

Blair government surrenders rights of Britons held in Guantanamo

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26 July 2003

The British government has accepted that two of its citizens, Feroz Abbasi, 23, and Moazzam Begg, 35, currently held in Guantanamo Bay, Cuba will face trial by a US military tribunal in defiance of all international jurisprudence.

In return for agreeing to surrender its citizens to the tender mercies of a kangaroo court, the government has merely requested that at the end of this legal travesty the US does not execute Abbasi and Begg. Britain abolished the death penalty in 1965 and America's continued resort to this barbaric practice is widely condemned internationally.

Even if this face-saving concession is granted, the US will still be free to imprison the two Britons for up to 20 years, despite the fact that none of the accusations made against them—they have yet to be charged with any crime—would not usually warrant such a sentence.

Such was the mealy mouthed character of the announcement by the UK's Attorney General Lord Goldsmith earlier this week in Washington, where he had been attending talks with US officials over the two men's fate.

Goldsmith's statement was presented as a triumph for the government, and proof that Prime Minister Tony Blair's "special relationship" with the Bush administration was paying off for Britain. That the US had agreed the death penalty would not apply in Abbasi's and Begg's case, the government claimed, showed that it could use the influence it had gained through its support for the Iraq war to extract significant concessions.

In reality it confirms that the government can expect a few crumbs to be thrown its way only to the extent that it proves its willingness to pervert all democrat norms, including surrendering the democratic rights of its own citizens.

For more than 19 months since the end of the war against Afghanistan the British government has refused to challenge the Bush administration's detention of some 600 people, including nine Britons, at the US base in Guantanamo. Begg was arrested in Pakistan where he had been running an Islamic school; Abbasi is alleged to have been captured in Kunduz, Afghanistan in late 2001. They have strenuously denied any involvement in terrorist activities.

Flown blindfolded and in shackles to the facility, prisoners have been locked in tiny cages, are subject to indefinite detention in solitary confinement and denied access to lawyers and direct contact with their families. Formerly held at Camp X-Ray, prisoners are now being held at the newly constructed Camp Delta. Since the prison camps opened there have been 29 reported suicide attempts involving 18 of the inmates. Recent reports allege that detainees are subject to routine torture, including the administration of injections to force them to speak with interrogators.

By defining them as "illegal combatants"—a term that has no

meaning in international law—rather than prisoners of war, the US has deprived the detainees of the usual protections of the Geneva Conventions under which POWs, unless formally tried for war crimes, must be returned to their home countries at the end of "active hostilities." By establishing the base outside US sovereignty, the Bush administration has also sought to ensure that those detained have no means of seeking legal redress through the US courts.

The British government is well aware that these conditions breach all standards of due process. In November 2002, in response to a legal bid by Abbasi's mother to force the British government to intervene on her son's behalf, the UK Appeals Court ruled that the Britons' detentions were "legally objectionable" and "in apparent contravention of the fundamental principle of law."

Despite this the court ruled that the British government could not be made to intercede on its citizens' behalf, "even in the face of what appears to be a clear breach of a fundamental human right, as it is obvious that this would have an impact on the conduct of foreign policy ... at a particularly delicate time."

In other words, civil liberties can be jettisoned if these are deemed to conflict with the ruling elite's efforts to protect its alliance with the Bush administration and its share of the carve-up of the oil and mineral wealth of the Middle East.

For months the government refused to lift a finger in the detainees' defence, whilst one minister after another queued up to defend conditions at Guantanamo Bay. It only reluctantly became involved in the detainees' plight after the US announced earlier this month that Abbasi and Begg were amongst nine prisoners that it had selected to face trial before military tribunals.

The announcement brought outrage from human rights group, and led to more than 200 British MPs presenting a parliamentary petition calling for the men to be repatriated.

The draconian rules covering the tribunals are designed to ensure that the Bush administration secures the outcome it wants—namely the continued imprisonment of those who have run afoul, no matter how innocently, of its so-called "war on terrorism."

The entire process is weighted in favour of the prosecution. Those brought before the tribunal will face a prosecution case prepared under conditions in which the accused have been interrogated under duress and without access to legal advice. Held behind closed doors, the accused will not be informed of the specific evidence against them.

All defence lawyers must be US citizens and must waive their right of confidentiality during discussions with their clients—a clear breach of attorney/client privilege. In a further effort to tie the defendants' hands, their defence lawyers are expected to pay all expenses, including the cost of flights to the Cuban base, where they will not be

allowed to leave without the permission of a senior officer.

In addition, according to the *Guardian*, the rules state that the lawyers must not “discuss, transmit, communicate or otherwise share documents or information specific to the case with anyone except as is necessary to represent [their] client before a military commission.” In other words, speaking to the press about the case could result in their detention on the island.

Finally, judgement on the prisoners’ guilt will be delivered by the US Department of Defence. As commander-in-chief of US forces, President George W. Bush has already made public his verdict on the two Britons.

At a joint press conference on July 17, following Blair’s address to Congress, Bush was asked to comment on an issue “causing a great deal of concern in Britain and the British Parliament” and to state “whether there’s any chance that the president will return the British citizens to face British justice, as John Walker Lindh faced regular American justice?”

Bush replied evasively, stating, “we’re going to go upstairs and discuss the issue.”

He was then asked, “Do you have concerns they’re not getting justice, the people detained there?” Bush clearly embarrassed Blair when he replied, “No, the only thing I know for certain is that these are bad people.”

There are fears that Begg and Abbassi may be induced to plead guilty to charges to avoid the prospect of being returned to Guantanamo and limitless detention.

Blair, himself a former lawyer, has not flinched at any of these measures. Instead, in an effort to prevent further charges that he was simply Bush’s “poodle,” he urged several ministers to signal the UK’s intent to “vigorously” defend its citizens. Lord Goldsmith was dispatched to the US for discussions with officials over the forthcoming tribunal hearings, whilst Foreign Secretary Jack Straw declared that the British government would insist that its citizens have access to legal advice and that the UK would not “condone capital punishment.”

Given that capital punishment was outlawed in the UK some 40 years ago, Straw’s assurances are cold comfort. They were meant only to obscure the fact that the government had accepted the Britons would face the tribunals. This was made plain by Blair on July 20, in advance of Goldsmith’s statement, when he told *Sky News* that there were just two alternatives available for dealing with the British citizens at Guantanamo: “We can either have them tried according to a US military commission—but then we need to make sure any rules are fully compliant with our own standards—and the other option is to bring people back to Britain.”

The government had already abandoned any attempt to secure the return of the two Britons. As well as having no desire to conflict with the White House, a factor in Blair’s calculations must be that such is the flimsy character of the evidence against them, and so flagrant has been the breach of their democratic rights, that no British court would be able to convict them.

The *Guardian* reported, “Senior ministers are resigned to the prospect that the two British prisoners who face US military tribunals at Guantanamo Bay in Cuba cannot be repatriated to stand trial in UK courts because the legal barriers to such a political compromise are insurmountable.”

Faced with the prospect that the two would be released upon their return to Britain, thus antagonising the Bush administration, the government has acquiesced to a military-style judicial lynching.

This fact alone shows Blair’s claim that the tribunals can be made consistent with “our standards” to be a bold-faced lie. Neil Durkin of Amnesty International said, “It’s frankly well-nigh impossible to see how the grossly unfair procedures of the planned military commissions can be tweaked to make them meet basic human rights standards. We think the commissions have got to be scrapped.”

The Guantanamo Bay detainees are not the only example of how the government is abusing its citizens’ rights as bargaining chips in its foreign policy manoeuvres. Earlier this year, in a little noted exchange between Home Secretary David Blunkett and his US counterpart Donald Rumsfeld, Blunkett agreed that the UK would extradite Britons to the US in future without any need to produce *prima facie* evidence that they are guilty of anything. The agreement applies only on the British side—the US declined to make the arrangement reciprocal.

Labour’s indifference to the Guantanamo detainees confirms the absence of any constituency for civil liberties and democratic accountability within the Blair government. This is underlined by its determination to implement similar authoritarian measures to those employed in the US within Britain.

In London this week a secret witness appearing as an MI5 expert before a panel of three judges at the special immigration appeals commission said that the security service would use information extracted from prisoners by torture as evidence in court.

The witness, referred to only as “A,” was appearing in the hearing brought by 10 asylum-seekers who are appealing against their indefinite imprisonment on the grounds that the government suspects they may be connected to terrorist activities. Lawyers for the 10 were trying to ascertain if the government, whose evidence against the detainees was heard in closed session, was basing its case on information extracted under torture.

The MI5 expert’s testimony confirmed that such evidence would be used. It brought further charges that the government has been indifferent to the treatment of the Guantanamo detainees because it hopes information extracted from them during interrogations by the CIA and MI5 officers can be used for its own anti-terror measures.



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