



17 November 2011

Mr Bernard Hogan-Howe
Commissioner of the Police of the Metropolis
New Scotland Yard
Broadway
London
SW1H 0BG

By post and e-mail to Comm.PO@met.police.uk

URGENT

***Re: complaint against British officials and Moussa Koussa
for conspiracy to torture Sami al-Saadi***

Dear Sir

I am a Legal Director at Reprieve, a British charity that acts for prisoners held beyond the law and tortured in the 'war on terror'. Along with the solicitors' firm Leigh Day, we are the legal representatives for a Libyan man called Sami al-Saadi, as well as his wife and four children.

You may be aware of recent revelations about documents seized from the office of Moussa Koussa, once head of Libya's foreign intelligence agency. (I enclose one of these news stories for your convenience.)

As has been reported in the press, the documents tend to show that in March 2004, members of the UK security services, acting jointly with US and Libyan agents – in particular Moussa Koussa – conspired to seize and 'render' Mr al-Saadi, his wife, and his four children from Southeast Asia to the Gaddafi regime.

The Saadi family spent over two months in secret detention in Tajoura, the prison run by Moussa Koussa. While Mr al-Saadi's wife and children were then released, Sami al-Saadi spent years in Tajoura, where Libyan agents brutally tortured him with the involvement of both UK and US security services.

The Saadi family wishes to lodge a complaint to the police against the British security services (in particular Mark Allen) and against Moussa Koussa for conspiracy to torture. Members of the family are willing to make themselves available to the police for an interview.

It may be helpful if I offer a brief précis of the testimony Mr al-Saadi and his family would give.

In early 2004, before the family's rendition, Sami al-Saadi approached British officials through an interlocutor. He sought refuge in the UK, and wished to confirm either that his prior leave to remain was still valid or that UK authorities would permit him to return. He had previously disclosed that he was a leading figure in a Libyan opposition group, the LIFG, and had explained that this placed him at severe risk of torture or execution in Libya – or assassination by Libyan agents abroad.

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In these early 2004 discussions, UK agents – as yet unidentified – intimated that Mr al-Saadi and his family would be allowed to return to Britain. In the event, this is not what happened.

The Saadi family were detained in China trying to board a flight to Europe and sent to Hong Kong. They passed just short of two weeks in Hong Kong detention. Conditions were unsanitary, interrogations of Mr al-Saadi were frequent, and everyone was anxious about their fates. At one point the family were nearly sent on a regular flight to China, but were pulled off at the last minute.

On or around 28 March 2004, the Saadi family was taken to a different plane. At the threshold of the aircraft, Hong Kong security services handcuffed Mr al-Saadi and his wife.

The family boarded the jet – apparently an Egyptian-registered plane chartered to order – to find its sole occupants were the Egyptian crew, a Libyan doctor, and several Libyan agents.

The family immediately knew they had been betrayed – although they had been forcibly separated, and not everyone knew the entire family was aboard. Mr al-Saadi's wife and children became hysterical; the eldest Saadi daughter, Khadidja, passed out on the flight. Everyone was held in separate sectors of the plane: children in the rear, their mother in the centre, and Mr al-Saadi near the front. A Libyan security service agent handcuffed himself to Mr al-Saadi. The children, away from their parents, feared they might be killed during or immediately after the flight.

Mr al-Saadi suffers from Type 1 diabetes, and in the process of his kidnapping seems to have gone into shock. He lost consciousness, whereupon the Libyan doctor put an IV in his arm.

The plane flew from Hong Kong to Bangkok and, after a brief stop, continued directly to Libya.

In Libya, the family were unloaded into three separate cars, the parents hooded, and everyone was driven to the External Security Prison at Tajoura, outside Tripoli.

On arrival, Karima and the children were immediately pulled away from Mr al-Saadi. They were then taken to a 'family section' of Tajoura prison, where they would be held for more than two months. All were terrified that they or Mr al-Saadi would be executed at any moment.

Mr al-Saadi was pushed to a makeshift cell. Conditions were poor. He remained in this cell, aside from interrogations, torture sessions, or brief family visits, until 15 December 2007.

Shortly after being brought into the cell, a Libyan agent started cursing him. After perhaps ten minutes of verbal abuse, Moussa Koussa came in.

Mr Koussa boasted about the international connections and reach of the Gaddafi regime. He made comments roughly along the following lines:

The world has become much smaller after 9.11. In the past, you used to be able to flee from us to other countries, and we had no way to catch you. Now, all I have to do is pick up the phone and call MI6, or the CIA, and they give me everything they have on you.

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Mr al-Saadi was not beaten immediately in Tajoura. At first, there were merely threats and inducements – a promise he would ‘sleep in his bed tonight’ if he cooperated, and a threat to escalate matters and give him to a ‘dirty’ team if he did not.

After perhaps a month to six weeks in Tajoura, the torture began.

Mr al-Saadi describes his first 18 months in Tajoura as involving constant interrogation. Moussa Koussa was a frequent participant. The lead interrogators were two others from External Security, and proved particularly abusive. Sometimes he would be handed a list of questions that, syntactically, had clearly been translated from English.

During torture sessions, Mr al-Saadi was beaten repeatedly, punched and kicked. Sometimes he would be flogged with a whip. Mr al-Saadi was also tortured with an electrified hose, as well as a small handheld electrocution device.

Foreign interrogations

Mr al-Saadi remembers being interrogated in Tajoura by both US and UK security services, as well as others. These followed a simple pattern: Mr al-Saadi was told what to say to the foreign agents, on the understanding that if he did not cooperate, he would be tortured after the visit.

MI6

Two British agents came to question Mr al-Saadi once in Tajoura. Mr al-Saadi believes this was during the intensive interrogation period, between the first and second CIA visits.

There was one woman and one man. Sami was tortured both before and after the UK came. The Libyans elaborately orchestrated the UK visit, taking him to a less squalid interrogation room than usual.

Mr al-Saadi tried to indicate his dire situation to the UK agents, but because a Libyan agent was present, it was impossible for him to state explicitly that he was being mistreated. He remembers the Libyan interrogator watching him intently throughout the session.

CIA

Mr al-Saadi remembers two CIA interrogations – one very early in his detention.

One of the interrogators called himself John. The second CIA interrogator was a woman—fattish, blonde, and Arabic-speaking. The CIA returned around six months later to question Sami a second time, with slightly different personnel.

These agents were very friendly with Moussa Koussa – Sami remembers them laughing together – and Mr Koussa would participate in the CIA sessions.

After the CIA visits, Mr al-Saadi would be tortured again.

Mr al-Saadi’s health remained extremely poor throughout his time at Tajoura. In addition to his diabetes, he developed heart palpitations. He also began to suffer chronic pain in his left clavicle as a result of one particularly severe beating.

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On 15 December 2007, Mr al-Saadi was taken to Abu Salim, the political prison run by Libya's Internal Security Organisation. He was released in March 2010; rearrested during the Libyan uprising earlier this year; and finally freed, weighing just over seven stone, on 23 August 2011.

* * *

I would be grateful for a meeting at your earliest convenience in which we could discuss how our clients might be interviewed on these matters.

I also (respectfully) suggest that this matter is urgent, particularly as regards evidence from Moussa Koussa. Mr al-Saadi and his family are encouraged by recent reports that Mr Koussa has cooperated with police in the Yvonne Fletcher inquiry. One hopes he will prove equally forthcoming with your officers in discussing the torture of Mr al-Saadi and his loved ones. But – lest Mr Koussa suddenly were to become unavailable – it seems to me vital that he be approached swiftly, asking him to consent to an interview on this subject.

I look forward to hearing from you.

Very sincerely yours



Cori Crider
Legal Director
Reprieve
Enclosures (1)

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How MI6 deal sent family to Gaddafi's jail

Exclusive: Libyan Islamist reveals how wife and children were 'rendered' before Tony Blair visit

[Tripoli files: a glimpse of 21st-century espionage](#)

[Tripoli files – the documents](#)

Ian Cobain, Mustafa Khalili and Mona Mahmood
guardian.co.uk, Friday 9 September 2011 18.04 BST

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Sami al-Saadi is considering whether to sue the British government after he and his family were 'rendered' in an operation between MI6 and Gaddafi's intelligence services

A Libyan Islamist has told how he and his family were imprisoned after being "rendered" in an operation MI6 hatched in co-operation with Muammar Gaddafi's intelligence services. The [rendition](#) occurred shortly before Tony Blair paid his first visit to the dictator.

Sami al-Saadi, his wife and four children, the youngest a girl aged six, were flown from Hong Kong to Tripoli, where they were taken straight to prison. Saadi was interrogated under torture while his family were held in a nearby cell.

"They handcuffed me and my wife on the plane, my kids and wife were crying all the way," he told the Guardian. "It was a very bad situation. My wife and children were held for two months, and psychologically punished. The Libyans told me that the British were very happy."

Saadi says he is now considering whether to sue the British government, making him the second Libyan rendition victim to threaten legal proceedings in less than a week.

The evidence that the family were victims of a British-led rendition operation is contained in a secret [CIA](#) document found in the abandoned office of [Moussa Koussa](#), Gaddafi's former intelligence chief, in Tripoli last week.

In London, meanwhile, an official inquiry into Britain's role in torture and rendition since 9/11 says the government has provided information about the UK's role in the affair, and Whitehall sources defended intelligence agencies' actions by saying they were following "ministerially authorised government policy".

It is the first time evidence has emerged that the British intelligence agencies ran their

own rendition operation, as opposed to co-operating with those that were mounted by the CIA.

Saadi was held for more than six years, during which time he says he was regularly beaten and subjected to electric shocks. Shortly after his arrival in Tripoli, he says, Moussa Koussa visited in person to explain how Gaddafi's new friends in the west were helping him track down the regime's opponents around the world. "He told me: 'You've been running from us, but since 9/11 I can pick up the phone and call MI6 or the CIA and they give us all the information we want on you. You've nowhere to hide.'"

Saadi, a leading member of a Libyan mujahideen group who was known by the *nom de guerre* Abu Munthir, was interrogated on one occasion by British intelligence officers, who he alleges did nothing to try to protect him after he told them he was being tortured.

The Foreign Office has declined to say whether it knew what became of Abu Munthir's family as a result of the rendition operation, describing this information as an "intelligence matter". A spokesman said: "Our position is that it is the government's longstanding policy not to comment on intelligence matters."

Saadi says he was tricked by the British authorities into travelling to Hong Kong. While in exile in China in March 2004 he approached British intelligence officers via an intermediary in the UK, he says, and was told that he would be permitted to return to London, where he had lived for three years after seeking asylum in 1993. First, however, he would have to be interviewed at the British consulate in Hong Kong, and would be met by British diplomats on his arrival.

Saadi flew to Hong Kong with his wife, two sons aged 12 and nine, and two daughters aged 14 and six. They were not met by any British officials but were detained by Chinese border guards over alleged passport irregularities, held for a week and then despatched to Tripoli.

Saadi says he always assumed the British were behind his rendition, "working behind the curtain". Confirmation came when Human Rights Watch, the New York-based NGO, discovered a cache of papers in Moussa Koussa's abandoned office.

Among the documents was a fax that the CIA sent to Tripoli on 23 March 2004. Marked SECRET/US ONLY/EXCEPT LIBYA, it concerns the forthcoming rendition of Saadi and his family. The wording suggests the CIA took no part in the planning of the operation, but was eager to become involved.

It says: "Our service has become aware that last weekend LIFG [Libyan Islamic Fighting Group] deputy Emir Abu Munthir and his spouse and children were being held in Hong Kong detention for immigration/passport violations. We are also aware that your service had been co-operating with the British to effect Abu Munthir's removal to Tripoli, and that you had an aircraft available for this purpose in the Maldives."

It goes on to explain that although Hong Kong had no wish to see a Libyan aircraft land on its territory, "to enable you to assume control of Abu Munthir and his family", the operation would work if the Libyans were to charter an aircraft registered in a third country, and that the US would assist with the cost.

The operation coincided exactly with Tony Blair's first visit to Libya. Two days after the fax was sent, Blair arrived to shake hands with Gaddafi, and said the two nations wanted to make "common cause" in counter-terrorism operations. It was also announced that Anglo-Dutch oil giant Shell had signed a £550m gas exploration deal. Three days later Saadi and his family were put aboard a private Egyptian-registered jet and flown to Tripoli.

Associates of Saadi cannot understand why his capture and interrogation would hold any great intelligence value for the British authorities, and are speculating that he may have been a "gift" from the British to the Gaddafi regime.

"On the plane I was told I was going to be electrocuted, hanged," Saadi said. "When we got to Tripoli my wife and I were in handcuffs, and our legs were tied together using

wire and we were hooded. My wife recalls that she thought we were going to be hanged."

Saadi and his family were held initially at a jail in the Tajoura district, which he describes as "Mousa Koussa's family jail", and then at Abu Salim jail, a location where prisoners have been murdered and tortured for decades, according to [human rights organisations](#). He says he spent the first 14 months in complete isolation in a cell measuring 6ft by 7ft.

"Whenever they felt I was withholding information they would beat me and subject me to electric shocks," he said.

As well as being tortured, he was repeatedly told that his family would be harmed and that he would be killed.

The UK was involved in the rendition of another Libyan Islamist earlier the same month. Other papers found among the Tripoli cache show that an MI6 tip-off allowed the CIA to abduct Abdul Hakim Belhaj in Bangkok. Belhaj, who later became a leading figure in the rebel forces that toppled Gaddafi, says he was tortured first by the CIA and then flown to Libya where he suffered severe abuse for several years, being hung from walls and immersed in ice baths. Belhaj says [he too was interrogated by MI6 officers](#), who indicated they knew he was being tortured, but did nothing to help him.

On Thursday Belhaj met with British government representatives, who declined to make any apology. He too is considering whether to bring a claim for damages in the UK courts.

A number of Whitehall sources have said MI6 was complying with "ministerially authorised government policy" when Saadi and his family and Belhaj were rendered to Libya. However, the Foreign Office, Cabinet Office and Downing Street are all declining to say which department's ministers authorised the operations. A spokesman for Tony Blair said he knew nothing about the matter.

Jack Straw, who was foreign secretary at the time, said he welcomed the fact that an inquiry headed by Sir Peter Gibson would be examining the matter but did not answer questions about whether he had authorised the operation.

The inquiry headed by Gibson, a retired judge, that has been established to examine Britain's role in the mistreatment of terrorism suspects since 9/11, says that it was informed about the UK's involvement in the removal of Saadi from Hong Kong before the discovery of the Libyan government documents last weekend. It is unclear how much detail has been passed over to the inquiry staff.

It may be difficult for former ministers and intelligence officers to tell Gibson that they could not have expected Belhaj and Saadi and his family to be mistreated after they were handed over to Gaddafi's government. The use of torture had been well-documented by human rights groups, while the Foreign Office's [human rights report for 2004](#) (pdf) states: "The UK remains seriously concerned by the human rights situation in Libya, including restrictions on freedom of expression and assembly, political prisoners, arbitrary detention and conditions in Libyan prisons." It added that the British were very keen to see Libya sign international agreements against torture.