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US censors silenced me over the Gitmo gulag

British policy on Guantánamo Bay fails the morality test

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As a nation, our morality is defined by whether we join the gang that is casting stones, or stand between the mob and its target. Muslims are the current object of our society's fear and contempt, and it was a great relief to read Lord Hoffmann's condemnation of the law that allowed Muslims to be detained without charges, on secret "evidence", in Belmarsh prison: "The real threat to the life of the nation ... comes not from terrorism but from laws such as these." We may hope that the government reconsiders its Belmarsh folly. Meanwhile, Guantánamo Bay provides the next test of our moral resolve.

I recently became the first British lawyer admitted to "Gitmo". The Gitmo gulag may be an American naval base, but the evidence that Britain has been complicit in the Gitmo process is accumulating and as a nation we are failing the morality test. Sadly, the British law lords have no power to set the Blair administration to rights on this issue.

David Blunkett has told us that the prisoners in Belmarsh are a threat to our national security; President Bush has reassured us that everyone in Gitmo is an "enemy combatant" and an "evil doer". So just how evil do you have to be for this treatment? I was in court on December 1 when federal judge Joyce Green asked Bush's lawyer Brian Boyle what he meant by the term "enemy combatant". She described a hypothetical: a little old Swiss lady who wrote a cheque to a charity, ignorant that the money would end up with al-Qaida. Could she be considered an "enemy combatant"? Boyle unhesitatingly insisted on the president's prerogative to detain her for 40 years without trial.

I cannot pretend to present the final analysis here, for the lawyer representing the Gitmo detainee is barred from telling anyone what the client has said without the permission of the US censors. This is like banning a criminal lawyer from revealing that the police beat a prisoner into signing a statement: the lawbreaker makes it illegal for a witness to reveal the crime.

However, in the meantime, what may the British public know, or what may reasonable minds deduce, of the British role in the Gitmo gulag?

As I sat across the table from the British prisoner Moazzam Begg in the infamous Camp Echo interrogation cells, I noticed the inscription "made in England" on his steel waist shackles, above the name of the Hiatt corporation. Hiatt has a long history of making shackles that restrain the victims of torture. The company was founded in Birmingham, and boasts on its website: "Simply the best since 1780." Originally, Hiatt was "simply the best" at making what it called "nigger collars" for the slave trade. Moazzam is also from Birmingham, so every chafe at the wrist is a touching reminder of home.

We know - from at least one letter he wrote that has been declassified - that Moazzam states he was tortured by the Americans when he got to Kandahar and Bagram airbase. There are a few questions that the public might want to ask: What did the British government know about the abuse, and when? What role did MI5 agents play in Moazzam's year in Afghanistan? Where was the Foreign Office? For the time being, Moazzam (and his lawyers) are gagged, and cannot answer these questions.

Since February 2003, Moazzam has been held in Guantánamo Bay. What of the role played by the British government since then? An FCO officer, who apparently does not have to respect US censorship laws, has publicly quoted Moazzam saying that he is "fine" and is being "treated well in Guantánamo".

As his lawyer, even though I have spoken with him at length, the censors will not let me reply to this. Yet based solely on the public, declassified facts, we know from his letter that Moazzam witnessed two other prisoners being killed in Bagram airbase. In addition to being tortured himself, he reported being interrogated while the room was "resonant with terrifying screams of fellow prisoners" facing other abuse. For the first 18 months of his stay in Gitmo he was held in solitary confinement, sealed in a cell by himself.

Surely, only a visitor with a very weak grip on the diagnostic and statistical manual of mental disorders could say that the prisoner was doing "fine" after such an experience. The reasonable person might question whether the FCO official is either deluded or is a dupe for Dubya's interrogation camp. Does he honestly think that he can show up in the interrogation cell, a burly American government representative on either shoulder, and believe the canary when it chirps cheerfully about conditions in the coalmine - when the owner of the mine has promised to strangle the bird if it sings?

Alongside the stars and stripes, I saw the union flag flying on a truck in Guantánamo Bay. Who knows why it was there, but it is public knowledge that British intelligence got there long before me, or any consular official. The cynic might wonder at the role played by MI5 in the ongoing detention of Moazzam Begg. Only time will tell what they have been up to.

There are broader issues of British complicity. It should be said that some British politicians have tried long and hard to help our British citizens in distress. Lord Goldsmith tried to persuade the Americans at least to adopt their own 1789 US constitutional notions of due process. Jack Straw has firmly condemned the British Gitmo prisoners' position as "unacceptable", and his support for British prisoners on death row goes back to the days when he was in the shadow cabinet.

One cannot be as generous to Tony Blair. Even politicians should be deemed innocent until proven guilty, but the jury is already deliberating the fate of the prime minister. It is beyond comprehension that Blair should relay scaremongering rhetoric to an expectant British public about Gitmo prisoners, relying on statements exacted by the Americans under torture. Our public officials should not act as prosecutor, judge and jury in the media, particularly when our citizens have no power to reply.

The censors have the upper hand for now. So long as the truth is suppressed, the British role in the Gitmo gulag cannot be fully defined. History suggests that the truth will ultimately come to light. The government would be unwise to await unilateral exposure. Since, unlike Belmarsh, Guantánamo Bay falls outside the purview of the law lords, a parliamentary inquiry would be a good beginning. We should consider just how ethical our foreign or our domestic policy is when we allow people to suffer in prison cells, denied the most basic human and civil rights. Robin Cook might agree to be the chairman. I'd even volunteer to be a witness, should the American censors permit it.

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