

documented in third party reports and the evidence and findings in the Canadian proceedings, as well as the allegations made by Detainee X. Are these said to be fabrications, by people somehow in league with one another and seeking publicity?

44. The dreadful, and continuing, story has unfolded in the following way. (1) On the first visit to PeC on 2 March 2009, Prisoner A, made a general allegation of having been beaten by NDS guards at Dept 17. His complaint was raised with Mr Saleh on 20 April 2009 (Dodd, 20/04/09) [9/1197]. During the third visit, on 15 June 2009, Prisoner A revoked his consent for matters to be raised with the NDS but gave details of regular mistreatment in September and November 2008. He had been beaten every other day for 2 ½ months whilst hung from the ceiling, often with a thin stick. He also claims that other detainees including a named friend were beaten regularly. He identified the person who beat him with the stick as a high level NDS official (see Paolucci, 15/06/09 [9/1315-1319]; "Annex A" (undated) [9/1323-1325]). (2) During the second visit on 9 April 2009, Prisoner B made an allegation of mistreatment whilst at NDS Dept 17. The mistreatment involved being put in stress positions and being subjected to sleep deprivation techniques. Prisoner B has never been seen again. UK officials were informed during their sixth visit that he had been transferred back to Dept 17 (Paolucci 16/04/09) [9/1192-1194]. (3) During the third visit to PeC on 15 June 2009 Prisoner C alleged being beaten and electrocuted on his fingers, toes and palms of his feet by six men whilst hung from the ceiling in Dept 17 in September 2008. They took it in turns and were wearing black dress. He identified clearly the electrocutioner (Paolucci, 15/06/09) [9/1317]. (4) Also during the third visit to PeC on 15 June 2009, Prisoner D claimed to have been beaten in NDS Kandahar and at NDS Dept 17: in Kandahar he twice incurred beatings with the butt of a rifle, in Kabul he was hung from the ceiling and beaten. He also said he had been electrocuted 4/5 times. He was blindfolded throughout and could not identify his assailants [9/1317]. Ms Paolucci observed in an email to Ms Akiwumi (Paolucci, 19/06/09) [9/1368],

*...we managed to see the prisoners without the guards present during the 15 June visit. My overriding impression was they felt able to speak freely. This maybe why we got such full stories this time. ... This is a step forward in terms of our process, but makes me wonder whether detainees do fear reprisals if they are fearful to speak out in front of the guards. Just a thought ....*

(5) During the Fifth visit on 6 September 2009 Prisoner E was interviewed for the first time. He explained that he had been beaten by the NDS with weapons and sticks and an attempt was made to cut his wrists when being transferred from NDS LKG to NDS Kabul. He was found to have corroborating scars on his wrists and head. He gave consent to raise this issue with NDS and other bodies. Prisoner E also stated that a fellow prisoner at NDS LKG (Prisoner X) had been raped by the Chief of the NDS (Drew, 07/09/09) [10/1720-1722]. (6) On the Sixth visit Prisoner E provided details of abuse at LKG in 2007 where he says he was beaten every night, including with a thin rubber cable with wires bound together, by a high ranking NDS official. The beatings were severe: on each occasion he was struck from fifty to one hundred times (Drew, 29 Sept 2009) [10/1756-1757].

[REDACTED]

(8) Prisoner G was located and interviewed for the first time on 24 November 2009. He claims to have been beaten with steel rods on his back and legs for 6 consecutive nights and that he confessed for this reason. He claimed to be able to identify the perpetrators and gave permission for the matter to be raised with the NDS, ICRC and AIHRC. The detainee said he had "already notified ICRC and AIHRC during a visit to NDS LKG in late 2007 but ...he had not heard anything since." (Paolucci, 26/11/09) [10/1900].

45. The story continues. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

not seem to have set alarm bells ringing at the MOD or the FCO, at least insofar as one can tell from the documents and the evidence before the court.

73. UK officials have consistently down-played, refused to believe, and on occasion out-rightly dismissed, obvious risks to UK-captured detainees. Their approach does not "take human rights...seriously" (cf Akiwumi §64) [5/11/1582]. It undermines the rule of law (cf Watkins §§17, 25) [5/13/1861, 1864]. Assessment of risk has been driven by policy lines, and not visa versa. It is astonishing that on 25 Sept 2009, after Prisoners A-E had all made allegations of torture and abuse, it was still the FCO official line that, "There is no evidence to suggest that any individuals transferred from UK to Afghan custody have been tortured or mistreated." [10/1765-1768]. Ms Akiwumi continued to maintain that she did not believe there has been any mistreatment; her position was that until the allegations had been "squared away" Ministers should not be informed of the new allegations (Akiwumi, 16/10/09 [10/1827]; Dore, 22/10/09 [10/1829-1830]). Individuals who dared to suggest that abuse was systemic have been rebuked (see Akiwumi and "Mark", 18/06/09 [9/1345-1348]).

74. There are a number of possible explanations for this approach. One is naivety. Another is a lack of training. Another arises out of a powerful underlying interest in maintaining the perceived operational advantages of transferring captured detainees to the NDS, particularly Taliban fighters. There is also a chilling intelligence perspective. It is recorded in the documents that the 96 hour rule does not give the UK sufficient time to obtain intelligence ( [REDACTED] ) (Redacted, 07/05/09) [9/1246]. It is therefore thought desirable that detainees are transferred to an agency which can ensure that such intelligence is obtained. That intelligence gathering is an aim of detention policy has already been highlighted in these proceedings by Derek Watkins (Watkins §19(4)) [5/13/1862]. As one UK official put it in June 2009 (Redacted, 15/06/09) [9/1301] (See also Drew, 02/07/09 [10/1551]):

*We prefer to choose to transfer detainees to NDS due to our close working relationship and also because we think they have the best people, skills and*