

# The Binyam Mohamed case and the threat of dictatorship

Robert Stevens  
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Each day brings new revelations about the full extent of British involvement in the torture of those detained by the United States during the wars in Afghanistan and Iraq.

On Friday, it emerged that the London Metropolitan Police are investigating allegations that the British intelligence service MI5 was complicit in the torture of Shaker Aamer, the last remaining British resident being held in Guantánamo Bay, Cuba.

Aamer has been imprisoned at Guantánamo without charge since February 2002. His lawyers claim that British security and intelligence officers were aware that he was previously tortured while held in US custody at the US military prison at Bagram Air Base in Afghanistan. Aamer alleges that, in the presence of an MI5 officer, his head was repeatedly “banged so hard against a wall that it bounced” and that he was beaten by up to a dozen men and threatened with death.

The British High Court recently ruled that documents pertaining to the torture of Aamer had to be released to US authorities. Foreign Secretary David Miliband had refused a request to release them.

The Equalities and Human Rights Commission has now called for an inquiry into claims that British intelligence agencies were complicit in the torture of more than 20 terror suspects.

These developments follow the British Court of Appeal judgment in the case of Binyam Mohamed resulting in the release of an earlier ruling confirming that MI5 colluded with US authorities in his torture. The court agreed, in the face of fierce government opposition, to release a redacted seven paragraph statement concluding that Mohamed was subjected to treatment that “could readily be contended to be at the very least cruel, inhuman and degrading treatment by the United States authorities.”

Binyam Mohamed, a British resident, was arrested in Pakistan in April, 2002, and imprisoned and tortured in Pakistan. Turned over to the US, he was flown to Morocco, then to Afghanistan, and finally to Guantánamo Bay, where he was repeatedly tortured before being released without charge in February 2009. MI5 is alleged to have provided questions and information to Mohamed’s American torturers.

The mounting evidence of the routine use of torture and abuse is of great political significance not only in Britain, but in the United States and internationally. These cases reveal that the entire state machinery in the US and Britain is guilty of heinous crimes, including sadistic torture. Such acts are themselves the essential product of criminal policies—the illegal colonial-style wars of aggression pursued by the US and Britain against Afghanistan and Iraq.

Definite methods of rule must flow from such policies, which are based on a complete break with previous democratic processes. These methods include assassination, torture, abduction, extraordinary rendition and the denial of due process.

In order to pursue its war aims, the Bush administration repudiated international law enshrined in the Geneva Conventions, particularly the Third Geneva Convention, which provides humanitarian protections for prisoners of war. The US claimed that its provisions did not extend to so-called “illegal enemy combatants.”

However, the British Labour government, under Prime Minister Tony Blair and his successor, Gordon Brown, never felt able to issue such a brazen repudiation of international law. Instead, it has placed itself in the forefront of efforts to cover up the crimes perpetrated jointly with Washington and protect those responsible from having to answer for them.

The political establishments in the US and Britain are

mired in criminality and filth, and their counterparts in the other major capitalist countries are also implicated. Their crimes of aggressive war and torture are compounded by their illegal efforts to conceal their actions and protect the guilty.

The Obama administration is fully implicated in the cover-up. Since assuming office, Obama has moved to bar the prosecution of Bush officials who authorised torture. This, itself, is a violation of the Geneva Conventions and other statutes of international law, which impose on governments an obligation to prosecute those guilty of torture.

In the case of Binyam Mohamed, the Obama administration threatened to end security cooperation with Britain if US communications with the UK were made public. This provided the basis for the British Foreign Office's argument that secrecy was necessary in the interests of national security.

It also emerged that the British government's lawyer engaged in secret communications with a judge to ensure that one of the paragraphs criticising MI5's role in the torture of Mohamed was heavily redacted. In English courts of law, such secret communication is prohibited and has been for almost 400 years.

Following the Court of Appeal ruling, Bruce Anderson, a leading Conservative columnist in the *Independent*, wrote an op-ed piece entitled "We Not Only Have a Right to Use Torture, We Have a Duty."

Anderson defended the use of torture not only against those accused of terrorism, but against their families. He posed what he called "a devilish intellectual challenge," whereby, "[w]e have captured a terrorist, but he is a hardened character. We cannot be certain that he will crack in time. We have also captured his wife and children."

In such a situation, he asserted, "I have come to the conclusion that there is only one answer.... Torture the wife and children."

Anderson then attacked the Court of Appeal, saying it "traduced an entire security service, showed no understanding of the courage which its officers routinely display—no understanding, indeed, of anything beyond courtroom niceties."

Such comments reveal the extent to which broad layers within the ruling class have abandoned any commitment to the rule of law. What are the necessary consequences of the naked advocacy of torture and

other abhorrent practises other than a general overturning of democratic norms? The resort to torture against "terror suspects" can only be a precursor to the widespread use of state violence by an elite that feels itself threatened by rising social and political discontent.

This political danger must not go unanswered. To accept that such crimes can be committed with impunity is to politically disarm the working class in the face of an ever more naked resort to repression.

The Nuremberg principles, based on the Nuremberg war crimes tribunal, which brought to justice some of the leaders of the German Nazi regime following the Second World War, enshrined in international law, including the Geneva Conventions, the concept of war crimes.

In 2006, Benjamin Ferencz, a former chief prosecutor at the Nuremberg trials, said that "a prima facie case can be made that the United States is guilty of the supreme crime against humanity—that being an illegal war of aggression against a sovereign nation."

A major component of the indictment against German officials at Nuremberg concerned the abuse of POWs. The US has also breached the United Nations Charter and the United Nations Convention on Torture.

The demand must be made for those guilty of war crimes to be brought to justice. These include former US President George W. Bush, former Vice President Dick Cheney, former US Defence Secretary Donald Rumsfeld, former British Prime Minister Tony Blair, former MI5 Director General Eliza Manningham-Buller, and the former head of MI5 counter-intelligence, Jonathan Evans, who is now MI5 director general.

This demand is an essential part of the international mobilization of workers and young people against imperialist war and in defence of democratic rights.

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