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*REPORTER: Fran Abrams*

*PRODUCER: Andy Denwood*

*EDITOR: David Ross*

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THE ATTACHED TRANSCRIPT WAS TYPED FROM A RECORDING AND NOT COPIED FROM AN ORIGINAL SCRIPT. BECAUSE OF THE RISK OF MISHEARING AND THE DIFFICULTY IN SOME CASES OF IDENTIFYING INDIVIDUAL SPEAKERS, THE BBC CANNOT VOUCH FOR ITS COMPLETE ACCURACY.

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ALSHAYEB: They start beating me with sticks, with electric cable, putting cigarettes on my body. They start torturing me.

ABRAMS: In 2002 the Government made a pledge Britain wouldn't be a haven for those suspected of torture, war crimes or state murder. So this man wants to know why a police investigation into his alleged torturer - who has a home here - was dropped. File on 4's seen figures that suggest more than two hundred people the Government believes guilty of war crimes could be living in the UK. Yet in recent years there's only been one prosecution. Now there are growing calls for the Government to back its rhetoric with action.

MACDONALD: It's a question of political will. Do we want people who may have been responsible for these sorts of crimes – mass murder, ghastly war crimes, crimes as serious as you can imagine - living happily in South London?

SIGNATURE TUNE

ACTUALITY IN MALDIVES

## SOUNDS OF CLAPPING AND CHANTING

ABRAMS: Last November an election brought a change of government in the Maldives. The Indian Ocean state's best known as a tropical paradise. What's less well known is that for three decades it was ruled by a repressive regime. Its former government had been accused of political imprisonment, torture and even murder.

MARYAM [VIA INTERPRETER]: I went to the hospital and they told me Eevan was in the treatment room. I thought he was injured.

ABRAMS: Maryam Manike's son, Eevan Nasseem, was nineteen when he was arrested on drugs charges in 2003. A few weeks later, in a hospital corridor, she heard the worst possible news. She demanded to see her son's body.

MARYAM [VIA INTERPRETER]: At first I was not able to see his whole body. He was covered with a sheet, and my instinct was to pull the sheet back. The police were holding it but I pulled it down and I saw his body. I saw my son had been tortured and beaten to death. I started crying and screaming.

ABRAMS: The killing sparked riots in which three more prisoners died. Mrs Manike holds one particular senior figure responsible: the Maldives former police commissioner, Adam Zahir.

MARYAM [VIA INTERPRETER]: Adam Zahir has to bear full responsibility. The people who tortured Eevan were under his command. He received reports that torture was going on in the prison and nobody did anything. This has destroyed my life. It's always on my mind and I am depressed all the time and I find it difficult to work because of that.

ABRAMS: An official inquiry was launched and the then President removed Mr Zahir from his post. But after a spell at the Arts Ministry, he returned to his old job. As soon as the new democratic government was installed, he was sacked. The Maldives' new Vice President is Mohamed Waheed.

WAHEED: I believe that Adam Zahir as head of the police service must be responsible for the inhumane practices that were carried out under his watch.

ABRAMS: How central was Adam Zahir to the abuses that took place in the Maldives. I mean, he wasn't the President after all, was he?

WAHEED: He was very important. I think he was the arm of the President. It was a very closed system and the President depended on Adam Zahir heavily to maintain his power and dictatorial rule in the country. So I think it's very difficult for us to believe that he didn't have a key role to play in this.

ABRAMS: The pressure is growing on Adam Zahir – there are calls for a prosecution and Mrs Manike's already launched a civil case against the Maldivian Government. All of which increases the chance that he'll leave for his other home – England. Mr Zahir bought two houses in London and Lancashire in the mid 1990s. His wife and children have lived here for years and he visits regularly.

## ACTUALITY IN PRESTON

### KNOCK AT DOOR

ABRAMS: This is where Adam Zahir comes to when he visits the UK. It's a big modern home on an executive development near Preston, but he doesn't seem to be here. I did manage to reach him once on the phone but since then we haven't been able to make contact. Some of the neighbours must know who he is though. Two years ago a group of his fellow countrymen plastered posters on this front door and put leaflets through neighbours' letterboxes, protesting against human rights abuses in the Maldives and claiming he was a torturer.

The new Vice President, Mohamed Waheed, says Britain must stand ready to act if Mr Zahir comes here.

What would you like to see happen to him now?

WAHEED: I think he should be brought to justice. Human rights abuses and atrocities are not bound by national boundaries. With the British Government being such a strong advocate of human rights, it is only natural that the British Government should look into this.

ABRAMS: Some British taxpayers might say, 'Well that's the Maldives' problem, he didn't commit a crime here.'

WAHEED: Well that's true, you know, but I think this is a matter of conscience also, you know. It's not the money that is involved, it's also the conscience of good people, people who do not want to see dictators and human rights abusers, you know, living in their neighbourhoods.

ABRAMS: The Metropolitan Police told us they weren't investigating Mr Zahir. Surprisingly, the Lancashire Police weren't even aware of him. The Home Office won't comment on specific cases, so we don't know whether he's applied to live here. As far as we know, Mr Zahir comes to the UK legally as a visitor. Others who've faced similar allegations of human rights abuse choose to settle here permanently. The Government's reviewer of anti-terrorist legislation, Lord Carlile, believes there may be a large group who simply slip in unnoticed.

CARLILE: I believe on good grounds that there may well be more than one hundred people in the United Kingdom who could be prosecuted for very serious crimes, including genocide, committed abroad. Some of them are suspected of the most appalling crimes.

ABRAMS: You say more than a hundred, why do you think that there are that many?

CARLILE: Our borders are sometimes rather leaky, there are many many people in this country who have never obtained proper leave to be here, some may have found their way here legitimately, as it were, though without revealing the whole truth about their past.

ACTUALITY AT AIRPORT

ABRAMS: Ports of entry are the first line of defence in ensuring those who arrive here do so legally. But when people apply to settle, there are other checks on their past. There's a special war crimes team in the Border Agency that's meant to screen them. The Home Office won't say much about its work. But in response to a Freedom of Information request from File on 4, it told us 350 applicants were recommended for refusal since 2004 because they were believed to have been involved in war crimes, crimes against humanity or genocide. But it couldn't say whether most of those had actually been removed from the country – and it looks as if as many as two hundred may be here. John Bercow, who's chair of a parliamentary group on genocide, has also been asking questions. And he thinks the figures are worrying.

BERCOW: My concern is that there could be people who are living in this country who are suspected of genocide, of war crimes, of crimes against humanity, who are not being returned to the countries whence they came and who are not being tried here. We could end up admitting and allowing to remain people who, frankly, should not be given house room in this country for one moment.

ABRAMS: Of course, in some cases there could be good reasons for not removing them – some would be in danger if they were sent home. The Home Office did say those believed guilty were from countries including Rwanda, Afghanistan, Iraq and Sri Lanka. Mr Bercow wanted to know precisely how many were in the UK, but the Home Office refused to answer. It also refused to say what crimes those who were allowed to stay committed. It wouldn't even tell us whether the names of war criminals were given to border posts so they could be prevented from entering the country.

BERCOW: It's been a very interesting and revelatory process to ask Parliamentary questions on this subject and to elicit some Government replies, yet it has also been frustrating and in many cases it has caused more questions to be asked. I very much hope that we can before very long debate this issue properly and try to extract from Government a clearer understanding of what the present situation is. What we absolutely should not be doing is giving sanctuary to people who are not fleeing persecution, but who are fleeing responsibility for their own suspected acts of persecution against others.

ABRAMS: So, there could be two hundred people here the British Government believes guilty of war crimes – plus the one hundred Lord Carlile believes they may not even know about. What are the British authorities doing to bring them to justice?

#### ACTUALITY OF SHOOTING IN SRI LANKA

ABRAMS: For more than twenty-five years, Sri Lanka's been torn by a civil war in which more than 65,000 people have died. There've been atrocities on both sides. The British Foreign Office minister, Kim Howells, told Parliament two years ago he was particularly concerned about Karuna Amman, known as Colonel Karuna.

#### EXTRACT FROM HOWELLS SPEECH

HOWELLS: We believe Karuna and his faction to be responsible for extra judicial killings, abductions, intimidation of displaced persons and child recruitment. Karuna's record is appalling.

ABRAMS: Colonel Karuna is little known in Britain but in Sri Lanka he's a household name. He used to be second in command in the rebel Tamil Tigers. In 2004 he formed a breakaway group which later sided with the country's government. Despite this change, reports of the group's involvement in human rights abuses - including mass murder and the abduction of child soldiers - continued. So when rumours started to spread that Colonel Karuna might be in Britain, the police and the Home Office began to investigate.

#### ACTUALITY IN LONDON

ABRAMS: He was arrested here among the stucco fronted mews and plush mansion blocks of South Kensington in London. It was a joint operation between police and immigration officials. Colonel Karuna had been living here in an apartment block with his wife and three children. His diplomatic passport said he was a wildlife expert attending a climate change conference. But he did admit to police it was false. He was sentenced to nine months for that offence. That gave the police a window in which to look for evidence of human rights crimes.

ADAMS: The police contacted us because they had heard that we had worked on Sri Lanka and they wanted to know what we knew, so we started checking with all of our sources and contacts in Sri Lanka and outside Sri Lanka and trying to put together as much information as we could.

ABRAMS: Brad Adams, the Asia director of Human Rights Watch, says it quickly became clear the Metropolitan Police didn't have the means to do the job. They weren't even planning to visit Sri Lanka – because of diplomatic issues, but also a shortage of resources.

ADAMS: The police were regularly calling us and asking us how it was going, how our cases are proceeding and really pretty much begging us to come up with the goods for them, because they were having such a hard time given their limited resources and time, and also their inability to travel to make the cases themselves. We don't have the same limitations on our ability to go on an airplane, for example, or to hire someone in Colombo to go and interview somebody, which is how we handled this.

ABRAMS: And the Met couldn't do that?

ADAMS: The Met could not do what we did, which yes, is perverse, because our resources are dwarfed by the Met's resources.

ABRAMS: The police told us they did have to consider resource issues when deciding whether to take on a case of this sort. But luckily for them on this occasion, there were witnesses living in the UK.

THAMBIYAH [VIA INTERPRETER]: They handcuffed us and beat us up. They then put us in their vehicle, they took us to Batticaloa and locked us in a room a little smaller than this. As I entered the room they hit me with a rifle butt.

ABRAMS: Krishnakantham Thambiyah was a foot soldier with the Tamil Tigers, but he ran away in 2006. Shortly afterwards he was captured by Colonel Karuna's group.



ABRAMS: While Colonel Karuna was still in prison, a file containing three or four witness statements was passed to the Crown Prosecution Service. We don't know if Mr Thambiyah's statement was among them, but he was interviewed by the police. However, the file was rejected out of hand. The CPS said the evidence didn't even come close to the standard needed to make a case. Sir Ken MacDonald was Director of Public Prosecutions at the time. He can't talk about Colonel Karuna – but he does say evidence in all cases needs to be strong.

MACDONALD: 'This man tortured me,' is potentially quite strong evidence. If I have been tortured by Mr X and I identify him and I said, 'He tortured me,' that's identification evidence, it puts him at the scene. It's evidence that he's committed the act of torture. If I've been tortured by somebody and I say, 'Mr X was the commander of the guerrilla group that tortured me,' the question then arises what evidence is there linking Mr X to the torture or to this group? Was he present? Did he order it? Did he know it was happening? Where the evidence is coming from areas which are war torn, some of the material which comes forward can be very uncertain in those sorts of areas and there's a sort of assumption that because Mr X is the well known leader of this guerrilla group, that if you get someone to say that they were tortured by that guerrilla group, that somehow provides evidence against Mr X, but that's not how the criminal law works.

ABRAMS: In the case of Colonel Karuna, there wasn't the clear evidence of personal involvement the CPS wanted. But Brad Adams of Human Rights Watch says there was some clear evidence the CPS never even saw.

ADAMS: We had one case that I thought was just a no brainer, a slam dunk, where a Tamil brought evidence to us that their son had been abducted by the Karuna faction. They claim that he was tortured, and I think that's very likely to be the case because that was the standard operating procedure for the Karuna group, and he was ultimately released. But when he was released, his mother – into whose care he was released – was issued a document on Karuna group letterhead saying that he had been held but now he was being released and that the mother would countersign that he was unharmed at the time that he was released, he could be released. In other words they were trying to say, you know, don't claim later that we harmed this guy. But of course the document was provided



BLUNKETT: I don't know whether the evidence would have stood up or whether the Crown Prosecution Service believed that it was sufficient. All I know is that no police anywhere, whatever the resourcing, whatever the priorities, should actually turn down something that is obviously, in terms of its horror and the crime that's been committed, requires immediate action. I think very often we get excuses that say we haven't got time when what they mean is we don't want to give this priority.

ABRAMS: So it should be prioritised?

BLUNKETT: I think that if there is proper evidence of heinous crimes and that we can take action against such individuals then that is clearly, in anyone's book, a priority.

ABRAMS: There did used to be a special war crimes unit in the Metropolitan Police, which dealt with former Nazis. Lord Carlile, the Government's anti-terrorism reviewer, believes the service - which has national responsibility for this type of crime - needs to reinvent it. Five years ago the police asked for funds to do just that - they wanted a million pounds for seven extra police and fourteen civilian staff, but their bid was rejected.

CARLILE: As was the case with Nazi war crimes, a properly resourced unit should be set up which can investigate these cases in an adequate way. These are, after all, cases of mass murders in some cases, of war crimes in other cases, and therefore the resourcing is very well justified on the merits. I would hope that the new Metropolitan Police Commissioner would think it right to set up an additional unit, just as one of his predecessors set up the war crimes unit, to investigate international criminal matters of this kind. There is the suspicion around the world that the United Kingdom gives safe haven to people who have committed genocide and indeed, of course, torture. I do not think we should do so.

ABRAMS: Several other countries do have such units, and their efforts have paid off. Just this week a Rwandan man was imprisoned in the Netherlands for twenty years for offences committed during the 1994 genocide. The dedicated team has



ABRAMS: London is home to about 40,000 Eritreans. Crowds of these exiles take to the streets regularly to protest about the human rights record of its Government. It's been accused of imprisoning large numbers of its enemies without trial. At different times they've included Ethiopians, Jehovah's Witnesses and journalists. On one occasion the demonstrators were perturbed to see a man they recognised on the fringe of the crowd.

CHYRUM: We were protesting against the religious persecution in Eritrea opposite the Eritrean Embassy and I saw him in person standing outside the Embassy.

ABRAMS: Elizabeth Chyrum's a human rights campaigner who left Eritrea some years ago. The man she spotted in the Islington street three years ago was Naizghi Kiflu, a long-term associate of Eritrea's President. She says the Government of which he was a part did terrible things.

CHYRUM: It is a land of arbitrary detention, disappearance, torture, execution. And also there is no free press. Religious persecution is rampant. There is no independent judiciary system and people can just disappear within the prison system without any charge and trial.

ABRAMS: She believed Naizghi Kiflu, as a former security and information minister, was personally responsible for some of those crimes. When she found out he was living in London, she went to the police. They launched an investigation into whether it might be possible to prosecute Mr Kiflu here. Among those who offered to give evidence was an Ethiopian who went to prison in Eritrea for eight years without trial. We're calling him Brehene. He says that was done on Mr Kiflu's orders. He lives in a remote area of Ethiopia now, and we could only reach him by telephone.

BREHENE: Naizghi Kiflu frequently came to the prison.

ABRAMS: Frequently?

BREHENE: Yes. Sometimes he came here ....

ABRAMS: Did you know people who lost their lives?

BREHENE: Yes, I can mention many people. I myself know them, more than eight people.

ABRAMS: More than eight people?

BREHENE: Yes.

ABRAMS: Later Brehene sent us a written statement. He said in 1996 he saw Mr Kiflu read out a list of long sentences to three hundred people at Adi Quala prison, about fifty miles from the capital, Asmara.

READER IN STUDIO: I asked him why I had been sentenced to eight years in prison. He told me to sit down. He then said: “Nobody counted the number of prisoners. We are therefore at liberty even to kill and dump you in a single hole.” We were intimidated and silenced by him and his armed subordinates. Mr Kiflu is brutally cruel. Many people have lost their lives because of Mr Kiflu. Many have disappeared. Many others are still in prison. But he is living a peaceful life in the United Kingdom. It is really sad to see this happening in the land where justice should have been done.

ABRAMS: We wanted to put these allegations to Mr Kiflu. When we visited his house, a modest terrace in Tottenham in North London, he wasn't in. Eventually we reached him by phone. He said he was in this country with the full knowledge of the British Government and that his accusers had ‘millions of reasons to lie.’ But he didn't want to be interviewed. The police told Mrs Chyrum there wasn't enough evidence to charge Mr Kiflu with torture. But there is another offence with which someone involved in such abuse might potentially be charged: a crime against humanity. These crimes come under the 2001 International Criminal Court Act. But that only covers crimes committed since 2001 and these mass imprisonments in Eritrea took place in the 1990s. There's a growing lobby to make the law retrospective and it includes the former Director of Public Prosecutions, Sir Ken MacDonald.

MACDONALD: At the moment I think we have something of an impunity gap so far as war crimes, crimes against humanity and genocide are concerned. If you committed any of those offences before 2001, when the International Criminal Courts Act came in, then there is a possibility you could escape justice. The reality is that if we're going to be serious about going after people who've been involved in this kind of activity, we need to look seriously at amending the law, to capture those people as well.

ABRAMS: Would that be a complicated change? It sounds like quite a simple thing to say, 'Well here's this law, we just need to be able to apply it retrospectively.'

MACDONALD: Retrospectivity is allowed by human rights law in the case of serious and international crime, so I don't think there's a legal problem, but I suppose it's a question of where the Government's priorities are. We're talking here about, I suppose, the very worst crimes that can be committed. Do we want people who may have been responsible for these sorts of crimes and who can't be extradited for one reason or another living happily in South London?

ABRAMS: The Justice Department wouldn't do an interview about the change Sir Ken proposes to the law. But David Blunkett was Home Secretary for four years after it was passed. It's never led to a single prosecution. But he says the Government remains determined to root out this type of criminal.

BLUNKETT: We're very clear about what we're doing now with people who've committed crimes against humanity across the world and do so very vigorously, but of course a lot of what we're talking about occurred many years ago.

ABRAMS: You say that's being pursued vigorously, but we've not had any prosecution under that 2001 act. Can we say it's working?

BLUNKETT: I think part of the methodology of the act was to discourage people from believing that they could come here or remain here and be free from prosecution. If we're discouraging people from being here, from using Britain as a safe haven, then that's a positive gain in its own right.

ABRAMS: But isn't there a risk that we're not discouraging people enough? Even the former DPP, Ken MacDonald's told us that he believes there's an immunity gap here. He thinks that it's about actually having the law with which to prosecute.

BLUNKETT: Well there are two things. Firstly, should it be retrospective and I think there's a case to be made. In many instances, of course, we're also saying that the country of origin, that the place from which the person committed the crimes should actually be also be a prime mover in taking action.

ABRAMS: Some cases raise issues about loopholes in the law and others about lack of police resources. But there have also been questions about whether the British Government really has the political will to press for prosecutions.

#### ACTUALITY IN HOLNE

ABRAMS: This is the picturesque Devon village of Holne on the edge of Dartmoor. With a 13<sup>th</sup> century church and a half-timbered pub, it's a place lots of people come to unwind. And for part of the year it's home to Ian Henderson, a Scot who spent thirty years as head of security for the Bahrain Government. What the other residents here may not know is for decades Mr Henderson's been dogged by allegations he was involved in torture and abuse.

ALSHAYEB: They start beating me with sticks, with electric cable, putting cigarettes on my body. They start torturing me.

ABRAMS: Abdulraoof AlShayeb was just fifteen when he was arrested in the Bahraini capital, Manama. He was accused of plotting to overthrow the Government by training with terrorists to make bombs – something he's always denied. He said most of his torturers were Bahraini, but one of them spoke English.

ALSHAYEB: They put my hand above my knee with handcuff and they put a stick between my hand and my leg and then they hang me up between two chair. Back home everybody know that type of torture, they call it failacca. Then later on I



AL-SHEHABI: I was furious. If they had the slightest idea or possibility that the Bahrain Government would cooperate with them and they would open the files and they would lead them to the torture chambers, then they would be naïve, and I don't think the British police were naïve and I don't think they at any time expected that there would be a full cooperation from the Bahrain Government, because the Bahrain Government would be incriminating itself if it allowed the questioning of Ian Henderson.

ABRAMS: So what do you think they did expect?

AL-SHEHABI: I do not discount the possibility that there is a political dimension to the whole case. The British Government would consider any opposition to the Bahrain Government as an opposition to a friendly government and they would not really like to support them.

ABRAMS: The police said they'd made strenuous efforts over many years to corroborate the allegations and to investigate Mr Henderson's assertions of innocence. But despite protracted negotiations, the Bahrain Government had refused to cooperate. It's insisted its human rights practices have been reformed. It now has a modernisation programme and a charter for good governance, and the country's king has declared torture a heinous crime.

## ACTUALITY AT GATES

ABRAMS: So this is Mr Henderson's house. It's an attractive bungalow on a hill set above the village. It's got quite extensive grounds, lots of trees, well mown lawns. We'll see whether we can knock on the door. I'm afraid there's a sign saying the gate's electrified, and sure enough it's locked, we can't get in. There's also a sign saying 'beware of the dog' so I'm afraid we can't go any further, but we will leave Mr Henderson a letter to see if we can get any response from that.

We didn't get any response from Mr Henderson. The Home Office didn't want to be interviewed for this programme, but it did say again in a statement that it was Government policy the UK shouldn't be a haven for war criminals. However, the chorus of criticism over legal loopholes, lack of resources and even lack of will grows daily. The former DPP, Sir Ken MacDonald says it's a matter of pressing need – not just for Britain but for the whole world.

MACDONALD: We're talking about prosecuting individuals who are resident in the United Kingdom, living amongst us, who may have committed the most horrendous and brutal crimes in other countries. The question is, should our criminal justice system be empowered to deal with these individuals when they're found to be living amongst us? I think it's important that people know, if they become involved in this sort of murderous activity, they can't just move off into another country after they've killed however many people they've killed and live happily and peacefully for the rest of their lives. I think if we're going to run a civilised justice system, along with other countries, other likeminded countries, we ought to make it plain that we won't be havens for those sorts of people, and I think that makes the world a safer place for all of us in the long run.

SIGNATURE TUNE