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Westminster Notes (Guantanamo)

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Al-Hayat
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If we like it or not, and I most certainly do not, we live at the time of Guantanamo, just as my father's generation lived at the time of the Nazi concentration camps. But while the Nazi stood for terror and tyranny in the 20th Century, the values of the United States in the 21st Century are supposed to be those of habeas corpus and the due process of law before a jury.

Guantanamo has further radicalised young Muslims in the United Kingdom and across the globe. It has become a recruiting slogan. We should not be surprised that hostages in Iraq, like the executed Ken Bigley, were videotaped wearing orange jump suits as worn at Guantanamo.

A fundamental principle of life in the United Kingdom is that of habeas corpus, which since the days of Magna Carta (which King John was forced to sign by his rebellious barons at Runnymede in 1215) has ensured that an individual cannot be imprisoned without a legal hearing or while awaiting that hearing. No doubt King John found it convenient to throw his opponents, and suspected opponents, into prison and keep them there for as long as he liked. But the barons forced a change to the rules; in the process they greatly advanced Western civilisation.

The United States is extremely proud to have a similar right incorporated into its own legal system. From time to time I have heard senior legal figures from the United States mention this important and historic bond that links our two countries. At home Americans have great respect for the law. It is said one person in seven in Washington is a qualified lawyer, and American citizens are quick to resort to legal action to safeguard their rights and their property.

It was the heinous crimes of 11th September 2001 that persuaded President George Bush that the traditional legal ways had become out of date and a dangerous luxury in this sudden, fierce struggle against international terrorism. He was wrong.

Dr Rowan Williams, the Archbishop of Canterbury, said on 5th March while in Sudan that terrorism was an "insult to God and man."

He also said: "Any message given that any State can just over-ride some of the basic habeas corpus - type provisions is going to be very welcome to tyrants elsewhere. What in ten years' time, are people going to be able to say about a system that tolerates this?"

His fellow Archbishop in England, Dr John Sentamu, the Archbishop of York (who, curiously, was once a Judge of the High Court in Uganda) a few weeks ago compared the US President's actions in Guantanamo Bay to the policies pursued in Uganda by Idi Amin.

Having previously stepped aside from the new International Criminal Court, President Bush now tried to step aside from America's obligations under the Geneva Conventions. The line taken, at first, was that the prisoners captured during the campaign in Afghanistan would be kept for an indefinite period, and they would have no access to the law or lawyers. They would be released when the "War on Terror" came to an end, just as German prisoners of war were released at the end of World War II.

It soon became obvious that the prisoners taken to a specially built camp, at the United States Naval Base at Guantanamo Bay in Cuba, included very few, if any, top terrorists. Osama bin Laden is still wanted "dead or alive" and Mullah Muhammad Omar remains free. It was the small fry that got caught in the net - one was an old man and two were still boys - who may, or may not, have been involved with the Taliban - perhaps as night-watchmen or security guards.

When the British detainees were returned to Britain after three years at the Cuban camp there was no doubt that they, like many others, had been tortured. The Metropolitan Police made it clear that confessions that might have been made by them could not be used as evidence in a British court. They were detained briefly and then discharged. After all that time neither the United States nor the United Kingdom had sufficient evidence to charge them with any crimes.

Prime Minister Tony Blair has feebly described Guantanamo as an "anomaly". Other Cabinet Ministers, including Lord Falconer, the Lord Chancellor, have gone further. The House of Commons Foreign Affairs Committee in February urged the Government to make its opposition "loud and public". It decided this prison camp diminished the moral authority of the United States and hindered the campaign against terrorism.

More than four years after Guantanamo was opened the case for closing it is overwhelming. That cannot be done too quickly as the conditions for the 500-odd prisoners are disgraceful. Amnesty International has described it as "the gulag of our time".

Sir Cyril David Townsend has been a British politician since 1974 and was the former Director of the Council for the Advancement of Arab-British Understanding.