

British government defends conditions at Guantanamo

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The British government has publicly defended the conditions under which Afghan prisoners are being held at the US naval base in Guantanamo Bay, Cuba, despite growing international criticism. Among those being held are believed to be at least six Britons, two Frenchmen and an Australian.

On Wednesday, a further 30 detainees arrived at the base, dubbed Camp X-Ray, bringing the total number held to 110. Like previous arrivals, the latest batch of prisoners were also hooded and shackled throughout their 27-hour flight from Afghanistan to the Caribbean base, which is surrounded by razor-wire fencing and shark-infested waters. The prisoners are held in individual 6 by 8-foot cages made of concrete and chain-link fencing, exposed to the elements and with only a mattress to sleep on. They are subject to frequent interrogation, without the benefit of legal counsel.

The prisoners face indefinite detainment in subhuman conditions, which clearly breach all international standards of imprisonment, and could eventually be tried by a US military tribunal able to impose the death penalty if they are found guilty of war crimes or terrorist activities. The Bush administration has chosen Guantanamo Bay, which lies outside American jurisdiction, in order to avoid any of those detained mounting a challenge in the US courts.

The White House and Pentagon claim that the detainees are not prisoners of war, but “illegal combatants”, and so are not covered by the provisions of the Geneva Convention. In a press conference on Tuesday, US Defense Secretary Donald Rumsfeld dismissed all criticism of the prisoner’s conditions, stating that he did “not feel even the slightest concern about their treatment. They are being treated vastly better than they treated anybody else over the last several years”.

In London, Prime Minister Tony Blair strongly defended the US actions. The prime minister’s official

spokesman said that the treatment of the prisoners was “a matter for the American authorities,” and that it was not for the UK government to “second guess the US authorities”.

Foreign Secretary Jack Straw took the same position. In an interview with *BBC Radio 4*, Straw rejected concerns about the legal no-man’s land the detainees had been placed in. “What we have to bear in mind here is that these prisoners are accused of having been members of the most dangerous terrorist organisation which the world has ever seen, with the capacity to bring down the World Trade Center and with the potential to do much more damage as well. So of course they have to be kept in special circumstances.

“As far as the manacled and maybe the hooding, as well of their transportation on the aeroplanes is concerned, I defy anybody to say how you could transport potentially profoundly dangerous prisoners other than by wholly restraining them all together, and to ensure they couldn’t signal to each other. Just bear in mind what some of the alleged associates of these people have done”, Straw went on.

Straw claimed to have discussed the British prisoners with US Secretary of State Colin Powell at the weekend, and had received “assurances” about their treatment. Pressed on what those assurances actually were, Straw tried to avoid giving a direct answer; the prisoners had “rights”, Straw replied. “Whether or not technically they have rights under the Geneva Convention, they have rights in customary international law”, he continued. As British citizens it was the responsibility of the UK government to “ensure they receive those rights”.

In answer to a *BBC Radio 4* question whether, if any other government had dealt with a British citizen in the same way as America was presently doing at Guantanamo there would have been an official protest, Straw confirmed that his conversation with Colin Powell had not

taken that form.

In reality, the Blair government has shown it is prepared to waive fundamental democratic norms in order not to antagonise its US allies. Not only has it justified the arbitrary suspension of the Geneva Convention by the US authorities, it is even setting aside customary diplomatic and legal conduct. According to press reports, Britain's Foreign Office has still not been informed of the identities of those British citizens held at Guantanamo Bay, and the US authorities have only just agreed to access visits by UK officials.

The UK has long refused to extradite people to the US for trial if they could face the death penalty. According to the Foreign Office, the British government has "sought assurances from the American authorities that they will not impose the death penalty on any Britons caught fighting alongside the Taliban or al-Qa'eda", but has yet to receive a reply.

The Blair government's stance has provoked a storm of protest from within certain layers of the British establishment, on a number of fronts.

There is concern amongst some politicians that Washington's actions and blatant abrogation of the Geneva Convention threaten to undermine the humanitarian pretext on which Bush launched his war against Afghanistan and has more broadly sought to justify America's role as world policeman.

Labour MPs have warned the Blair government that such criticisms could jeopardise the international "war against terrorism". In parliament, Labour MP Kevin McNamara said that the West "is in danger of losing the high moral ground because of the treatment and possible mode of trial of those prisoners". Similarly, Labour MP Doug Henderson, a former Armed Forces Minister, said, "The Americans are going to have to watch out or they will be seen as the terrorists. They may not have a legal obligation to treat the prisoners properly, but they do have a moral and political obligation."

Human rights groups have protested conditions in Guantanamo. Earlier this week, Amnesty International reiterated its call that all those in US custody following the military operations in Afghanistan must be treated humanely, with full respect for the Geneva Convention. The organisations said US current practices could constitute "cruel, inhuman or degrading" treatment.

The director of the US Program for Human Rights, Jamie Fellner, rejected Rumsfeld's statement that the prisoners were "illegal combatants".

"Rumsfeld has it wrong," Fellner said. "Every detainee,

whether or not they are a prisoner of war or an unlawful combatant or any other category, every captured fighter is entitled under the Geneva Conventions and under international human rights law and under customary law to basic treatment and humane conditions of confinement."

Blair hoped that by acting as Bush's loyal partner in the war on terrorism, he could win the ear of Washington and use this to Britain's advantage in the Middle East and Europe. But there is concern that the US is making up its own rules as it goes along, and unilaterally dictating the agenda in Afghanistan and the Middle East to the detriment of British interests in the region, and elsewhere.

Even the usually pro-Bush newspapers are up in arms. The conservative *Daily Telegraph* castigated the US for endangering the distinction "between civilised society and the apocalyptic savagery of those who would destroy it", whilst the *Financial Times* warned January 17 that the row over prisoners' rights highlighted a "widening split between the US and its allies over conduct of the Afghan war".

According to the *Financial Times*, a senior British official had expressed "dismay at the abrasive language used by Mr Rumsfeld". The same unnamed official expressed concern that "Washington's handling of prisoners risked giving the impression that the US had reverted to an isolationist foreign policy".

But the newspaper noted that none of the 20 countries which had contributed troops or resources to the US led war in Afghanistan had made any public criticism of the US. "With the US firmly in command they are powerless to dictate what it does with prisoners taken in war", the *Financial Times* reported.



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