

Britain's Guantanamo: indefinite detention has "severe adverse impact" on mental health

Richard Tyler
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An expert report recently found that the indefinite detention of alleged terrorist suspects has had a "severe adverse impact" on their mental health.

Under the 2001 Anti-Terrorism Crime and Security Act (ATCSA), foreign nationals in the UK suspected of terrorist links can be held indefinitely without a trial or recourse to due legal process. Most of the 11 men still being held under this act are incarcerated in Belmarsh Prison, London, which has been dubbed "Britain's Guantanamo."

Solicitors acting for the men liken their plight to being "entombed in concrete." According to human rights group Amnesty International, "The men are held in small cells for 22 hours a day, how is that proper treatment?" The organisation describes the conditions at Belmarsh as "cruel, inhuman and degrading."

The expert panel conducting the study included Professor Ian Robbins, Consultant Clinical Psychologist, and Professor Michael Kopleman, Consultant Neuropsychiatrist, along with six other specialist consultant psychiatrists. Their findings were based on the analysis of 48 reports and documents drawn up on eight of the detainees, as well as interviews with some of their spouses, whose mental health was also found to have been seriously affected by their husbands' indefinite detention.

"Detention has had a severe adverse impact on the mental health of all detainees and the spouses interviewed. All are clinically depressed and a number are suffering from PTSD [Post Traumatic Stress Disorder]. The indefinite nature of the detention is a major factor in their deterioration."

Of the eight detainees whose mental health was investigated, six come from Algeria, one from Tunisia and one from Gaza.

The study noted there was a "high degree of

consensus amongst the expert opinion on the detainees," who were all found to suffer from "significant levels of depression and anxiety. The symptoms are of clinical severity and have shown a deterioration over time."

The report found a high level of suicidal thought, with instances of self-harm ranging from superficial cuttings to attempted hanging. Moreover, given the detainees' devout Muslim beliefs, which directly prohibit suicide, the paper notes that this is "particularly significant given the number who have attempted or are considering suicide."

Throughout the study, it is the open-ended nature of the detention that is found to be the significant causal factor for the men's poor mental health. "Deterioration in mood state is clearly linked to a sense of helplessness and hopelessness which is an integral aspect of indefinite detention."

The report is critical of the medical care (or rather the lack of it) that the men receive, writing that their health needs are "not being adequately met within the prison system." It found that some prison staff regarded their attempts at self-harm as "manipulative," rather than being understood as reflecting a "deterioration in mental state rather than deliberate manipulation"

The prognosis for the detainees' future mental health is bleak. The conditions under which they are being held are tantamount to a form of slow torture. Though they are not being beaten or denied nutrition, the nature of their imprisonment is gradually driving them mad.

Denied any knowledge of what they have been accused, or given the opportunity to challenge their incarceration in a court of law, the document notes, "A number of detainees, as their mood has deteriorated, have developed significant psychotic symptoms. These symptoms were not present prior to detention."

The detainees' wives, who are not under arrest and against whom there is no claim of "terrorist" involvement, also face worsening mental health. Interviews with the spouses of three detainees found that all showed signs of clinical depression. "Their symptoms relate directly to the incarceration of their husbands and its indefinite nature."

The real crime is the internment without trial of 11 foreign-born men by the British state.

In the aftermath of the 9/11 terrorist attacks in the US, Britain lifted sections of the European Convention on Human Rights, so that it could incarcerate foreign nationals it suspected of terrorist links, without the need to bring them before a court. This massive assault on fundamental democratic rights was justified by declaring a "public emergency threatening the life of the nation." Britain remains the only European state to have derogated from the Human Rights Convention.

The legality of such indefinite detention is presently being reviewed in a case before the Law Lords, Britain's highest court of appeal.

Ben Emmerson QC, representing seven of the detainees, told the Law Lords, "In a democracy it is unacceptable to lock up potentially innocent people without trial or without any indication when, if ever, they are going to be released."

Amnesty International calls the case "the most important constitutional law case for a lifetime."

Indeed, the constitutional implications of the case are underscored by the fact that nine Law Lords, rather than the usual five, are hearing the case, which began earlier this month.

The government is represented by the attorney general, Lord Goldsmith (who also provided the government with the now-notorious juridical opinion that the Iraq war was legal). Goldsmith argued that 9/11 was an "unprecedented form of terrorism," a "new and intense threat to the nation," and that the government was justified in taking "strong action to protect its citizens." The government argues that the detainees cannot be put on trial because the evidence against them is "secret" or would be inadmissible in court.

Gone is the presumption of innocence, gone is due legal process, gone is a trial by one's peers. To protect the citizen, it is necessary to incarcerate the citizen!

The present case before the Law Lords is an appeal against an earlier ruling on the men's incarceration.

Given little publicity, the August hearing also ruled that evidence extracted under torture was admissible in British courts, provided it was done in a third state—a situation that was described by one reporter as "outsourcing torture."

Writing in the *Observer*, Ben Ward, a leading barrister and counsel for Human Rights Watch, said that if the Law Lords upheld the present legislation, "a profound and dangerous shift will have taken place. The principle of equality under the law...will have been abandoned. Worse still, the absolute ban on torture will have been seriously undermined."

In what it described as an "extremely rare decision," Amnesty International has made a written submission to the Law Lords. The document submitted by the human rights group invites the nine Law Lords hearing the appeal to find that indefinite detention under Part Four of ATCSA is "criminal for all intents and purposes. That it, as such, violates the most fundamental fair trial rights guaranteed in international standards, including treaty provisions by which the UK is bound."

Moreover, the group derides the admissibility of, and reliance on, evidence obtained as a result of torture or other ill-treatment in ATCSA proceedings as being "in violation of the UK's obligations under international law."

Having thrown overwhelming military might against Iraq, flouting long-established legal conventions banning "aggressive war," the British government has begun to tear up democratic rights and juridical protections at home. Although the first to suffer under the "strong action" of the British state have been foreign nationals, the undermining of age-old legal principles threatens every citizen.

"The psychiatric problems of detainees under the 2001 anti-terrorism crime and security act" can be read at:

<http://www.cageprisoners.com/articles.php?aid=3624>



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