

Secret interrogation policy confirms UK government's complicity in war crimes

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A secret interrogation policy document obtained by the *Guardian* is the latest in a growing body of evidence attesting to the war crimes of the previous Labour government.

Published on the newspaper's web site last week, the document is entitled, "Agency policy on liaison with overseas security and intelligence services in relation to detainees who may be subject to mistreatment".

It reveals that the Labour government permitted the UK's security and intelligence agencies, MI5 and MI6, to interrogate detainees that they knew had been tortured at the hands of allied overseas intelligence services.

The document chillingly instructs UK agents to "balance the risk of mistreatment and the risk that the officer's actions could be judged to be unlawful against the need" to extract information from prisoners.

Most damningly, it confirms that such actions were directly authorised by government ministers: "In particularly difficult cases ... it may be necessary to consult Ministers ... to ensure that appropriate visibility and consideration of the risk of unlawful actions takes place."

The UK government is known to cooperate with regimes notorious for torture—including the US Central Intelligence Agency (CIA) and Pakistan's Inter-Services Intelligence. But the guidelines allow UK officers to proceed with interrogation on basis of verbal "caveats" or "assurances" that their intelligence agencies will "eliminate or minimise the risk of mistreatment".

The policy contravenes the United Nations Convention against Torture, which requires signatory states to make torture a criminal offence, including instances of attempted torture and "an act by any person which constitutes complicity or participation in torture."

The interrogation policy revealed last week is the original drawn up by the Blair Labour government in 2002 to allow British intelligence to question prisoners in Afghanistan that they knew had been submitted to torture and abuse by the CIA. Following the invasion of Iraq, the policy was rewritten in 2004 and again in 2006, establishing it as a

"formal" and "comprehensive" policy for the interrogation of overseas detainees, "including comprehensive legal advice to all officers".

The criminality of the Labour government is further compounded by repeated lies and evasions with regard to the details and implications of the policy.

When the *Guardian* first became aware of the policy over two years ago, a spokesman for then Prime Minister Tony Blair denied precisely those criminal activities permitted by the secret policy, stating: "Tony Blair does not condone torture, has never authorised it nor colluded in it at any time." Blair, along with the former home secretary, David Blunkett, and former foreign secretary Jack Straw have repeatedly refused to reveal whether they had knowledge of detainees being tortured as a result of the policy.

On June 16, 2009, speaking before the House of Commons foreign affairs select committee, David Miliband fraudulently proclaimed, "We would never procure intelligence ... through torture. We would never say to another intelligence agency 'Please get us information about X' and ... abandon our legal and ethical commitments in respect of how you find that."

It is exactly such heinous criminality that Miliband worked systematically to conceal from the public as foreign secretary between 2007 and 2010. Miliband refused to release either the pre-2004 documents or later versions, arguing that to do so would "give succour to our enemies".

In the case of Binyam Mohamed, a victim of extraordinary rendition who sued the UK government for complicity in his torture at the hands of the CIA and other overseas agencies, Miliband unsuccessfully mounted legal proceedings in an effort to suppress incriminating sections of the judge's findings. When he was released from Guantánamo Bay in February 2009, without charge, Mohamed alleged that MI5 had provided questions and information to his American torturers.

Similarly, in the case of Shaker Aamer, the last remaining British resident held in Guantánamo Bay, the foreign secretary disregarded the ruling of the British High Court

and refused to request the release of documents pertaining to his mistreatment, held by the US authorities. Aamer alleges that he was tortured in the presence of an MI5 officer.

On September 21, 2010, the *Guardian* revealed that MI5 and MI6 officers had consulted Miliband in line with the secret policy. According to British intelligence sources, “Officers from MI5 are understood to have sought similar permission from a series of home secretaries in recent years.”

A number of other former Guantánamo detainees had begun civil proceedings against the UK government over alleged complicity in torture at the hands of a variety of allied intelligence agencies, including those of Pakistan, Bangladesh, Egypt, Syria, Morocco and Dubai. In order to limit exposure of its war crimes, Labour pursued an out-of-court settlement, paying out a total of around £12 million in compensation over the past five years. It is thought that when all 16 former detainees are compensated the total will reach £14 million.

The publication of the secret interrogation policy comes on the back of a series of exposures revealing that the British Armed Forces have routinely carried out officially sanctioned torture.

In July 2010, on the basis of evidence presented on behalf of over 100 Iraqis, a preliminary high court ruling found, “There is an arguable case that the alleged ill-treatment was systemic, and not just at the whim of individual soldiers”. Last October, the *Guardian* leaked interrogation technique training manuals for use by British military personnel in Iraq. They detail “threats, sensory deprivation and enforced nakedness” and sleep deprivation. They recommend that prisoners be “conditioned prior” to interrogation to instil “anxiety/fear”, “insecurity”, “disorientation” and “humiliation.”

The Conservative-Liberal Democrat claims to have amended the formerly secret interrogation policy to give “greater clarity about what is and what is not acceptable in the future”. The changes, however, are only cosmetic.

The Equality and Human Rights Commission has said that the new guidelines are still in breach of international law, in that they do not prohibit intelligence officers from “aiding and assisting” allied agencies engaged in inhuman or degrading treatment. The policy still “allows intelligence officers to rely on assurances from foreign states” that a prisoner will not be mistreated, while giving them the “erroneous expectation that they will be protected from personal criminal liability”.

The Conservative-Liberal Democrat coalition is now seeking to conceal the war crimes of the Labour government, as it is fully determined to advance the predatory militarist and colonialist strategy begun by its

predecessor in Afghanistan and Iraq, and for which it has now opened up another front in Libya. Antidemocratic methods such as torture, abduction, extraordinary rendition, extra-judicial assassination, and the denial of due process flow from these illegal wars.

Along the same lines as the Chilcot inquiry—set up by the Labour government to whitewash its role in launching, in alliance with Washington, a premeditated and illegal war of aggression against Iraq in 2003—the Conservative-Liberal Democrat government has launched another toothless inquiry headed by none other than Sir Peter Gibson, the Intelligence Services Commissioner since 2006.

The inquiry will investigate the allegations of 12 former Guantánamo Bay detainees that the UK government colluded in their torture. It will have no legal powers to initiate the prosecution of the accused. The victims and their lawyers will not be able to identify the accused intelligence officers or cross-examine their accounts, meaning they will essentially be taken at their word. The great majority of evidence will be heard behind closed doors while the government will maintain authority over what is published in the final report.

Ten leading human rights organisations, including Amnesty International, Reprieve, and Human Rights Watch, along with the lawyers representing the 12 former detainees, have boycotted the inquiry. A letter, jointly addressed to the inquiry by a coalition of human rights groups, makes clear that the investigation does not comply with international law. It states that “European Court of Human Rights case law” requires that an investigation “into allegations of torture be independent, impartial, subject to public scrutiny, and include effective access for victims to the process.”

The Gibson inquiry fulfils none of these stipulations.



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