

# UK signs off on US death penalty for “ISIS Beatles”: What are the implications?

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Confirmation that UK Prime Minister Theresa May supports the decision not to seek guarantees from Washington against the death penalty in the case of the so-called “ISIS Beatles” sets a dangerous and sinister precedent.

On Monday, the *Daily Telegraph* leaked a letter from Home Secretary Sajid Javid to US Attorney General Jeff Sessions disclosing that the government would not seek “death penalty assurance” in the case of Alexandra Kotey and El Shafee Elsheikh. The pair are alleged to be members of a four-man ISIS cell responsible for the brutal murders of several Western captives in Syria and Iraq.

Dubbed the Islamic State’s “Beatles” due to their British accents, Kotey and Elsheikh, along with Mohammed Emwazi (AKA Jihadi John) and Aine Davis, are alleged to have appeared masked in videos glorifying the bloody executions of British aid workers David Haines and Alan Henning and US journalists James Foley and Steven Sotloff.

Emwazi was killed in a targeted US air strike in 2015, while Davis was convicted in Turkey of membership in a terrorist organisation and jailed for seven-and-a-half years in 2017. Kotey and Elsheikh were captured by Western-backed Kurdish militias in Syria in January 2018, as they fled advancing Syrian government forces and have been held there since.

Britain abolished the death penalty for murder in 1965 (although it remained in force in Northern Ireland until 1973) and officially has declined to extradite suspects to any jurisdiction that might result in their execution. But in the leaked letter, Javid wrote the UK “does not currently intend to request, nor actively encourage” the transfer of Kotey and Elsheikh to Britain, suggesting there was more chance of their successful prosecution in the US.

He wrote: “I am of the view that there are strong reasons for not requiring a death penalty assurance in this specific case, so no such assurances will be sought.”

Lord Carlile, the cross-bench peer, described Javid’s letter as a “dramatic change of policy by a minister, secretly, without any discussion in parliament. ... That is a decades-old policy and it is not for the home secretary to change. ...”

Not only has the government covertly abandoned blanket opposition to the death penalty, but it has overturned its publicly stated opposition to the Guantanamo Bay US military

camp in Cuba. In January, US President Donald Trump issued an executive order to keep Guantanamo open, building on Barack Obama’s failure to close the facility.

The internal briefing, marked “official sensitive,” says: “If the US deems a federal prosecution not possible, they might seek transfer of Kotey and El-Sheikh to Guantanamo Bay (GTMO).”

Cynically, it notes that, although Her Majesty’s Government “will not lobby the US to not send them to GTMO, we will maintain our long-standing position that GTMO should close,” in part due to the “wider reputational risks of HMG seemingly undermining our publicly stated desire to see” the facility closed.

The briefing states that Javid and Boris Johnson, then foreign secretary, made the decision, and notes that May is “aware of this. ...”

The briefing notes that Javid instructed officials to “action the request” for UK cooperation in intelligence sharing. According to the *Telegraph*, the Metropolitan Police and FBI have been investigating Kotey and El-Sheikh activities in Syria “for the past four years, collecting more than 600 witness statements in a criminal inquiry involving 14 other countries.”

It has now been revealed that the government had already secretly stripped the two of British citizenship, making them stateless. El-Sheikh grew up in London as the child of parents who fled Sudan in the 1990s, while Kotey, of Ghanaian and Greek-Cypriot parentage, was born in London.

The British media is loudly propagandising that the atrocities of which the pair are accused means they have forfeited any rights. Noting smugly that this is “not an extradition case” as it had “now been officially acknowledged that these men are no longer UK citizens,” the *Telegraph* questioned why government should ever have been “required to seek assurances about the use of the death penalty in order to hand over intelligence to the US courts?”

Rupert Murdoch’s *Sun*, under the heading, “We couldn’t care less about the fate of the two ISIS jihadis and good riddance if they are executed in the US,” editorialised, “We should give them [the US] every scrap of evidence we have. And if this pair face the death penalty under US law, what business is it of ours?”

The case underscores the extent to which democratic rights—going as far back as the Magna Carta—have been overturned under the pretext of the “war on terror.”

The 2014 Counter-Terrorism and Security Bill empowered the home secretary to strip UK-born citizens of British citizenship under the royal prerogative.

In September 2015, then-Prime Minister David Cameron announced that he had authorised the extra-judicial killings of British citizens—Reyaad Khan, Ruhul Amin and an unnamed other—in a US drone strike.

The British authorities are known to have participated with Washington in extraordinary rendition and torture at CIA “black sites.” The decision of the May government in this case goes even further in enabling the state to accrue authoritarian powers on the pretext of “national security.”

In May, the *Washington Post* reported a dispute between London and Washington over whether Kotey and El-Sheikh should stand trial in the UK, in keeping with the US government’s position “that terrorist fighters captured overseas should be returned to their countries of origin,” or be sent to Guantanamo or stand trial in the US.

The report cited an apparent reluctance on the part of the Department of Justice to the latter course because federal prosecutors did not believe there “is sufficient evidence to secure convictions and lengthy prison terms.”

Detention in Guantanamo, however, might also lead to lengthy wrangles, leading to Sessions’s complaint that he “was disappointed, frankly, that the British...are not willing to try the cases but pretend to tell us how to try them.”

In the leaked briefing, Javid refers to the government’s intent to address Washington’s concerns. “I do understand your frustration on this subject,” he wrote, so, “in order to improve the chances of prosecution in other cases in the future we in the UK are introducing new legislation to improve the range of offences on the statute book going forward. ...”

Additional issues of grave import are also raised by this case, which coincides with the extraordinary Israeli operation to transfer Syrian “White Helmets” out of danger of capture by Syrian government forces for resettlement in Canada and Europe. As the WSWs noted, this is aimed at the “salvaging of individuals who have served as assets in the Western-backed campaign to topple the government of President Bashar al-Assad and replace it with a pliant stooge regime.”

This is only the most overt instance of US and British military/intelligence backing for Islamic jihadis. It is a matter of public record that the Islamic extremists responsible for the Manchester and London bombings in 2017, like those involved in the 2005 London bus bombings, were known to British intelligence.

Jihadi John was known by MI5 for six years and yet was able to travel to Syria in 2013. Not only did Britain’s MI5 intelligence agency carefully track his movements, but it had sought to recruit him as an informant and covert agent. Chief

among the questions the intelligence agency had to answer about its relations with Emwazi, the WSWs wrote at the time, was whether it “was successful in its recruitment efforts. In other words, did Emwazi go to Syria with MI5’s foreknowledge and blessings?”

Is it to avoid the possibility that Kotey and Elsheikh might say too much that the British authorities do not want them to stand trial in the UK?

Yet another alarming “coincidence” arises. Ben Emmerson, QC, a former UN special rapporteur on human rights and counter-terrorism, described Javid’s stance as “unprincipled, incompetent and almost certainly unlawful.”

Historically, the British government’s position to oppose the death penalty in all circumstances has “translated to an absolute rule, which is legally enforceable, not to extradite an individual to a country where they are at serious risk of the death penalty without an assurance that the penalty will not be carried out.”

It was “immaterial” that the men were no longer British citizens. “It is passing information to a foreign power where they know the consequences are going to be a fundamental human rights abuse of this kind,” he said.

In the last days, it has been revealed that the US and UK are in cahoots with Ecuador to evict WikiLeaks founder Julian Assange “imminently” from the Ecuadorian Embassy, where he has been forced to shelter for six years for exposing the war crimes of Washington and its allies.

If he leaves the embassy, he will be imprisoned by Britain for breaching bail and almost certainly face an application to extradite him to the United States to stand trial on manufactured charges of espionage, which carries the death penalty. It cannot be ruled out that these latest actions are part of the British government’s preparations to serve Assange up to Washington.



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