



UK Torture Memos

Source.

The first document contains the text of several telegrams that Craig Murray sent back to London from 2002 to 2004, warning that the information being passed on by the Uzbek security services was torture-tainted, and challenging MI6 claims that the information was nonetheless "useful".

The second document is the text of a legal opinion from the Foreign Office's Michael Wood, arguing that the use by intelligence services of information extracted through torture does not constitute a violation of the UN Convention Against Torture.

Craig Murray says:

In March 2003 I was summoned back to London from Tashkent specifically for a meeting at which I was told to stop protesting. I was told specifically that it was perfectly legal for us to obtain and to use intelligence from the Uzbek torture chambers.

After this meeting Sir Michael Wood, the Foreign and Commonwealth Office's legal adviser, wrote to confirm this position. This minute from Michael Wood is perhaps the most important document that has become public about extraordinary rendition. It is irrefutable evidence of the government's use of torture material, and that I was attempting to stop it. It is no wonder that the government is trying to suppress this.

First document: Confidential letters from Uzbekistan

Letter #1

Confidential

FM Tashkent

TO FCO, Cabinet Office, DFID, MODUK, OSCE Posts, Security Council Posts

16 September 02

SUBJECT: US/Uzbekistan: Promoting Terrorism

SUMMARY

US plays down human rights situation in Uzbekistan. A dangerous policy: increasing repression combined with poverty will promote Islamic terrorism. Support to Karimov regime a bankrupt and cynical policy.

DETAIL

The Economist of 7 September states: "Uzbekistan, in particular, has jailed many thousands of moderate Islamists, an excellent way of converting their families and friends to extremism." The Economist also spoke of "the growing despotism of Mr Karimov" and judged that "the past year has seen a further deterioration of an already grim human rights record". I agree.

Between 7,000 and 10,000 political and religious prisoners are currently detained, many after trials before kangaroo courts with no representation. Terrible torture is commonplace: the EU is currently considering a demarche over the terrible case of two Muslims tortured to death in jail apparently with boiling water. Two leading dissidents, Elena Urlaeva and Larissa Vdovna, were two weeks ago committed to a lunatic asylum, where they are being drugged, for demonstrating on human rights. Opposition political parties remain banned. There is no doubt that September 11 gave the pretext to crack down still harder on dissent under the guise of counter-terrorism. Yet on 8 September the US State Department certified that Uzbekistan was improving in both human rights and democracy, thus fulfilling a constitutional requirement and allowing the continuing disbursement of \$140 million of US aid to Uzbekistan this year. Human Rights Watch immediately published a commendably sober and balanced rebuttal of the State Department claim.

Again we are back in the area of the US accepting sham reform [a reference to my previous telegram on the economy]. In August media censorship was abolished, and theoretically there are independent media outlets, but in practice there is absolutely no criticism of President Karimov or the central government in any Uzbek media.

State Department call this self-censorship: I am not sure that is a fair way to describe an unwillingness to experience the brutal methods of the security services.

Similarly, following US pressure when Karimov visited Washington, a human rights NGO has been permitted to register. This is an advance, but they have little impact given that no media are prepared to cover any of their activities or carry any of their statements.

The final improvement State quote is that in one case of murder of a prisoner the police involved have been prosecuted. That is an improvement, but again related to the Karimov visit and does not appear to presage a

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general change of policy. On the latest cases of torture deaths the Uzbeks have given the OSCE an incredible explanation, given the nature of the injuries, that the victims died in a fight between prisoners.

But allowing a single NGO, a token prosecution of police officers and a fake press freedom cannot possibly outweigh the huge scale of detentions, the torture and the secret executions. President Karimov has admitted to 100 executions a year but human rights groups believe there are more. Added to this, all opposition parties remain banned (the President got a 98% vote) and the Internet is strictly controlled. All Internet providers must go through a single government server and access is barred to many sites including all dissident and opposition sites and much international media (including, ironically, waronterrorism.com). This is in essence still a totalitarian state: there is far less freedom than still prevails, for example, in Mugabe's Zimbabwe. A Movement for Democratic Change or any judicial independence would be impossible here.

Karimov is a dictator who is committed to neither political nor economic reform. The purpose of his regime is not the development of his country but the diversion of economic rent to his oligarchic supporters through government controls. As a senior Uzbek academic told me privately, there is more repression here now than in Brezhnev's time. The US are trying to prop up Karimov economically and to justify this support they need to claim that a process of economic and political reform is underway. That they do so claim is either cynicism or self-delusion.

This policy is doomed to failure. Karimov is driving this resource-rich country towards economic ruin like an Abacha. And the policy of increasing repression aimed indiscriminately at pious Muslims, combined with a deepening poverty, is the most certain way to ensure continuing support for the Islamic Movement of Uzbekistan. They have certainly been decimated and disorganised in Afghanistan, and Karimov's repression may keep the lid on for years – but pressure is building and could ultimately explode.

I quite understand the interest of the US in strategic airbases and why they back Karimov, but I believe US policy is misconceived. In the short term it may help fight terrorism but in the medium term it will promote it, as the Economist points out. And it can never be right to lower our standards on human rights. There is a complex situation in Central Asia and it is wrong to look at it only through a prism picked up on September 12. Worst of all is what appears to be the philosophy underlying the current US view of Uzbekistan: that September 11 divided the World into two camps in the "War against Terrorism" and that Karimov is on "our" side.

If Karimov is on "our" side, then this war cannot be simply between the forces of good and evil. It must be about more complex things, like securing the long-term US military presence in Uzbekistan. I silently wept at the 11 September commemoration here. The right words on New York have all been said. But last week was also another anniversary – the US-led overthrow of Salvador Allende in Chile. The subsequent dictatorship killed, dare I say it, rather more people than died on September 11. Should we not remember then also, and learn from that too? I fear that we are heading down the same path of US-sponsored dictatorship here. It is ironic that the beneficiary is perhaps the most unreformed of the World's old communist leaders.

We need to think much more deeply about Central Asia. It is easy to place Uzbekistan in the "too difficult" tray and let the US run with it, but I think they are running in the wrong direction. We should tell them of the dangers we see. Our policy is theoretically one of engagement, but in practice this has not meant much. Engagement makes sense, but it must mean grappling with the problems, not mute collaboration. We need to start actively to state a distinctive position on democracy and human rights, and press for a realistic view to be taken in the IMF. We should continue to resist pressures to start a bilateral DFID programme, unless channelled non-governmentally, and not restore ECGD cover despite the constant lobbying. We should not invite Karimov to the UK. We should step up our public diplomacy effort, stressing democratic values, including more resources from the British Council. We should increase support to human rights activists, and strive for contact with non-official Islamic groups.

Above all we need to care about the 22 million Uzbek people, suffering from poverty and lack of freedom. They are not just pawns in the new Great Game.

MURRAY

Letter #2
Confidential
Fm Tashkent
To FCO

18 March 2003

SUBJECT: US FOREIGN POLICY
SUMMARY

1. As seen from Tashkent, US policy is not much focussed on democracy or freedom. It is about oil, gas and hegemony. In Uzbekistan the US pursues those ends through supporting a ruthless dictatorship. We must not close our eyes to uncomfortable truth.

DETAIL

2. Last year the US gave half a billion dollars in aid to Uzbekistan, about a quarter of it military aid. Bush and Powell repeatedly hail Karimov as a friend and ally. Yet this regime has at least seven thousand prisoners of conscience; it is a one party state without freedom of speech, without freedom of media, without freedom of movement, without freedom of assembly, without freedom of religion. It practices, systematically, the most hideous tortures on thousands. Most of the population live in conditions precisely analogous with medieval serfdom.

3. Uzbekistan's geo-strategic position is crucial. It has half the population of the whole of Central Asia. It alone

borders all the other states in a region which is important to future Western oil and gas supplies. It is the regional military power. That is why the US is here, and here to stay. Contractors at the US military bases are extending the design life of the buildings from ten to twenty five years.

4. Democracy and human rights are, despite their protestations to the contrary, in practice a long way down the US agenda here. Aid this year will be slightly less, but there is no intention to introduce any meaningful conditionality. Nobody can believe this level of aid – more than US aid to all of West Africa – is related to comparative developmental need as opposed to political support for Karimov. While the US makes token and low-level references to human rights to appease domestic opinion, they view Karimov's vicious regime as a bastion against fundamentalism. He – and they – are in fact creating fundamentalism. When the US gives this much support to a regime that tortures people to death for having a beard or praying five times a day, is it any surprise that Muslims come to hate the West?

5. I was stunned to hear that the US had pressured the EU to withdraw a motion on Human Rights in Uzbekistan which the EU was tabling at the UN Commission for Human Rights in Geneva. I was most unhappy to find that we are helping the US in what I can only call this cover-up. I am saddened when the US constantly quote fake improvements in human rights in Uzbekistan, such as the abolition of censorship and Internet freedom, which quite simply have not happened (I see these are quoted in the draft EBRD strategy for Uzbekistan, again I understand at American urging).

6. From Tashkent it is difficult to agree that we and the US are activated by shared values. Here we have a brutal US sponsored dictatorship reminiscent of Central and South American policy under previous US Republican administrations. I watched George Bush talk today of Iraq and "dismantling the apparatus of terror... removing the torture chambers and the rape rooms". Yet when it comes to the Karimov regime, systematic torture and rape appear to be treated as peccadilloes, not to affect the relationship and to be downplayed in international fora. Double standards? Yes.

7. I hope that once the present crisis is over we will make plain to the US, at senior level, our serious concern over their policy in Uzbekistan.

MURRAY

Letter #3

CONFIDENTIAL
FM TASHKENT
TO IMMEDIATE FCO

TELNO 63
OF 220939 JULY 04

INFO IMMEDIATE DFID, ISLAMIC POSTS, MOD, OSCE POSTS UKDEL EBRD LONDON, UKMIS GENEVA, UKMIS MEW YORK

SUBJECT: RECEIPT OF INTELLIGENCE OBTAINED UNDER TORTURE

SUMMARY

1. We receive intelligence obtained under torture from the Uzbek intelligence services, via the US. We should stop. It is bad information anyway. Tortured dupes are forced to sign up to confessions showing what the Uzbek government wants the US and UK to believe, that they and we are fighting the same war against terror.

2. I gather a recent London interdepartmental meeting considered the question and decided to continue to receive the material. This is morally, legally and practically wrong. It exposes as hypocritical our post Abu Ghraib pronouncements and fatally undermines our moral standing. It obviates my efforts to get the Uzbek government to stop torture they are fully aware our intelligence community laps up the results.

3. We should cease all co-operation with the Uzbek Security Services they are beyond the pale. We indeed need to establish an SIS presence here, but not as in a friendly state.

DETAIL

4. In the period December 2002 to March 2003 I raised several times the issue of intelligence material from the Uzbek security services which was obtained under torture and passed to us via the CIA. I queried the legality, efficacy and morality of the practice.

5. I was summoned to the UK for a meeting on 8 March 2003. Michael Wood gave his legal opinion that it was not illegal to obtain and to use intelligence acquired by torture. He said the only legal limitation on its use was that it could not be used in legal proceedings, under Article 15 of the UN Convention on Torture.

6. On behalf of the intelligence services, Matthew Kydd said that they found some of the material very useful indeed with a direct bearing on the war on terror. Linda Duffield said that she had been asked to assure me that my qualms of conscience were respected and understood.

7. Sir Michael Jay's circular of 26 May stated that there was a reporting obligation on us to report torture by allies (and I have been instructed to refer to Uzbekistan as such in the context of the war on terror). You, Sir, have made a number of striking, and I believe heartfelt, condemnations of torture in the last few weeks. I had in the light of this decided to return to this question and to highlight an apparent contradiction in our policy. I had intimated as much to the Head of Eastern Department.

8. I was therefore somewhat surprised to hear that without informing me of the meeting, or since informing me of the result of the meeting, a meeting was convened in the FCO at the level of Heads of Department and above, precisely to consider the question of the receipt of Uzbek intelligence material obtained under torture. As the office knew, I was in London at the time and perfectly able to attend the meeting. I still have only gleaned that it happened.

9. I understand that the meeting decided to continue to obtain the Uzbek torture material. I understand that the principal argument deployed was that the intelligence material disguises the precise source, ie it does not ordinarily reveal the name of the individual who is tortured. Indeed this is true – the material is marked with a euphemism such as "From detainee debriefing." The argument runs that if the individual is not named, we cannot prove that he was tortured.

10. I will not attempt to hide my utter contempt for such casuistry, nor my shame that I work in an organisation where colleagues would resort to it to justify torture. I have dealt with hundreds of individual cases of political or religious prisoners in Uzbekistan, and I have met with very few where torture, as defined in the UN convention, was not employed. When my then DHM raised the question with the CIA head of station 15 months ago, he readily acknowledged torture was deployed in obtaining intelligence. I do not think there is any doubt as to the fact

11. The torture record of the Uzbek security services could hardly be more widely known. Plainly there are, at the very least, reasonable grounds for believing the material is obtained under torture. There is helpful guidance at Article 3 of the UN Convention;

"The competent authorities shall take into account all relevant considerations including, where applicable, the existence in the state concerned of a consistent pattern of gross, flagrant or mass violations of human rights." While this article forbids extradition or deportation to Uzbekistan, it is the right test for the present question also.

12. On the usefulness of the material obtained, this is irrelevant. Article 2 of the Convention, to which we are a party, could not be plainer:

"No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture."

13. Nonetheless, I repeat that this material is useless – we are selling our souls for dross. It is in fact positively harmful. It is designed to give the message the Uzbeks want the West to hear. It exaggerates the role, size, organisation and activity of the IMU and its links with Al Qaida. The aim is to convince the West that the Uzbeks are a vital cog against a common foe, that they should keep the assistance, especially military assistance, coming, and that they should mute the international criticism on human rights and economic reform.

14. I was taken aback when Matthew Kydd said this stuff was valuable. Sixteen months ago it was difficult to argue with SIS in the area of intelligence assessment. But post Butler we know, not only that they can get it wrong on even the most vital and high profile issues, but that they have a particular yen for highly coloured material which exaggerates the threat. That is precisely what the Uzbeks give them. Furthermore MI6 have no operative within a thousand miles of me and certainly no expertise that can come close to my own in making this assessment.

15. At the Khuderbegainov trial I met an old man from Andizhan. Two of his children had been tortured in front of him until he signed a confession on the family's links with Bin Laden. Tears were streaming down his face. I have no doubt they had as much connection with Bin Laden as I do. This is the standard of the Uzbek intelligence services.

16. I have been considering Michael Wood's legal view, which he kindly gave in writing. I cannot understand why Michael concentrated only on Article 15 of the Convention. This certainly bans the use of material obtained under torture as evidence in proceedings, but it does not state that this is the sole exclusion of the use of such material.

17. The relevant article seems to me Article 4, which talks of complicity in torture. Knowingly to receive its results appears to be at least arguable as complicity. It does not appear that being in a different country to the actual torture would preclude complicity. I talked this over in a hypothetical sense with my old friend Prof Francois Hampson, I believe an acknowledged World authority on the Convention, who said that the complicity argument and the spirit of the Convention would be likely to be winning points. I should be grateful to hear Michael's views on this.

18. It seems to me that there are degrees of complicity and guilt, but being at one or two removes does not make us blameless. There are other factors. Plainly it was a breach of Article 3 of the Convention for the coalition to deport detainees back here from Baghram, but it has been done. That seems plainly complicit.

19. This is a difficult and dangerous part of the World. Dire and increasing poverty and harsh repression are undoubtedly turning young people here towards radical Islam. The Uzbek government are thus creating this threat, and perceived US support for Karimov strengthens anti-Western feeling. SIS ought to establish a presence here, but not as partners of the Uzbek Security Services, whose sheer brutality puts them beyond the pale.

MURRAY

Second Document - summary of legal opinion from Michael Wood arguing that it is legal to use information extracted under torture:

From: Michael Wood, Legal Advisor

Date: 13 March 2003

CC: PS/PUS; Matthew Kidd, WLD

Linda Duffield

UZBEKISTAN: INTELLIGENCE POSSIBLY OBTAINED UNDER TORTURE

1. Your record of our meeting with HMA Tashkent recorded that Craig had said that his understanding was that it was also an offence under the UN Convention on Torture to receive or possess information under torture. I said that I did not believe that this was the case, but undertook to re-read the Convention.

2. I have done so. There is nothing in the Convention to this effect. The nearest thing is article 15 which provides: "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."

3. This does not create any offence. I would expect that under UK law any statement established to have been made as a result of torture would not be admissible as evidence.

[signed]

M C Wood
Legal Adviser

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