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July 22, 2008

Simon Manley
Director, Defence and Strategic Threats
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Re: Binyam Mohamed ("Welfare Visit and Allegations of Mistreatment" letter of July 22, 2008)

Dear Simon:

Thank you for your letter. Preliminarily, with respect to the good news, I am very glad to hear that Simon Mustard will see Binyam tomorrow. Lt. Col. Bradley will be there too, and this will fulfil a very important request of Binyam's, so I appreciate that. Binyam has a great respect for Mr. Mustard, who seems to have toiled for his best interests.

On the rather less positive side, before I become completely apoplectic, could you clarify for me precisely what you mean by your letter before I write back to Mr. Miliband? (And, I should emphasize, as I hope I always do, that I know you are not the one responsible for these silly responses from the US government, and I do not hold you responsible for them.)

First, if you can tell me, who in the US is making these representations? Is this a functionary or is this coming from Secretary Rice? This is important in terms of how we pitch our demand to the 'Convening Authority' Susan Crawford to conduct a proper CAT-mandated investigation into Mr. Mohamed's torture. If some junior person says it is not "credible" that is one thing; if it is Secretary Rice we obviously face a much greater problem.

Second, "[t]he allegations made by counsel to Mr. Mohamed that are reflected in your letter are not credible." Do you mean "from" Mr. Mohamed?

Also, I have written to Mr. Miliband so many times, about so many things, that I don't know what you mean without some clarification. A simple yes/no response to each of the following will be helpful to me:

- Does this include his allegations that he was rendered to Morocco and tortured there?
- Does this include his allegations that he was abused in the Dark Prison in Kabul?
- Does this include his allegations of mistreatment in Bagram Air Force Base?

In terms of the allegations about Guantánamo (which I assume are covered), which are we talking about?

Third, in terms of the US claim that “[t]here is no evidence to support counsel’s claim that Mr Mohamed’s genitalia were brutalized”, it does not merit a response, and I do not need any elaboration from you.

However, for the information of the UK government, I can tell you that I know that the photographs of his genitals exist, taken as a consequence of his Moroccan abuse, as a US intelligence officer has recently said as much to a media contact of mine. We have asked Congress to compel the production of such photographs, and Representative Bill Delahunt has recently written to the Pentagon demanding them. As detailed in the original discussion of the abuse (and as any person who shaves knows from repeatedly cutting himself), razors are used for a reason by torturers – the scars are often not clearly visible to the naked eye. As we detailed as long ago as May 2005, the US went to great lengths to ‘treat’ the signs of the abuse after Mr. Mohamed left Morocco. The US authorities have not conducted the necessary tests, identified by our British medical professionals, to hold a meaningful opinion on this.

Fourth, the US represents that “[w]hile at Guantánamo, Mr. Mohamed has not been held in solitary confinement, abused, or denied medical treatment at any time.” With respect to this statement, a brief elaboration from you would be helpful on the following issues:

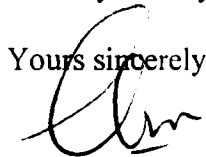
- What does the US mean by “solitary confinement”? As I write this, Mr. Mohamed is being held in a single cell, in Camp V, cut off from the other prisoners (he does not meet with them, eat with them, have recreation with them or even pray in the same prayer hall as them), as he has been for most of his four years in Guantánamo. Does that qualify as “solitary confinement” from
 - (a) the US perspective (if you know)? Or,
 - (b) the UK perspective?¹
- What does the US mean by “abused”? I know he has been abused in any normal sense of the word, as I have seen the evidence of it.

I will say nothing further on the medical front, as we have been in constant, if frustratingly pointless, correspondence with JTF-GTMO on that.

If there is any way you could get back to me on this by tomorrow, I would be very grateful. We are waging Mr. Mohamed’s defense on a number of fronts, and it is all rather urgent.

Thank you for your help with this. I remain,

Yours sincerely,



Clive A. Stafford Smith,
Director

¹ I should note that a basic definition of the term would be as follows: “**Solitary confinement**, colloquially referred to in American English as “the hole” or “the pound” (or in British English “the block”), is a punishment or special form of imprisonment in which a prisoner is denied contact with any other persons, excluding members of prison staff.” See http://en.wikipedia.org/wiki/Solitary_confinement (July 22, 2008).

cc. Lt. Col. Yvonne Bradley
Binyam Mohamed
Simon Mustard

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