACTED] and David Veness.

Yours,

Encl.

E L Manningham-Buller  
[REDACTED]



[REDACTED]

## LOOSE MINUTE

To: [REDACTED]  
From: [REDACTED]  
Ext. No: [REDACTED]  
Date: 2 April 2002  
File Ref.: [REDACTED]  
Copied To: [REDACTED]

SUBJECT: Martin MUBANGA: Interviews

### Summary

Martin MUBANGA (MM) was interviewed for four and a half hours on Saturday 23 March and seven hours on Sunday 24 March by [REDACTED]

- [REDACTED]
- Although MM engaged with his interviewers, his account was short of checkable facts, full of names and events that he could not remember and in many cases unbelievable.
- [REDACTED] More information was obtained during the interviews and despite lack of detail and obvious lies there are certainly some leads for [REDACTED]
- [REDACTED]
- MM said that the [REDACTED] the list of the [REDACTED] Jewish organisations [REDACTED] MM said that it was obvious that the organisations shown could/should be targeted for "some action" but denied that by accepting it he had been given (or agreed to) any specific tasking.
- [REDACTED] there were significant reasons to doubt MM's account of his departure from Afghanistan. [REDACTED] this lacked credibility and, coupled with MM's continued belief in Jihad and reluctance to denounce events such as the Embassy bombings in 1998, think that it is possible that MM left Afghanistan with some form of tasking. [REDACTED]

- [REDACTED]
- [REDACTED]
- MM appears to be emotionally unstable and committed to violence. We assess that he has spent his life looking for something to give meaning to his existence. Although boxing briefly provided this, Islam has long been the focus. MM's commitment occasionally lapses (his continuing fixation with women, returns to drug dealing, non-Islamic friends, smoking) but when he returns to his faith, he continues to have extremist beliefs. At the end of the interviews, MM was refusing to condemn the bombings in East Africa ('innocents who die go to heaven'), was defending future jihad and the right of wronged people to take action against those who are responsible. He is prepared to accept at face value the advice of spiritual leaders claiming that until he can understand Arabic, he is not qualified to doubt their word.

2. [REDACTED] were convinced that, if released, Martin MUBANGA was likely to continue to try to further the cause in which he believes. As such, he would be a danger to national (and international) security.

#### Future Action

3. [REDACTED] If this were to take place, MM is likely to be sent to Guantanamo Bay. It will certainly be worth further [REDACTED] interviews of MM if further access can be arranged. In the mean time, [REDACTED] would provide clarification and provide further lines of questioning.

#### Background

4. [REDACTED]

#### Interview

5. MM was sleeping when we arrived at the guesthouse [REDACTED] He was woken and joined us in the meeting room at 0845. Strangely, MM, a well-muscled individual, had refused to wear a shirt (an attempt to intimidate?). He looked fit and well - there was no sign of any bad treatment. [REDACTED] introduced himself as Tony [REDACTED] as MI5 [REDACTED]

[REDACTED]

[REDACTED] stressed that he was there to gather information [REDACTED]

[REDACTED] MM was slowly taken through his life from the beginning of his conversion to Islam to date. The interview ended at about 1315.

6. Throughout both this and the subsequent day's interview, MM did answer all the questions put to him. However, he seemed to be providing as little information as possible at all times. MM normally paused for a long time before providing an answer and, especially on day two when we were talking specifics, we assessed that he was often denying knowledge that he had or fabricating. MM regularly resorted to monosyllabics. Most of the time, MM was defiant, often fixing his interviewers with hard stares and trying not to be the first to look away.

#### Pre-Bosnia

7. MM moved to Britain with his mother, brother (Anthony) and sisters (Constance and Kate) in the mid-1970s following the death in a car crash of his father [REDACTED]. The family was Roman Catholic and MM was sent to a boarding school in North Wales (St Mary's College). He spent the last three years of his education at St Gregory's High School in London. His mother died in 1988. By the time he left school he was already involved in criminality. He described his life as centring on drugs, sex and a desire to make money. He was an enthusiastic football hooligan (Arsenal) and admitted to deriving significant enjoyment from street battles between opposing groups of fans. He dealt in drugs (he mentioned selling fake Es) although he stressed that he did not deal in hard drugs. He described his conversion to Islam as a gradual change that took three years. He refused to identify his inspiration to make this change although the six months (for attempted vehicle theft) he spent in Feltham prison (young offenders?) seemed to have a big impact. Whilst there he briefly attended a prayer circle but soon fell out with the Imam (he was disruptive). He said that he spend his time reading books on Islam provided by his long term white non-Muslim girlfriend. He said that he did not mix with any Muslim inmates.

8. Following release he did a short course in construction at Hendon College and began to return to his old criminal ways. He also worked part time as a pizza deliverer. Throughout this time, he continued to read and think about Islam. Eventually, in 1993, he saw a Muslim woman wearing hijab, approached her and explained that he wanted help becoming a Muslim. She put him in contact with her brother, an Ethiopian called Daoud [REDACTED]. Daoud helped him swear to Islam at Baker St Mosque.

#### Bosnia

9. MM would not give a clear account of how he ended up attending [REDACTED] Mosque - a brother [REDACTED] had suggested it. MM said that he would go on most Fridays but that he did not get to know any of the names of his fellow attendees. As he did not speak Arabic, he relied on others to translate Abu QATADA's khutbas or just listened to the intensity of AQ's speaking.

[REDACTED]

NOTE FOR FILE

For PA on: [REDACTED]  
Copied To: [REDACTED]  
Author: [REDACTED]  
Ext. No: [REDACTED]  
Date: 22 August 2002

SUBJECT: MUBANGA: Background to case

1. The following is background to Martin MUBANGA's detention in Zambia and subsequent transfer to GTMO.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- Also on 19 March, [REDACTED] informed [REDACTED] that we were keen to obtain access to MUBANGA and could deploy at short notice. [REDACTED] also discussed the possibility of MUBANGA's release, [REDACTED]

[REDACTED]

[REDACTED] The telegram raises the possibility that MUBANGA might be sent to GTMO, stating that "Whether they do so is a matter solely for the US. However, we would hope that they would have legitimate reasons, and see real advantage in taking this action."

[REDACTED]

[REDACTED] On the same day, [REDACTED] briefed senior FCO officials, but not Consular Division.

• On 20 March, [REDACTED] wrote to John Gieve (copied to [REDACTED] John Scarlett, [REDACTED] and Jonathan Sedgwick) outlining the MUBANGA case. This letter stated [REDACTED]

• MUBANGA was interviewed by [REDACTED] in Lusaka on 23 and 24 March. [REDACTED] judged him to be [REDACTED] in many cases unbelievable. [REDACTED]

[REDACTED]

[REDACTED]

• On 26 March, the MUBANGA case was discussed by [REDACTED] FCO Consular Department and SO13. Consular were supportive of [REDACTED] actions to date but wanted to avoid inconsistencies in the way in which detainees were treated: Consular Department has requested access in other cases and therefore planned to send a message to Consul in Lusaka to ask them to seek consular access for MUBANGA on normal channels.

- [REDACTED]
- Also on 26 March, [REDACTED] informed [REDACTED] that HMG would not accept the transfer of MUBANGA to US custody through UK officials [REDACTED]

- [REDACTED]
- Subsequent to this, MUBANGA was handed over to the US authorities in Zambia and renditioned to GTMO, [REDACTED]
- [REDACTED]

[REDACTED]

LOOSE MINUTE

To: [REDACTED]  
From: [REDACTED]  
Ext. No: [REDACTED]  
Date: 12 May 2004  
File Ref.: [REDACTED]  
Copied To: [REDACTED]

SUBJECT: Martin MUBANGA: Capture and move to GTMO

CAPTURE IN ZAMBIA

1. There is no indication in our files that we or any other UK agency had any role in identifying MUBANGA's location or aiding in his capture. [REDACTED]

Prior to this we conducted background research into MUBANGA [REDACTED]

MOVE TO GUANTANAMO BAY

2. On 19 March [REDACTED] discussed with [REDACTED] MUBANGA's potential release or move to Guantanamo Bay (GTMO), but stated that 'whether they do or not is a matter solely for the US. However, we would hope that they would have legitimate reasons, and see real advantage, in taking this action' [REDACTED] interviewed MUBANGA on 23 and 24 March 2002. [REDACTED]

3. [REDACTED]

4. [REDACTED]

[REDACTED] the  
Zambians handed MUBANGA over to the Americans, who took him to GTMO.

[REDACTED]

5. Throughout this period it is clear that the UK government viewed MUBANGA as technically a citizen of Zambia and not the UK; as he had entered Zambia on a Zambian passport [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

End Of Document





CABINET OFFICE  
70 Whitehall London SW1A 2AS  
Telephone 020 [REDACTED] Fax 020 [REDACTED]  
[REDACTED]@cabinet-office.x.gsi.gov.uk  
Defence & Overseas Secretariat

CTPD  
Foreign and Commonwealth Office

28 May 2004

GUANTANAMO DETAINEES: WASHINGTON VISIT: 25 MAY

1. [REDACTED] led a visit to Washington on 25 May to discuss the conditions and future of the four remaining UK citizens held at Guantanamo Bay. As well as you and I, [REDACTED] (FCO), [REDACTED] and [REDACTED] (MPS) were there from the UK along with [REDACTED] (afternoon meeting only), [REDACTED] and [REDACTED] from the British Embassy. This letter sets out what was discussed and agreed in the two meetings.

2. [REDACTED]

3. [REDACTED]

4.

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