

The following text may be printed, copy/pasted, or downloaded and emailed.

Let us remember the 600 POWs at Guantanamo

THE INDEPENDENT

March 25, 2003

The international outcry over the display of American casualties and prisoners on Iraqi state television is thoroughly justified. This was not only a flagrant violation of the Geneva Conventions, which requires that prisoners of war "must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity"; it was also an offense against the very fundamentals of human decency.

As British Prime Minister Tony Blair rightly said, such treatment only demonstrates the true nature of the Iraqi regime. That condemnation has come not just from Britain and the United States, but from countries, such as Russia, that are taking no part in the military conflict and objected strongly to the use of force in the first place, only reinforces how universally unacceptable it is.

If Baghdad hoped to dispirit the U.S. administration to the point it called off its action and withdrew its troops, it has made a gross miscalculation. President Bush, and Blair with him, have set their central aim as "regime change." This is not a humanitarian mission on the model of the ill-fated Somalia expedition; this is war. Now started, it will be waged to complete, and perhaps -- alas -- bloody victory. No one need harbor any illusions about that.

There is nonetheless a troubling aspect to Bush's grim-faced denunciation of Iraq's behavior. Speaking against the backdrop of the military helicopter in which he had just arrived at the White House, he said he expected U.S. prisoners to be treated humanely, "just like we'll treat any prisoners of theirs that we capture humanely." If not, he warned, "the people who mistreat the prisoners will be treated as war criminals."

Now, there are no grounds at all for fearing that the several thousand Iraqis said to have been taken prisoner by U.S. and British forces are being treated in anything other than exemplary fashion, in strict accordance with the letter and spirit of the Geneva Conventions. We have not seen any of them paraded or questioned on television. None has been identifiable to viewers. We must hope that the U.S. and British forces continue to treat their prisoners correctly, however many of them there may ultimately be and however great the temptation to do otherwise.

For all his pledges that the United States would treat Iraqi prisoners of war humanely, however, Bush's words rang just a little hollow. The fact is that Iraqis are not the only foreign combatants in U.S. custody. When the military operation against Iraq began, the United States was already holding more than 600 foreign prisoners in camps in Guantanamo Bay, its base in Cuba. The vast majority was captured in or around Afghanistan during the operation to root out al-Qaida bases in that country in the 9/11 aftermath.

That operation, which ended Taliban rule and has brought a fractious peace to Afghanistan, enjoyed broad international support. The removal of hundreds of prisoners to Guantanamo Bay, however, and their subsequent treatment there, constitute one of the reasons why the Bush administration lost so much of the foreign sympathy that flowed to it after the attacks. It also contributes to the international unease that made it so difficult for Bush to build a truly broad coalition for the war on Saddam Hussein.

There were times, especially at the start, when the prisoners at Guantanamo Bay came very close to being paraded before television cameras. They were shown in conditions that seemed

designed to humiliate, confined to metal cages, led hooded and blindfolded to interrogation sessions that were not, and could not, be monitored. The American authorities resisted all efforts by foreign governments and human rights organizations to have their "detainees," as they termed them, recognized as prisoners of war and so subject to the provisions of the Geneva Conventions.

Fewer than a dozen of the Guantanamo prisoners have so far been released; none has been charged, and none has been allowed access to a lawyer. U.S. officials insist they are being treated humanely, but there is no international scrutiny. Only two weeks ago, a U.S. appeals court rejected a plea brought on their behalf that they should be brought into the U.S. judicial process. They are in a total legal limbo, in U.S. detention but not recognized as being subject to U.S. jurisdiction -- which was the reason why the administration took them to Guantanamo at the start.

There were those, in the United States and abroad, with the prescience to warn that America's refusal to recognize their detainees as POWs could rebound in the event that U.S. soldiers were taken prisoner in future. Even if the U.S. authorities saw a difference between the "terrorist" suspects they had captured in Afghanistan and rank-and-file soldiers subject to military discipline, it was in the U.S. interest -- they argued -- to recognize them as POWs.

Rarely indeed does the decision of a political leader return so swiftly to haunt him. More often, it is the next and future leaders who must extricate themselves from such unintended consequences. Bush's call for U.S. prisoners to be treated humanely would command more credibility and wider sympathy if his administration had appeared more amenable to accepting rules that most other civilized countries accept.

This does not excuse the behavior of the Iraqi regime, even one that is fighting for its survival. But it should be a lesson to a president who has eschewed multilateral obligations -- from the Kyoto treaty to the International Criminal Court -- and ignored the United Nations to take his country to war.

This guest editorial commentary was provided by The Independent, a general-circulation newspaper published in Great Britain.