

Torture and Renditions: Britain's Record of Crimes Against Humanity

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‘Strike him so that he may feel that he is dying.’ Caligula,
Emperor of Rome

How many times does a practice have to be publicly outlawed before people stop pretending they didn't know it was wrong? Suppose someone in a position of authority was being tried for murder. Would any court accept the excuse that he didn't know it was illegal to kill someone? Yet this is precisely what has happened in the case of the British armed forces using illegal interrogation techniques.

The techniques (hooding, stress positions, subjection to noise, sleep deprivation and food and drink deprivation) were banned under the Geneva conventions; by the UK parliament in 1972; again by the UK signing the Convention Against Torture (1987), and yet again when the Human Rights Act became part of UK domestic law (1998). Evidence at the Baha Mousa Inquiry showed the techniques were still being taught to troops in the [1980s](#) and in [2002](#). Attempts to stop the practice of hooding were countermanded by directives from ‘higher up the chain of command’. In April 2003 hooding and other practices were banned by Lt General Brims, seen to be still in use in July 2003, clearly in use in September 2003 when Baha Mousa died, banned again by Lt Gen Sir John Reith in October 2003, and in May 2004 the order banning hooding was extended *to other theatres* in which UK forces were operating.

Sir William Gage's report, published on 8 September, on the Baha Mousa Inquiry said ‘there was widespread ignorance of what was permitted in handling prisoners of war’. But with all this very public banning going on, how ignorant can you be? One has to ask, was the ignorance genuine, wilful or a pretence to cover what far too many serving personnel knew was going on – the training of illegal techniques and, once the troops were in Iraq, the use of those techniques. Indeed, it was not just being encouraged, but demanded of the troops that they should act this way. Time and again, when brave officers like Col. Nick Mercer [attempted to stop the abuse](#), they were overridden by orders from London. Who were these people who sat in Whitehall authorising abuse and torture?

Gage's report said that he deplored the absence of any “proper MoD doctrine on interrogation”. The doctrine certainly wasn't ‘proper’, but there was a doctrine none the less, a hidden doctrine that was only publicly changed in June 2010, when the Coalition government published a [new set of rules](#) for the security services and armed forces when interrogating prisoners. In October 2010 advised interrogation techniques in various training manuals, some of them produced after April 2008, were [revealed](#) by the Guardian. Although the manuals say torture is forbidden, all the listed suggestions – humiliation,

forced nakedness, threats, blindfolds, disrupted sleep – are banned by the Geneva conventions. The current advice is not perfect but it is better than this. Whether it will be or even now is being ignored we will not know – until someone turns over a stone and the next scandalous death hits the headlines.

And when will someone reveal any abuse that has taken place in Afghanistan? Don't forget – UK forces have been actively engaged there for some years, and the training manuals allowing continued abuse of prisoners were only withdrawn in June 2010. They have been operating under very much the same system as that in Iraq. The only thing that might have changed is a moratorium on any information getting out to the public. They may have added an order or two to the ones authorising 'harsh interrogation' techniques. 'No filming on your mobile phones' for starters.

It is right that all those who physically abused (and may still be abusing) prisoners should be tried and punished. Under the principle established in the Nuremberg Trials, they cannot plead that they were only following orders. The decision to use cruel, inhumane practices is always a personal one. But those who gave the orders are just as culpable, just as guilty of war crimes and crimes against humanity, if not more so. For, to the abuse and torture of prisoners they have added an appalling abuse of their authority.

They must not be allowed to plead 'special circumstances', although it does seem at times as though the whole point of fighting the 'war on terror' was to allow for as many special circumstances as our wickedly immoral leaders wanted to invent. Nor can they plead ignorance because they are paid by us to be informed and fully aware of what is legal and what is not. And the fact that these shadowy people did not seek the [legal advice](#) that was available to them *and* fought long and hard to prevent the publication of the interrogation training manuals shows all too clearly they knew what they were ordering the security services and armed forces interrogators to do was quite definitely illegal.

But government and Whitehall complicity in torture doesn't just involve what happened in Iraq (and by implication, Afghanistan). It involves our country's complicity in rendition, the end object of which is torture. We have known for sometime how the UK helped the US in its rendition flights; how our security personnel were present at interviews of such people as Binyam Mohamed when it was clear they were being tortured; of our complicity in aiding the US to fill up that legal black hole known as Guantanamo.

On the BBC Today programme, being [interrogated](#) in his turn by an angry John Humphrys, former Prime Minister Tony Blair insisted he was totally 'ignorant' about the rendition flights. But he was the Prime Minister, protested Humphrys. "Well, look, the PM doesn't know everything that's going on," was the jaw-dropping defence. But it was his job to know, particularly as he was so very closely involved in the 'war on terror, preferred to keep a lot of his ministers out of the loop and indeed had been responsible for dragging the UK into that 'war', a war that he wants to keep on fighting

He would also have been fully informed, as Prime Minister, about any Nato agreements, including this one: on 4 October 2001, NATO countries [agreed](#) to:

- Provide blanket overflight clearances for the United States ' and other Allies' aircraft for military flights related to operations against terrorism
- Provide access to ports and airfields on NATO territory, including for refuelling,

for United States and other Allies for operations against terrorism

It has now been revealed that the UK had its own rendition programme that involved Libya, something that, according to the Guardian, Whitehall sources defended by saying they were following 'ministerially authorised government policy'. *Ministerially* authorised. Not only that, the case the Guardian was [reporting](#) on, involving a family being rendered from Hong Kong to Libya, took place very shortly before Blair made his first visit to Libya and the embrace of Col. Gadaffi. Convenient or what?

Military spokesmen have all tried to downplay the extent of the abuse. They've stopped the 'few rotten apples' approach, but still deny it is endemic in the culture of the armed forces. How they can square that with evidence of widespread bullying and abuse during the basic training of recruits as well as happily training soldiers how to hood their prisoners, is rather stretching belief. Considering Whitehall's approach to the problem – denial, lying and refusal to publish the advice contained in the training manuals – one has to conclude that in some sections of Whitehall the problem is indeed endemic.

Certainly all those who were physically responsible for the abuse of Iraqi prisoners should be prosecuted, and we can rely on lawyer Phil Shiner and his very able team to help make that happen. But all the promised inquiries into the UK's complicity in torture *must* end in the prosecution of those unnamed secretive individuals who not only countenanced but ordered this abuse. And because I don't want to be writing this article again in five years time, we must insist on the prosecution of the man at the top of their very nasty little tree – Tony Blair.

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