

TORY-SPEAK ON THE TORTURE INQUIRY

I seem to be one of the biggest skeptics about the torture inquiry David Cameron announced this week. Among other things, I worry that Cameron intends to pressure plaintiffs who allege they were tortured into a mediated settlement to prevent more details of their torture from coming out. So I wanted to look at Cameron's full statement about the inquiry for clarification.

Unfortunately, Cameron doesn't offer any clarity on that key point: while he makes clear that the inquiry won't start until "we've made enough progress," he doesn't specify either what "enough progress" is, or the precise role the government will play in mediating suits.

We can't start that inquiry while criminal investigations are ongoing. And it's not feasible to start it when there so many civil law suits that remain unresolved. So we want to do everything we can to help that process along. That's why we are committed to mediation with those who have brought civil claims about their detention in Guantanamo. And wherever appropriate, we will offer compensation.

As soon as we've made enough progress, an independent Inquiry will be held.

His office's summary is barely more specific.

The Government is committed to a mediation process with those who have brought civil claims about their detention in Guantanamo;

Though my suspicion does seem to be correct on one point: the call for mediation reflects a preference to solve these legal questions outside of the courts and therefore out of

public view.

As for one of the other key questions about the inquiry, Cameron appears to say the inquiry will examine not just whether Brits ordered up torture, but also to what extent the government knowingly accepted information collected using torture—the question that Craig Murray has pushed.

It will look at whether Britain was implicated in the improper treatment of detainees held by other countries that may have occurred in the aftermath of 9/11. And if we were, what went wrong, and what do we need to do to learn the lessons.

So the inquiry will need to look at our security departments and intelligence services.

Should we have realised sooner that what foreign agencies were doing may have been unacceptable and that we shouldn't be associated with it? Did we allow our own high standards to slip – either systemically or individually? Did we give clear enough guidance to officers in the field?

Was information flowing quickly enough from officers on the ground to the intelligence services and then on to Ministers – so we knew what was going on and what our response should be?

That said, Cameron also seems to know the answer to the last question—what the UK's response to learning of torture should be. The answer? Whatever the Ministers say it should be.

That's why today, we are also publishing the guidance issued to intelligence and military personnel on how to deal with detainees held by other countries. The previous Government had promised to do this, but didn't. We are.

It makes clear that:

One – our Services must never take any action where they know or believe that torture will occur.

Two – if they become aware of abuses by other countries they should report it to the UK government so we can try to stop it.

And three – **in cases where our Services believe that there may be information crucial to saving lives but where there may also be a serious risk of mistreatment, it is for Ministers – rightly – to determine the action, if any, our Services should take.** [my emphasis]

That is, even while announcing this torture inquiry, Cameron is saying that that the response that the Foreign Office gave Craig Murray when he raised torture concerns—that he didn't understand the moral trade-offs that Ministers make...

I gave Craig a copy of your revised draft telegram (attached) and took him through this. I said that he was right to raise with you and Ministers (Jack Straw) his concerns about important legal and moral issues. We took these very seriously and gave a great deal of thought to such issues ourselves. There were difficult ethical and moral issues involved and at times difficult judgements had to be made weighing one clutch of "moral issues" against another. It was not always easy for people in post (embassies) to see and appreciate the broader picture, eg piecing together intelligence material from different sources in the global fight against terrorism. But that did not mean we took their concerns any less lightly.

...is precisely the answer he wants, too. If the Prime Minister or Foreign Minister say it's okay to look the other way while close friends torture British citizens, then it's okay, I guess.

Particularly with that in mind, I was particularly interested in this dogwhistle Cameron included twice in his speech.

In the past, it was the intelligence services that cracked the secrets of Enigma and helped deliver victory in World War II. They recruited Russian spies like Gordievsky and Mitrokin and kept Britain safe in the Cold War. **And they helped disrupt the Provisional IRA in the 1980s and 1990s.**

[snip]

Mr. Speaker, as we meet in the relative safety of this House today, let us not forget this. As I speak, al-Qaeda operatives in Yemen are meeting in secret to plot attacks against us terrorists are preparing to attack coalition forces in Afghanistan **the Real IRA are planning their next strike against security forces in Northern Ireland** and rogue regimes are still trying to acquire nuclear weapons. [my emphasis]

Yes, I realize the Real IRA are an ongoing threat. Yes, I realize Cameron may have fear-mongered about Northern Ireland because of very crass domestic political considerations. But the mention of the IRA injects a real circularity into the process by which British Ministers decide its morally okay to use information the US got using torture.

As I've noted before, our torture architects approved two techniques they did not specifically source to SERE: the use of insects and wall standing. Wall standing was a technique the British used in Northern Ireland—a technique

that was central to one of the court cases John Yoo used to authorize torture. Granted, the UK publicly swore off wall standing before the intelligence work from the 1980s and 90s that Cameron celebrates here. Nevertheless, with the apparent ongoing stance that British Ministers will decide if they get to use information we elicited through torture—including wall standing, I find it rather notable that Cameron invoked not just al Qaeda, but also the IRA as the enduring threat that justifies such a stance.