

QUAKER CONCERN FOR THE ABOLITION OF TORTURE (Q-CAT)

Briefing 25

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Torture: crimes with impunity

Human Rights Watch reports there are solid grounds to investigate George Bush, Dick Cheney and Donald Rumsfeld Editorial – Guardian 12/007/11

It is often said that only by confronting the past can nations construct a better future... The wrongdoing of the Bush administration is today broadly, although not universally, acknowledged. Waterboarding has been declared as torture by the attorney general Eric Holder. Enhanced interrogation techniques are no longer used. The CIA has closed down its programme of secret detention centres. Unidentified planes no longer land at odd hours at Prestwick Airport with unknown human cargoes (although rendition-type questions have been raised about a Somali interrogated aboard a US warship for two months). There are still 171 detainees in Guantánamo Bay, and military commissions still exist, but in general it is fair to say the most egregious practises of the terror have ceased. Far from enhancing security, the wisdom in Washington today is that these practices endangered it

The crimes are there for all to see, but the people who ordered them, sanctioned them and bent the Geneva conventions for them, walk free. Two weeks ago, the search for accountability hit the buffers when Mr Holder announced that a two-year review by a specially appointed prosecutor determined that any further investigation into the mistreatment of nearly 100 detainees was not warranted...

HRW today says that there are solid grounds to investigate George Bush, Dick Cheney, Donald Rumsfeld and George Tenet for authorising torture and war crimes and that the roles of the former national security adviser Condoleezza Rice and former attorney general John Ashcroft should also be examined. Nothing will happen in the US, where the rule of law has been rebooted rather than applied. But this important report could provide grounds for the arrest of suspects abroad under universal jurisdiction. Political inconvenience should not be confused with criminal liability. If it is, justice is for other nations to apply.

Supreme court bans use of secret evidence to hide torture claims

Intelligence services tried to exploit 'closed material procedures' to conceal evidence relating to Guantánamo detainees.

Owen Bowcott, legal affairs correspondent – Guardian 13/07/11

The supreme court has outlawed the use of secret evidence in court by the intelligence services to conceal allegations that detainees were tortured.

The decision will be seen as a significant victory for open justice, but the panel of nine judges pointed out that parliament could change the law to permit such "closed material procedures" in future.

The appeal was brought by lawyers for MI5 seeking to overturn an earlier appeal court ruling that prevented the service from suppressing accusations British suspects had been ill-treated at Guantánamo Bay and other foreign holding centres...

The government should feel humbled by al-Rawi judgment

As the supreme court ruled, government attempts to create closed torture 'trials' would go against centuries of legal principle

Corinna Ferguson – Guardian 14/07/11

I hope the government feel suitably humbled by Wednesday's supreme court judgment in the case of Al-Rawi v the security services and others. For more than two years, since the former Guantánamo Bay detainees brought their claims alleging complicity in their unlawful detention and mistreatment, the intelligence services (supported by both the Brown and the Cameron governments) have been trying to get the courts to depart from ancient principles of justice by creating a "closed material procedure". The supreme court, like the court of appeal before it, rejected the idea and issued a strong defence of fair and open justice. They ruled that the existing law on disclosure and public interest immunity cannot be disposed of on grounds of convenience... As Lord Kerr said yesterday, "this would not be a development of the common law, as the [government] would have it. It would be, at a stroke, the deliberate forfeiture of a fundamental right which ... has been established for more than three centuries."

Secret files that revealed the government's role in torture

Intelligence reports showing state involvement in illegal abduction fell into the public domain last summer

Owen Bowcott, legal affairs correspondent – Guardian 13/007/11

The secret files, eventually disclosed through legal action brought by six British citizens and residents against MI5 and MI6, revealed the extent of the previous government's involvement in the illegal abduction and torture of its own citizens following the al-Qaida attacks of September 2001... Among the most embarrassing documents were a series of interrogation reports from MI5 officers that betrayed their disregard for the suffering of a British resident they were questioning at a US airbase in Afghanistan. The documents also showed that the officers were content to see the mistreatment continue.

Mau Mau torture claim Kenyans win right to sue British government

Owen Bowcott, legal affairs correspondent – Guardian 21/07/11

Four Kenyans allegedly tortured at hands of colonial officials during 1950s insurgency can pursue compensation, judge rules...

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