

# Blair government says British terror suspects in Guantanamo should be tried in UK

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Foreign Secretary Jack Straw has said that it would be “preferable” for British al-Qaeda suspects currently being held at the US naval base in Cuba to stand trial in the UK. Three Britons are thought to be amongst the 158 detainees taken blindfolded and shackled to “Camp X-ray” at Guantanamo Bay, where they face trial by military tribunal and a possible death sentence.

Speaking on *BBC Radio 4's Today* programme on January 23, the foreign secretary said, “It is far preferable, if they are British citizens, for them to come to the UK and face justice here... we continue to be in discussion with the United States.”

According to reports, Prime Minister Tony Blair backed up Straw's comments when he was interviewed later on *BBC Radio 2*. Blair agreed “A UK trial was the most effective way to bring the suspects to justice”. He also told the programme that the prisoners' status was “under discussion” and that the most important thing was that they were “humanely and properly treated”.

Their statements mark a shift away from the Labour government's earlier stance that it was “up to the US authorities” to decide what to do with the captives. The prisoners' conditions and status has been the subject of mounting international criticism, after the US authorities claimed the detainees were not prisoners of war, but “illegal combatants”. In inventing this definition, which has no basis in international law, the Bush administration is flouting the Geneva Convention and is seeking to justify the inhumane conditions under which it is holding the Afghan prisoners.

Human rights groups have condemned the US actions as illegal. The International Committee of the Red Cross said that the detainees must be classified as prisoners of war under the Geneva Convention and enjoy all the protections it affords. Under the Convention, prisoners cannot be forced to reveal more than their name, rank, serial number and date of birth. Moreover, unless they are formally tried for war crimes, POWs must be returned to their home countries at the end of “active hostilities”.

Amnesty International insisted, “It is not the prerogative of the Secretary of Defense [Rumsfeld] or any other US administration official to determine whether those held in Guantanamo are POWs. An independent US court, following

due process, is the appropriate organ.” The group had also suggested that the mistreatment of Afghan prisoners might itself constitute a war crime.

For more than a week, Blair had sought to defend the actions of the Bush administration and its abrogation of international law, whilst claiming that the prisoners were being treated in accordance with the Geneva Convention. Dismissing all the protests, Blair said that he had felt no need to raise the issue with Bush during their regular transatlantic phone calls, because he was “certain” the prisoners were being treated humanely.

The prime minister's apologetics fell apart last Sunday, January 20, when the US military released photographs from the camp, showing several prisoners kneeling before razor wire fencing, their legs and arms bound. Despite the sweltering heat, the men were dressed in heavy boiler suits, and were hooded and masked. ICRC spokesman Darcy Christen condemned the distribution of the photographs by the Pentagon as a violation of the Geneva Convention, which states that prisoners of war “should be protected from public curiosity.” Jens Modvig, secretary-general of the Copenhagen-based International Rehabilitation Council for Torture Victims, said that the continued denial of POW status to the detainees “arguably equals a war crime.”

For the first time, Germany publicly joined several other European countries in criticising US actions. “Regarding those under arrest in Guantanamo, we are of the view that, regardless of any later definition of their status, they are to be treated as prisoners of war,” German Foreign Minister Joschka Fischer said in a statement. “That means in accordance with international law and in a humanitarian way, as written in the Geneva Convention,” he said.

In Britain, the photographs provoked a storm of outrage from Labour MPs and through most of the media. Splashing the Pentagon pictures across its front page, the *Daily Mirror* asked, “What the hell are you doing in OUR name Mister Blair?”

In its leader comment, January 21, the *New Statesman* magazine complained, “In President Bush's airily dismissive words, ‘whatever the procedures are for military tribunals, our system will be a lot more fair than the system of Bin Laden and the Taliban’. But if everything is now to be judged by Taliban

standards, we are all lost. Legal questions nearly always hang on the interpretation of words. What is so alarming is the American indifference to legality, since legality is a defining characteristic of a liberal democracy and of the way of life that the US is supposedly fighting to protect.”

In parliament, Labour MPs attacked the prisoners’ treatment, whilst the parliamentary Human Rights Committee, chaired by Labour MP Ann Clwyd, requested an urgent meeting with US Ambassador William Farish to express its concerns at conditions in Guantanamo Bay.

Even some of the conservative press, which has championed President Bush’s “war against terrorism”, were up in arms. The *Sunday Mail* ran the banner headline “TORTURED” over the Pentagon photograph, whilst a columnist in its daily sister paper warned, “by treating its prisoners in this way, America has abandoned the moral high ground and offered its enemies, both within and without, the chance to plant their hostile flag on it instead”

Concern that US actions are undermining the humanitarian rhetoric used to justify the war against Afghanistan is not the only factor motivating these criticisms. America’s insistence on its right to try foreign nationals using the host of undemocratic measures introduced by Bush after the September 11 atrocities has come to epitomise Washington’s increasingly unilateralist stance. The US administration is demanding its allies surrender their national sovereignty over their own citizens. This has caused disquiet amongst broad sections of Europe’s ruling classes. In Britain, Blair has already faced growing criticism from within the political and military elite for having subordinated Britain’s national interests to those of the US for little reward.

In a bid to silence the critics, Blair reported that a Foreign Office team had interviewed the three Britons at Guantanamo last week, and reported that the prisoners had “no substantial complaints” about their treatment, which was in line with “international humanitarian norms”. The government refused make public its findings or to reveal further details about the team, which contrary to normal consular visits to British detainees abroad is believed to have also included members of the security services.

Blair’s contortions have been made all the more difficult by the increasingly belligerent stance of the Bush administration and, in particular, the right wing cabal grouped around Defense Secretary Donald Rumsfeld. In a provocative swipe at his British critics, Rumsfeld told a Washington press conference, “The allegations that have been made by many from a comfortable distance, that the men and women in the US armed forces are somehow not properly treating the detainees under their charge, are just plain false. It is amazing the insight that parliamentarians can get from 5,000 miles away”.

The January 20 *Observer* newspaper reported that the Blair government was dismayed at some of the statements coming from the Pentagon. It quoted Whitehall sources saying that

Straw “has been talking about British concerns with [Secretary of State] Colin Powell but frustratingly it is Donald Rumsfeld who appears to be taking the lead. While Jack Straw has been talking to Powell, Rumsfeld has been coming out with these extraordinarily gratuitous remarks. The man is just a magnet for trouble.”

Robin Cook, a former foreign secretary and now Leader of the House of Commons, was said to have irritated US officials when he described Rumsfeld witheringly as a “man of robust views”, before adding that, “The secretary of state for defense is an honourable post and we pay respect to that post, but it is not an independent post.”

Ann Clwyd described Rumsfeld’s statement as “extremely discourteous”. The Parliamentary Human Rights Committee had “complained about Rumsfeld” to Ambassador Farish during their meeting, said Clwyd. “We think it is somewhat crass to dismiss the concerns of elected representatives, most of whom supported them [the US] in the war.”

European Union Commissioner, and a former Conservative minister, Chris Patten said the global anti-terrorist coalition may have won the war in Afghanistan but it risked “losing the peace” over the United States’ treatment of Afghan prisoners. “I don’t think ... when Europeans express rationally and calmly some concerns on this particular issue that those concerns should be simply dismissed out of hand, and I do not think any sensible American would do so,” he said.

However, the Bush administration has maintained its hardline stance. American embassy representatives told Clwyd and a delegation of seven other MPs that the US could not exclude British al-Qaeda suspects facing capital punishment. Glyn Davies, deputy head of mission at the US embassy in London, refused to make any guarantees, and said he could not rule out the death penalty for any prisoners convicted of terrorist offences.



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