

PUBLIC

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UA 196/07

Forcible return/Fear of Torture

UNITED KINGDOM

Jamil el-Banna (m), Jordanian national

Jamil el-Banna, a Jordanian national who was recognized as a refugee by the UK in 1997, has been cleared for release from Guantánamo Bay, and intends to return to the UK, where his wife and five children live. Jamil el-Banna holds a current and valid refugee travel document, and should be entitled to return. The UK authorities have until 9 August to decide whether to allow him to return: if they do not, it is feared that he could instead be forcibly returned to Jordan, where he would – as the UK has already acknowledged, by recognizing him as a refugee – face a real risk of torture.

Jamil el-Banna was one of four men arrested at Banjul airport in Gambia in November 2002. Jamil el-Banna and two of the other men had previously been held by police in the UK for questioning under terrorism legislation, but had been released without charge.

Two of the men arrested at Banjul airport were released without charge in December 2002, and returned to the UK. Jamil el-Banna and another UK resident, Bisher al-Rawi, were handed over to US agents in Gambia shortly after their arrest, and were later unlawfully transferred to Afghanistan and then to Guantánamo Bay. They were the subjects of UA 359/02 (AFR 27/006/2002, 11 December 2002) and follow-ups.

Bisher al-Rawi was returned from Guantánamo to the UK in March 2007. Jamil el-Banna has now been held without charge or trial in Guantánamo Bay for more than four and a half years.

On 26 July 2007 the High Court of England and Wales set a deadline of 4pm on 9 August for the UK government to decide whether it would make any objection to Jamil el-Banna returning from Guantánamo to the UK. The government has to decide whether it will seek to withdraw Jamil el-Banna's refugee status, rescind his travel document and so prevent him from entering the UK on national security grounds.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- noting that Jamil el-Banna has been recognized as a refugee by the UK government, because of the risk of torture or other ill-treatment that he would face in Jordan, and that his wife and children live in the UK;
- urging the Home Secretary to make clear to the USA that the UK government has no objection to the return of Jamil el-Banna to the UK.

APPEALS TO:

Rt Hon Jacqui Smith MP
Secretary of State for the Home Department
Home Office
2 Marsham Street
London SW1P 4DF
United Kingdom

Fax: +44 20 7035 4745
Email: homese secretary.submissions@homeoffice.gsi.gov.uk
Salutation: Dear Secretary of State

and to diplomatic representatives of the UK accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 August 2007.*****