

THE GUANTÁNAMO BAY ORAL HISTORY PROJECT

The Reminiscences of

Gareth Peirce

Columbia Center for Oral History

Columbia University

2011

PREFACE

The following oral history is the result of a recorded interview with Gareth Peirce conducted by Ronald J. Grele on June 1, 2011. This interview is part of the Guantánamo Bay Oral History Project.

The reader is asked to bear in mind that s/he is reading a verbatim transcript of the spoken word, rather than written prose.

3PM

Session One

Interviewee: Gareth Peirce

Location: London, United Kingdom

Interviewer: Ronald J. Grele

Date: June 1, 2011

Q: I thought we would start off with the experience that Liz [C. Grefrath] and I had last Tuesday. We went down to the Center for Constitutional Rights and they were giving a seminar for various donors. Gita [S. Gutierrez], along with her presentation, talked about the fact that we have to now recognize that what we thought was a temporary condition has become permanent. By that she meant not only the fact that Guantánamo is still open, but all of the legislation that has been passed and the anti-Muslim terrorism that is a permanent part of our world now. I was wondering if you could comment on that.

Is that too bleak a way of looking at world? Or do you think that is what the reality is?

Peirce: I think one has to look at history over a longer span. I think probably from the late nineteenth century there have been particular tensions. In fact, ironically, by the middle of the nineteenth century, the use of torture had been abolished in western countries. Previously it had been permitted to be applied as a judicial device, legally permissible to obtain the truth so-called, and it had been discontinued. But by the end of the nineteenth century there was a growth of state agencies, espionage, police and military intelligence that came into being as arms of the state and that claimed that they should not be bound by the restrictions of customary legislation. There was simultaneously a long-running legal concept for many centuries of what you could call the exceptional crime.

To my mind the history of the twentieth century and the history of the first ten years of this century suggests a constant tension, among many states, between those principles that there are offenses or crimes that should never be committed such as the use of torture, extrajudicial killing, and the destruction of human rights. These are impermissible, and states know it. But in tension with that is the concept that there are some emergencies that require, and some arms of the state who are justified in, the destruction of those rights. One has to look at the march of history to see how those tensions play out, and I do not think one can just say in the last ten years something new has happened. I do not agree with that.

I think if you look over a longer span, if you look post-World War Two, the international resolutions that we should never do this again, that states should police each other, and all of the heroic international treaties to ensure that we should never do it, such as the UN Declaration of Human Rights and the European Convention on Human Rights, if you consider those, and then you consider that within a handful of years the French were torturing Algerians. In fact Jean Paul Sartre said, "How can it be that when the screams from the torture chambers of the Gestapo have barely subsided, that we, the French, are doing this to others horrifically?" We the British were doing this to the Mau Mau in the 1950s.

We do well to revisit and sharpen our knowledge of history to understand that there is never a pure victory over the abuse of human rights. There never is. It is never static. There is always the ability to resort for claimed reasons of pragmatism to the forbidden. That is what we in Britain have done, and that is what America has done during the last ten years. But we did it before, and

we did it ourselves in Britain throughout the conflict in Northern Ireland, shamefully. It is what we did that fueled the fires of that conflict. Where a state perpetrates injustice, and where the state gives no remedy against that perpetration, then that fuels reaction, and violent reaction.

Q: As I listen to you there are two sets of conditions going on, one is the circumstances, the claiming of special circumstances, and the other, are the agencies. But we seem to be living in a time when people are proclaiming that the circumstance is not temporary, but permanent, and that we live in a permanent condition of warfare on terror. The whole idea of a “war of terror” is so open-ended and so permanent. We live in — at least in the [United] States I feel this all the time — a situation in which the replication of agencies of the state, with the passage of the Homeland Defense Act, the creation of new agencies and new powers for new agencies seem ceaseless. Or is that just too depressing?

Peirce: No, of course. There is an endless appetite for expansion of state powers and that is nothing new. If you revisit the correspondence between [James] Madison and [Thomas] Jefferson when the tyrant had been overthrown, their whole discussion of what was needed — whether it was needed to have a Bill of Rights — the whole discussion was considering how to legislate against themselves for the future, because there will always be a temptation to do that. In fact, what we have now is a paradox in many ways. We have — certainly our country and America — situations of enormous state power, and strength, and stability, and resources to coerce or suppress. Our respective states are internally and externally strong, and yet at the same time you have an extraordinarily developed neurosis to suggest that the state is somehow suddenly acutely vulnerable. It is, to my mind, a misconception.

Perhaps we have some ability to see it in more than one way because we have been through twenty-five years of armed conflict in relation to the affairs of the North of Ireland. We have had that experience of bombs going off in London. Frequently there were massive attacks upon the cities in which we live in England. Our neighbors in the North of Ireland have lived through a war, and have lived in a war zone. Yet here we are. If one has had the chance at looking at the narrative of how we came out of that period of intense conflict, one can see the history of state action and reaction. The IRA [Irish Republican Army] could not recruit until Bloody Sunday. After the British army had shot dead thirteen innocent civilians protesting peacefully for their civil rights, there was no shortage of volunteers for the IRA.

Every state injustice brought about a reaction. At the end the IRA had to be talked to. They had to be. One of the recurring daily observations we have of the claimed never-ending “war on terror” is the utter failure to learn from history and to have some sane analysis of whether perceived enemies are enemies. We see that Egypt, where we supported [Hosni] Mubarak and his torturing regime for twenty to thirty years, Tunisia, Syria, all of these, in the past two months, we have come to see that those we call “terrorists” were dissenters.

In England, we had many Libyan dissidents whose focus of political activity, until they fled and gained refuge here, was simply removing [Muammar] Gaddafi. But we called them terrorists here. We subjected them to internment without trial and attempts to deport them to a country where we knew they would be tortured. We arrived at diplomatic accommodations with Gaddafi and we claimed that they would be safe if they were deported there because there was a Gaddafi

Foundation headed by Saif Gaddafi, his son. It is laughable. It is insane. But we pursue our perceived economic strategic objectives to the exclusion of a sane approach to justice. We simply do, and we do not learn from our history.

Very recently in the High Court in London there were a number of elderly men and women who had been members of the Mau Mau in Kenya fifty years ago, and they were bringing an action against the British government for they had been castrated and the women had been raped. There were unspeakable tortures committed by the British army. Foreign Office documents had surfaced at the time they brought their actions which demonstrated it was not rogue soldiers. It was systemic. It was ordered from the top.

The very shallow labeling, and shallow use of concepts of who is the enemy and who is not the enemy has to be revisited. It is possible, sadly, to continue war forever, but it is not sane, and in the process we destroy the very few things that we say we hold sacred — those difficult rights of due process, procedural rights. They are difficult to fight for if they apply to the outlaws or outcasts of society. Nobody considers they deserve them. But we need to bring ourselves up short.

We have had the opportunity in this country. We have had the new coalition government since a year ago. Because so many truly terrible things happened under the Labour government in which there was a conscious destruction again from the top, just like the Mau Mau, such as complicity in torture and complicity in rendition, the new government announced that it wanted to draw a line under the past. It ordered a public inquiry into our complicity in torture. The men who had

come back from Guantánamo, the British citizens and the British residents, fifteen of them, had been for two years suing the government for conspiracy to torture and kidnap. The new coalition government said that it wished to negotiate and settle those claims.

But in the course of the civil litigation you got disclosure, grudging disclosure. We sued MI5, MI6, Foreign Office, Home Office and the Attorney General. Before the final negotiation we had begun to get disclosure of some of the internal documents, and they were profoundly disturbing. The government had said publicly, “We are doing everything we can to get these men back from Guantánamo. We deplore Guantánamo.”

But if you look at the early e-mail interdepartmental traffic, there is the Home Secretary, the Foreign Secretary, and the Prime Minister saying explicitly, “Send them to Guantanamo. Send them there. We don't want them back in England.” These are British citizens, knowing it was from one unlawful black hole in Bagram to another in Guantanamo, saying the longer they stay there the better. Saying, “This one in Zambia could be saved if we have consular access.” An e-mail back saying, “This is from Number Ten, do not give him consular access.” It is a shameful story.

Q: I have read a couple of articles where you make that connection between the terrorism against the IRA and Muslims today. There is a kind of segue from one to the other. I was trying to think of what is comparable in the United States. This does not just have to do with Guantánamo. There has to be a history and an effort to try to locate that history, perhaps in the Red Scare, but more to the point in terms of American agency abroad. It was not an internal kind of terrorism,

but there certainly was a sponsorship of terrorism in Argentina, in Chile, and in other places. There was a state apparatus of terror but just not working in the United States.

I think of a similar kind of situation where there would be that background to it all. They were so prepared instantly after 9/11. They were so prepared instantly to enact the legislation. They had it prepared. But a similar situation, or sense of this feeling that the state apparatus must engage in terror in order to survive, do you compare the English and the American situations at all?

Peirce: I think the Americans were more overt about what they did. [George W.] Bush, [Richard B.] Cheney, and [Donald H.] Rumsfeld said what they were doing. Torture is internationally prohibited and there is no defense if you are involved in torture. There is no defense of superior orders or necessity. What the Americans did was redefine some of the mechanics of torture in order to give immunity to those who were carrying it out. Waterboarding was defined as not torture. The British were complicit but not overt in what they did. But yet they knew and they should have known. They should have recognized prohibited techniques.

If you talk to men who were held in Bagram in January 2002, they were in a vast, disused air hangar in the freezing cold of an Afghan winter. They were in thin clothes sitting on concrete floors in stress positions, made to sit in a static position hour after hour with just razor wire around them, not allowed to talk at all to each other. The interrogation rooms were overlooking these cages of razor wire and everyone could hear the screams and the noise from there. There were rooms on the ground floor where, if the door opened, you could see men hanging by their wrists. If you talk to those British citizens, or British residents, who were held at that time there,

and you ask them, “Were there British agents there?” They say that you could see them walking two by two along the razor wire and they could see everything. They could hear everything.

We know that a message came back to their superiors saying, “We are seeing things. Is this permissible?” The legal advice came back, “Provided you are not the ones doing it, literally physically doing it, is fine. Carry on. Here is the information to give to the interrogators. Let us have the product back.” That is complicity in torture. That is just as prohibited as being the ones who do the physical damage. That is what we have done. That is what we are still doing. We have close relationships with countries that torture. We send them information. We get information back, for what it is worth, from the torture chambers.

There has been a pitched battle in this country over many years to expose that and prevent the use of it. There has been a pitched battle going on. Yet we should know, since Ireland took the United Kingdom to the European Court of Human Rights in the 1970s for using precisely those techniques — stress positions, hooding, use of extreme cold, use of extreme noise. That is what we did and it is prohibited and we know it.

The methodology for eradicating torture, the accepted methodology, is two-stranded. One is to get the data. You have to know exactly who did what to whom and when. You need clear, verifiable detail. You need doctors to check, to prove. You need corroborating evidence. You need to know. The second strand is to ensure that those on whose watch it happened are brought to book. We have a problem in Britain in particular. Because although we say we have forsworn a number of things, we have not forsworn secrecy. That is one of our particular national vices. If

the state claims that it is in the interests of national security not to reveal something that trumps everything here.

Although the government has ordered an inquiry into our complicity in torture, particularly in relation to the Guantánamo former detainees, it is going to be in secret. Those who were involved or were responsible will give their evidence in secret. It is fallacy that that is capable of acting as a corrective. It is a total fallacy.

Q: We have the same problem.

Peirce: Not quite the same I think. I think America has a considerably greater degree of openness. Whistle-blowers are a protected species in the United States. They are certainly not here. Senate hearings, and Congressional hearings, have a much greater practical experience of pressing for detail in a public forum.

Q: It is possible but the will does not seem to be there. That would be the difference. The Congress seems to be willing just to go along with the president on all of this.

Peirce: I think there are particular moments when there is a crisis of embarrassment or exposure, and it is those moments which taken at the flood. Certainly Abu Ghraib was one. There were pictures, and that made an enormous difference. Quite similar circumstances here. Some of the British forces in Iraq have been responsible for brutal killings and the use of torture. Ironically, because there have been court martials or inquests, the military have been exposed to a far

greater degree in terms of investigation, findings, recommendations, prosecutions than the intelligence services or the relevant ministries.

But I think the lesson we learn is that, if you look at the Mau Mau and you realize that it was all there — that it was from the top, it was systemic, it involved those on the ground who carried out unspeakable acts — had any of those been in the public domain and had everyone concerned been prosecuted, sentenced maybe to life, including ministers who authorized it, senior military officers, civil servants, if that had happened you would, I think, never have had the same happening again in the north of Ireland. You would never have had complicity in Guantánamo. and complicity in Bagram. You would never have it, because they would know the consequences.

Q: One of the reasons we are undertaking this project is to document the full range of the history of Guantánamo. Part of that is the documentation of the torture of the detainees, which is difficult to do in an American situation because none of the detainees will ever be allowed into the United States. We were talking off tape about when the chaps from Tipton came home. I was wondering if you would tell that story for us as a way of further documenting that.

Peirce: Shafiq Rasul was the older one of the three. And then two young ones, Ruhul Ahmed and Asif Iqbal. They are all very young. When they came back they were arrested and detained as sheer tokenism to show that there was some kind investigation going on into their supposed involvement in terrorism. Everybody knew that was nonsense. For one night they were in Paddington Green police station. It was dangerous for them to go back to the West Midlands

where they lived. Whilst they had been in Guantanamo there had been very active racist interest in where they lived. There had been effigies hung on lampposts outside their houses. The police in fact suggested they should not go home, or not for a while.

They stayed for a while in the house I live in. So in the most fortunate circumstance, in order just to be able to talk to survivors from the most terrible ordeal — they had come back from hell — there were three very young men sitting around the kitchen table and simultaneously talking about some of the horrors. There were too many to tell, and looking at their new mobile telephones and flicking them on and off.

But without proper knowledge and, in hindsight, with regret and without comprehending how difficult it was for the victim of trauma to revisit that trauma, we made them sit down, on and off for about a month, and tell because they were the first to come out. They were only ones who knew. They were the only ones who had any idea of explaining what had happened, which was extraordinary to hear that this had been done by human beings to other human beings, and by Americans.

It was the time of Abu Ghraib, in fact. It was exactly that time. There were those photographs which were too shocking to ignore, but there were no photographs of Guantánamo. There never have been. There probably never will be of the torture. No pictures of men in orange suits in humiliating positions. When they get off the plane, when they are first taken there, that is the triumphalist picture of their captor. But there was nothing to show what had been done to them.

They showed someone who just spent time looking at the different horrible positions they contorted themselves into. Someone spent time sketching those and that was the next best thing to photographs with their account.

But they had been in Guantanamo for nearly three years. They were very young. Two of them had been teenagers. They came out with that strength and resilience of youth. They had each other, and that was important. But in the years since, I think in our profound ignorance we have come to understand much more of the kind of irreparable damage the use of torture inflicts upon a human being.

They are all lovely young men, and they are very good. They have all found employment. They have trained in a skill. They are all married. They have children. They are living good lives as are all of the men who have come back from Guantanamo. All of them. But if you talk just a little bit and they are willing to tell you, they are all haunted. They wake up in the night. They cannot live comfortably with their families in contained premises. They need space and isolation. They have flashbacks all the time of the torture. That cannot be removed. That is there. Physically they have terrible pain. Their backs have gone.

It is quite extraordinary what man does to man. They knew from the beginning that these three young men were nothing. They knew that. But yet they chained them, held them hour after hour after hour in freezing cold in Guantánamo until they all confessed that yes it was them in a video with Osama bin Laden. They confessed to it. But it turned out, because there was a date on the video, it is possible to establish they had all been working in an electronic shop in Tipton at that

very time. The concept that torture produces the truth is insanity. It is complete insanity. Sanity was arrived at by the mid-nineteenth century on that issue, that torture did not produce truth and that its use degraded society. Yet here we are again with this deranged concept that the end justifies the means and the means are useful.

Q: There is one British resident left.

Peirce: Shaker Aamer.

Q: Why is he still there?

Peirce: We do not completely know. He has never been charged with something. The Americans have never framed a charge on any evidence. But yet it appears that they have in their minds that he is somehow dangerous simply because it seems he has an extremely charismatic presence, a powerful personality, which in Guantánamo has had effect on other prisoners in terms of discussion of complaining, resisting. That appears to be it.

But at the same time the British have been appallingly weak, or worse. With Shaker several years ago, the time Binyam Mohamed came back, the Foreign Office wrote to Shaker's wife and said, "We are closing the file. We are not going to do any more for him." He has a British wife and British children here. It was only at the time of the negotiation of the legal action of the other Guantanamo men who have been returned that the government here woke up to what was a

catastrophe. As they sat down to negotiate, every man said, "I don't want money. I want Shaker back." All of them.

They had a private meeting with a very senior minister, and what one could see was that the minister must have asked the senior civil servants and said, "Well, why isn't he back? What's going on?" They had to confess that they had done nothing to get him back. Now there is a supposed energized attempt. Recently, two days ago, a few days ago, President [Barack H.] Obama was here and so was Hillary Clinton. Shaker Aamer was the subject of meetings, but we have had such deceit over so many years we really believe very little. We were told for so many years, "We are trying to get them back. We are trying to persuade the Americans." Then years later we see these e-mails saying, "The longer they stay there the better." It leads to a very bleak cynicism.

Q: You mentioned the European Court. I have been interviewing some of the lawyers today. They are frustrated because the American Supreme Court has in effect closed down. With the last week your case had closed down. The D.C. District Court has closed down. But, is the European Court a court of resort for you here?

Peirce: There are some cases before the European Court at the moment that have a resonance. Those are a number of men in different cases where America is seeking their extradition. They are British, and America has extended its jurisdictional appetite to say that they have committed offenses triable in America. There are two issues in which the court has asked for more evidence, more submissions, and more questions. One is the imposition of life without parole. The other is

use extreme solitary confinement in Supermax prisons. It is accepted that each of these men might face both of those prospects.

The European Court has asked the question, does the Eighth Amendment of the U.S. Constitution provide equivalent protection to Article 3 of the European Convention which prohibits torture and cruel and inhuman and degrading treatment? The answer is, curiously, we say, no, because we have a love and respect for the American Constitution. It has been surprising and shocking to us that case law on the Eighth Amendment — particularly in terms of solitary confinement — says the Eighth Amendment entitles the prisoner to shelter and warmth and food, but human association is not a human right. Whereas all of the expert evidence and research shows overwhelmingly that to confine someone for an extended period of time, or even not an extend period of time, can produce madness. It can produce psychosis. At the very minimum it produces acute psychological and psychiatric effects, but America makes use of extreme isolation for tens of thousands of prisoners. Tens of thousands of prisoners.

Q: Those pictures of Pelican Bay are just incredible.

Peirce: We have been shocked to appreciate, as a result of litigating these cases, the extent to which prisons have been purpose-built — designed by architects to sensorily deprive human beings. Men are confined in a tiny steel cell, not just for a week or a month, but year after year after year and potentially for life. No human mind could survive that. When you say, has the European Court any potential to influence that —

[INTERRUPTION]

Peirce: If the European Court finds — and it has not yet arrived at a decision — if it finds that such conditions, including life without any hope of parole, would violate Article 3, it will refuse the UK permission to extradite to America. I do not know if that would have any impact at all, but a previous case, the case of *Soering* [*Soering v. United Kingdom*, 1989, ECtHR] had to do with a man to be extradited from here to the U.S. who faced the death penalty. The European Court prohibited extradition to a form of imprisonment which would involve what is described as the “death row syndrome.” And no European country now is allowed to extradite to another country anywhere in the world if there is the potential of the death penalty. What America has done since the case of *Soering* is given assurances, written government assurances, to say that death penalty would not be sought. There is that limited indirect potential of affecting in a minor way how America might look at what it does.

Q: In the States there was a moment of euphoria, or a moment of optimism when Obama was elected. Was that replicated here at all?

Peirce: Yes, absolutely. One of the most extraordinary, not just images, but experiences, was to see President Obama inaugurated. It was a resolution, it seemed, of the terrible, terrible history of slavery, and the experiences of those who fought for civil rights, and the voter registration movement. That day when Obama was inaugurated was the most extraordinary day, and we felt it here. There is no taking away from that. It was, and it remains, something utterly magnificent in our history.

What is happening now is progression. Any politician coming into power finds his or her way in governing. That is difficult. But the expectations that were placed upon Obama and the gulf between those and the delivery has been substantial. He is a consensus politician and he is up against considerable movement within the Republican Party to roll back on issues like trial by military commission. In fact, I think two days ago Congress passed legislation saying that no foreign terrorist could be prosecuted before a jury, which makes us wonder about these extradition cases. Some years ago America had to give a diplomatic assurance in these cases that they would not be made enemy combatants and that they would stand trial before a jury. But now Congress has brought this in, so the ability to maintain good intentions is supremely difficult. Obama is a law professor. He should know better than some of the decisions he has made.

Q: In looking at the history of this, I was impressed with the fact that in the UK you have been able to mount a public campaign for the release with parliamentarians, people who are active in the political world, whereas that seems to be impossible in the United States.

Peirce: A campaign on what?

Q: To pressure. To pressure the government, in order to pressure the United States to release the prisoners.

Peirce: From Guantánamo?

Q: There were amicus briefs with parliamentarians. There was agitation.

Peirce: Do not be deceived. Do not be deceived. That was not necessarily a clear cut cause. I promise you it was not. There were certain key triggers that brought things much more to a head. One was in 2003. There was an announcement by the Americans that they were building a death chamber in Guantanamo. I think it was four or six of the first men to be placed before a military commission on trial would include two British men, Feroz Abbasi and Moazzam Begg. That just hit in particular the *Daily Mail*. It is a conservative patriotic newspaper. The thought that British men were going to be executed by the Americans was a step too far.

Across the board there was a reaction and it had multiple ingredients, multiple ingredients of campaigners. New legal initiatives were tried one way and another, including Shafiq Rasul from Tipton. By an accident of fate his brother had asked for legal representation here, saying “Is there anything you could do?” at the same time that lawyers in America were looking for an identified individual in Guantánamo, because identities were not known. As I remember there had been a class action initiated in California almost immediately by the ACLU [American Civil Liberties Union] I think, which did not get off the ground because they did not have a name. But here was Shafiq Rasul. There were lawyers there looking and here is Mr. Rasul, and here are faxes, affidavits, boom, boom, boom, get the habeas started.

Q: Were you involved in getting that name to the CCR [Center for Constitutional Rights]?

Peirce: Absolutely. Yes, it was a very happy encounter indeed. There have been different ways in which issues have been progressed. One significant player in the campaigning was Moazzam Begg's father, who had been a banker. He was a very composed, very dignified, quite traditional person. He spoke here, there, everywhere. He was impressive to people. He carried with him an authentic credibility.

It came about through a range of pressures that it became profoundly uncomfortable for the then government to continue to do nothing. Suddenly you had the Attorney General, Lord [Peter H.] Goldsmith, tearing back and forth across the Atlantic. When you come later on to see some of the e-mail traffic you see the hypocrisy. At the same time there were Telexes saying, "We're okay with military commissions," from this end, and at the same time trumpeting, "We're doing everything we can to get Moazaam Begg back." But they had to start doing something. It was more embarrassing not to do something than to do something. That is the point you have got to get to. That is the point. Sorry. I'm sorry. This is too long winded for you.

Q: No, this is wonderful. It is just wonderful.

When you were talking about, when we were talking about Obama and the culmination of the civil rights movement, it had slipped my mind that you had been in the United States with Martin Luther King at a point in time, so that has a certain poignancy for you?

Peirce: For the ten years between 1960 and 1970, like the whole of the rest of the world, one watched with awe and the courage of those in the civil rights movement who risked all to

achieve what they achieved. That is the reason, is it not, why when Obama was inaugurated that enveloped all of that history in just one day.

You have been twice. Another was testimony for the Lantos Committee on Ireland.

Peirce: Okay..

Q: You did testify before the congressional committee? Congressman [Thomas P.] Lantos?

Peirce: I have certainly testified, I think, for two congressional committees. One on the Birmingham Six, who were wrongly convicted, and maybe I have not. Maybe I have not. I am not sure. I certainly went to Washington in relation to a number of cases of wrongly convicted men here and got sympathy. Encouragement.

Q: When you talk about getting the facts, the verifiable facts, how are we to do that?

Peirce: It is very easy if there is a will. For instance, in Greece after the fall of the military junta, the new Greek government ordered an exhaustive inquiry into those who had been the victims of torture by the junta. The report and the findings that they made were extraordinarily detailed and important, and an object lesson in how to do it. As long as those people or those interests remain in power that have had a hand in it, it is deliberately made almost impossible, or very difficult. But if you take the models of post-revolutionary society or dramatic, deliberate change in society, then of course there is the potential.

Post-apartheid South Africa set up the model of the truth commissions. The concept of truth and reconciliation comes with the message that you cannot have reconciliation without knowing the truth. There is a constant theme in the North of Ireland to get to grips with the secrets of the past. The Saville Inquiry took an enormous amount of time to investigate Bloody Sunday. I think at the end, ironically, they chickened out of showing that it did indeed go to the top. But it was important, especially of huge importance to the families, to have the innocence of their family members who had been murdered recognized and to have it acknowledged that it was murder by the state. That was important.

[INTERRUPTION]

Q: It would be easy to see Guantanamo as an American problem. How do you see it as a British problem or international problem?

Peirce: I think it is the most overt example of something that goes on in a covert way all the time. Country after country after country detain people unlawfully, without due process, with the complicity of other countries. This happens on a very big scale, too big to be kept secret. But almost every country visited Guantánamo for its own purposes if it had a national there, or someone in whom it was interested. Almost every country went there, fed in information, and derived what it could out of Guantánamo. So it was a joint venture, to be honest.

Q: When we were talking there were two aspects to working on a kind of problematical. One was verifiable information. The other was a sense of justice. What will justice look like for the perpetrators of Guantánamo and those who allowed them to go on?

Peirce: You mean, can anyone be brought to justice satisfactorily?

Q: What would it be? Would it be personal justice? Would it be some institutional justice? What would justice look like?

Peirce: At the moment there is a police investigation continuing into the potential complicity of particular MI5, MI6 officers in relation to U.S. detentions of individuals at those early stages in 2002. In a way, whether or not those individuals were prosecuted is not what interests most people and those most affected, the victims. If there is evidence of a much bigger picture, then it is that bigger picture that needs to be seen. I do believe that, for instance, there is the War Crimes Tribunal which has, from time to time, conducted prosecutions of individuals who have had senior role in particular sustained atrocities.

There are many senior people, politicians, or civil servants who could on the basis of the law, in fact that we are aware of already, be prosecuted. My view, although I have no particular interest in one individual or another being in the dock, is not a personal vindictive approach. My view is that unless you do prosecute, these practices will simply go on and on and on and on. In another ten years or another twenty years, it will go on again. The only way to bring a halt to it is to expose what has been done and to bring those to book who did it.

Q: That is related to our earlier discussion of the failure to do something like that, ignoring Ireland, with the IRA. The failure to prosecute the perpetrators.

Peirce: Yes. For instance, with Bloody Sunday, instead of courts-martialing soldiers who had shot unarmed civilians, we not only condoned it, but the Lord Chief Justice [John P.] Widgery was brought in to conduct a review and he produced an utterly mendacious whitewash. That was causative of reaction of the most profound kind. It is the distorting of processes, and the distorting and contamination of the law, to twist it around and use it in an abusive way that is profoundly corrosive of society. That imperative to have honesty, and as a result of honesty, consequences, appropriate consequences, remains critically important. But, in Britain will we ever achieve it? Not as long as we are so devoted to the concept of secrecy.

Q: The last question is where do you think we are going to go? What does tomorrow hold?

Peirce: I think the lesson to learn is that there is no pinnacle of enlightened achievement that simply sustains itself. There is not a sunny plateau that you remain on. The tensions we have discussed that lead states constantly to look for or to adopt procedures outside of legal convention, and the recognition that nevertheless there are legal conventions that have to be adhered to, is a constant battle that I think is forever. Therefore one has to be alert, and on the watch, and keeping guard, and fighting for it, and that means the whole of society. That is difficult. It is not what interests most people. It is not what affects most people's lives, but nevertheless it is poisonous when it infects. Ultimately, it does not do any good. It does not

make society safe. It makes it less safe. It reproduces itself open-endedly. Learning history and being aware of our history, all of us, does not hurt.

Q: Thank you very much.

Peirce: Thank you.

[END OF INTERVIEW]

Aamer, Shaker	13, 14
Abassi, Feroz Ali	18
Ahmed, Ruhai	10
Begg, Moazaam	19
Begg, Moazzam	18, 19
bin Laden, Osama	12
Bush, George W.	7
Cheney, Richard B.	7
Clinton, Hillary R.	14
Gaddafi, Muammar	4
Gaddafi, Saif	5
Goldsmith, Peter H.	19
Iqbal, Asif	10
King, Martin Luther, Jr.	19
Lantos, Thomas Peter	20
Mohamed, Binyam	13

Obama, Barack H.	14, 16, 17, 19, 20
Rasul, Shafiq	10, 18
Rumsfeld, Donald H.	7
Sartre, Jean Paul	2
Widgery, John Passmore	23