

DETENTION WITHOUT TRIAL

A PEACE & PROGRESS BRIEFING PAPER

The most powerful democracy in the world has locked up hundreds of men in Guantanamo without charge or trial, indefinitely, and has tortured them.

Nine of these men, British citizens, have been released. They have given full and detailed accounts of their kidnapping, imprisonment and torture at the hands of their American captors. British officials were, in some cases, responsible for their kidnapping and in all cases were a party to their imprisonment and torture.

No apology has been given to these men. No explanation has been made of why it took so long to obtain their release. No compensation has been offered them for what they and their families have suffered, nor has any assistance been offered, at any official level, to obtain compensation.

Instead, the British government treats them as potential criminals and terrorists. It has removed their passports and threatens to restrict their liberty still further under new anti-terrorist legislation which became law in March 2005 with the consent of all three main parties in parliament.

The new law, The Prevention of Terrorism Act 2005, replaced Part Four of the Anti-Terrorism, Crime and Security Act 2001 which was condemned by the Law Lords as unjust and incompatible with Human Rights Law. Commenting on that legislation, under whose malign and cruel sentences many innocent and once healthy men were driven insane, Lord Justice Hoffman said: "There is more danger to the life of the nation from laws such as these than from terrorism."

Charles Clarke's new law reproduces many of the worst features of the old, condemned law, and adds some new features of its own. Evidence which may have been obtained in the torture cells of Cairo, Riyadh, Damascus, Amman, or on some floating prison hulk in the Indian Ocean where America tortures its prisoners in secret, is deliberated upon, in secret, by the Home Secretary. The person accused may not know and cannot challenge what is alleged against them. They are deprived of their liberty on the basis of untested suspicions and allegations, and no term is set nor any date given at which their liberty will be restored.

To Lord Hoffman's words, quoted above, it might be added that such laws as these endanger not only the life of this nation, which rests upon justice and the rule of law, but threaten it with those very acts of violence which they are supposed to save us from. If Britain has suffered no terrorist attacks since the IRA campaign, it is not so much due to the vigilance of our security services as to the fact that all our communities and all our faiths are bound together by respect for justice and human rights and have no sympathy with terrorism.

That is what our safety rests upon, the goodwill and humanity of our citizens and of the foreigners and refugees to whom we owe hospitality. If once we permit laws which deny justice, whether to foreigners or to our own citizens, and inflict cruelty upon them, we shall breed such resentment and anger as will, sooner or later, take its blind and cruel revenge.

The only sure defence against terrorism is the rule of law.