

European court's extradition ruling and Guantanamo's global reach

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Tuesday's ruling by the European Court of Human Rights (ECHR) allowing Britain's extradition of five alleged terror suspects to face trials in the US speaks volumes about the erosion of basic democratic principles throughout Europe.

In July 2010, the ECHR took the extradition cases under consideration. The most obvious legal problem presented by the American extradition requests was that the European Convention on Human Rights, the international treaty under which the court was founded, sets forward a number of principles wholly at odds with the extradition and the practices of the US government.

The convention states, for example, that anyone detained or arrested "shall be brought promptly before a judge" and "shall be entitled to trial within a reasonable time or to release pending trial."

Two foreign nationals covered in the extradition ruling, Adel Abdul Bary, an Egyptian, and Khaled al-Fawwaz, a Saudi, have been held without trial for 12 years.

Babar Ahmad, a British citizen covered by the ruling, has been held without charges or trial for eight years awaiting extradition. His alleged offense is "material support for terrorism" for having managed Islamist web sites between 1997 and 2003 that supported insurgents in Chechnya and Afghanistan.

Syed Talha Ashan, charged with the same offense as Ahmad, has been detained since July 2006, also on the basis of an extradition request from the US.

Aside from Britain's glaring violations of the rights supposedly upheld by the ECHR, the US itself is infamous for its assertion of the right to hold individuals in military detention indefinitely without charges or trials. It has imprisoned individuals under these conditions for a decade at its Guantanamo Bay prison camp in Cuba. President Barack Obama recently

signed into law legislation affirming his "right" to condemn US citizens to indefinite military detention.

The European convention also affirms that member states may not extradite individuals to countries where they might face torture. Again, the US government is notorious for its use of torture and the "extraordinary rendition" of suspects to other countries to be tortured. Indeed, the day after the ECHR's ruling, a military "war court" at Guantanamo heard arguments over whether a defendant's testimony about being waterboarded and tortured with a power drill by US interrogators will be heard in open court or in secrecy.

The continuity of torture from the Bush to the Obama administrations is evidenced by the failure to hold a single individual accountable for making torture a state policy. Moreover, these practices continue against those regarded as enemies of the state. Earlier this year, the UN's special rapporteur on torture found that the conditions of detention of Private Bradley Manning—accused of providing WikiLeaks with confidential documents exposing US war crimes—are tantamount to torture.

Finally, the European human rights convention bars capital punishment and proscribes extradition to countries that impose the death penalty. The US ranks fifth in the world in the use of this barbaric practice, trailing only China, Saudi Arabia, Iran, and Iraq.

In its July 2010 ruling, the ECHR shirked its legal responsibilities, taking as good coin a flurry of diplomatic notes drafted by the US Embassy in London promising that the extradited individuals would not be executed or tortured. Similarly, the court found that, while the men held in Britain could be designated by the US President "as enemy combatants who could then be detained and tried by a military tribunal", a diplomatic note promised that this would not happen.

The only issues left unresolved in the previous ruling was whether the conditions of severe isolation prevailing at the US “supermax” prison in Colorado, ADX Florence—where the extradited individuals would be confined—are tantamount to torture, and whether the likely sentences faced by some of them, life imprisonment without parole, constitutes cruel and inhuman punishment. Neither such prisons nor such sentences exist in Europe.

In 1996, a UN investigation found such prisons “inhuman and degrading”, while the New York Bar Association found that conditions inside them constitute “torture under international law”.

The gross cynicism of the court in dismissing these concerns was summed up in its finding that the mind-destroying conditions of protracted solitary confinement were really not so bad because “talking to other inmates is possible, admittedly only through the ventilation system.”

Clearly, the court’s decision was entirely political. It was determined not to antagonize the UK, which in turn was desperate not to antagonize the US, with which it shares a “special relationship” as a junior partner in imperialist plunder. The subservient nature of this relationship is reflected in the 2003 US-UK treaty that allows the US to demand the extradition of British citizens for alleged violations of US law committed in Britain, without the need of presenting proof to any British court.

These same considerations pose a deadly threat to Julian Assange, the founder of WikiLeaks, who could face as early as next week a decision by Britain’s highest court on his appeal of lower court decisions to extradite him to Sweden to face an inquisition on baseless sexual assault charges. From there he could be extradited to the US, where a secret grand jury has indicted him for exposing US war crimes and conspiracies under the Espionage Act of 1917, a statute that provides for the death penalty.

More broadly, the ECHR’s ruling is an expression of the degradation of democratic sensibilities and the frontal assault on basic rights that is taking place throughout Europe. The social and political impulses within the US that gave rise to Guantanamo, rendition, assassinations and torture are now expressing themselves powerfully on the European continent.

In Greece, Spain and throughout Europe, the ruling

elite, no less than its American counterpart, is implementing drastic austerity policies that include slashing wages and decimating public services, while cutting taxes for the corporations—in short, a vast transfer of social wealth from the masses of working people to a financial oligarchy. Such measures cannot be imposed by democratic means.

At the same time, the European states have joined with Washington in colonial-style wars, such as the one waged for “regime change” in Libya. Imperialist war abroad finds its reflection in the growth of police state repression at home.

Fearful that the crisis of capitalism and the measures it is undertaking to guard its profit interests are provoking revolutionary upheavals from below, the European ruling elite and its “human rights” judges no longer feel the need to feign shock at the methods of Guantanamo or object to the barbaric conditions within the US prison system. They are preparing the same and worse.

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