Reflections on the ‘death of justice’

Dispatches from the Dark Side: On Torture and the Death of Justice
by Gareth Peirce

It was once dismissively said of Clement Attlee that he was a modest man who had much to be modest about. A slight, but significant variation of that thought crossed my mind as I read Gareth Peirce’s new book Dispatches From The Dark Side. The author is unquestionably one of the most self effacing people I have ever had the pleasure of meeting. This outward appearance is deceptive however as it masks a razor sharp brain and a steely determination. Gareth Peirce has a well earned reputation as one of the most tenacious and successful human rights lawyers practicing in the UK today. Her clients represent a roll call of the most high profile victims of injustice over the past 30 years.

Dispatches From The Dark Side brings together a series of articles first published in the London Review of Books between 2008 and 2010. As the book’s subtitle indicates, these essays are a reflection ‘on torture and the death of justice’.

At the outset, Peirce recalls the ‘shocking images’ of ‘hooded and shackled men’ being transported in orange jumpsuits by the US military to Guantánamo Bay in January 2002. She suggests that these images were deliberately beamed around the world. The message was clear; the world’s sole superpower would stop at nothing to reassert its authority in the aftermath of 9/11.

International law, at least on paper, dictates however that there are limits on the use of State power both within and beyond one’s national borders. As signatories to numerous international humanitarian conventions, the US and its principal ally the UK are acutely aware of these restrictions.
The opening essay is entitled ‘Make sure you say you were properly treated’. This was the chilling advice given by a Foreign Office representative to Shafiq Rasul and other British detainees as they finally boarded a flight after winning their release from Guantanamo Bay. It speaks volumes about the level of UK complicity in their treatment.

In the second chapter, the most powerful in this collection, Peirce considers the framing of Abdelbaset Ali Al Megrahi, the man convicted of the Lockerbie bombing, the most deadly terrorist atrocity committed in the UK. The decision to release him to return to his home country continues to provoke a hysterical reaction. At the time of the release, the then Opposition leader David Cameron characterised the Scottish Government's decision as 'a betrayal of everything Britain stands for'.

As the chapter heading suggests, what is really outrageous is the conviction itself. Peirce contends that those who lost loved ones in the skies above Scotland have not received justice. Instead, their interests have consistently been sacrificed as shifting international priorities and alliances dictated that the real culprits should be appeased. Al Megrahi’s controversial release was nominally on compassionate grounds, but even here it is apparent that all is not as it should be. At the very least we know, as Government ministers have conceded, that Al Megrahi’s freedom was ‘discussed’ in the diplomatic horse trading over oil contracts that took place with the Libyan government in the months before his release.

In ‘Was it like this for the Irish?’ Peirce considers the demonisation of Muslim communities in the aftermath of 9/11. A particular focus here is upon the panoply of notorious measures including control orders, extended powers of detention and secret courts to which those accused of terrorism offences are subjected. Peirce is particularly well placed to answer this question. Her clients have included members of the Guildford Four and Birmingham Six whose appeals tore the lid off the corruption at the heart of the English criminal justice system in the late twentieth century.

It is now two years since Barack Obama was elected president of the United States amidst such hope that he would bring to an end to the abuses sanctioned by his infamous predecessor. In the final essay in this series, ‘Are We Our Brother’s Keeper?’ Peirce examines how far the US has strayed from the noble principles embodied in its constitution. She cites the ‘extraordinary statistic’ that 97 percent of US trials result in a guilty plea and she describes the appalling conditions experienced by those subjected to solitary confinement. Sadly Obama has done little to transform this terrible predicament or to deliver the changes in which so many people invested hope. Given this appalling, headlong retreat from principle, Peirce answers her own question by declaring that the UK should refuse to allow the extradition of British citizens across the Atlantic.

The ‘war on terror’ and its consequences have, once again, been catapulted to the top of the news agenda with the publication by Wikileaks of previously secret reports of the US military operation in Iraq. Words alone cannot adequately explain the scale of the brutality highlighted in those documents. It should not be ignored that whilst promoting his memoirs George W Bush proudly admitted that as Commander-in-Chief he had...
readily authorised the waterboarding of terror detainees. No amount of wordplay by his ‘legal advisers’ can conceal the fact that this treatment amounted to officially sanctioned torture. There is a clear lesson to be learnt from this which is that, far from making the world a safer place, the assault on civil liberties so graphically described by Gareth Peirce in these dispatches is simply fuelling anger and retaliation amongst a significant minority of those who are targeted. In these desperate and dangerous circumstances, Dispatches from the Dark Side is not simply a commentary on events, but rather an ‘urgent SOS'; a call to action. The question this raises however is to whom should we be addressing our demands? The atrocities reported here happened on New Labour’s watch but that Government has now been consigned to the dustbin of history. New Labour has been replaced by a coalition which boldly claims that it will restore the UK’s historic commitment to civil liberties. The first pledge of the coalition agreement however is a pronouncement that ‘the first duty of Government is to safeguard our national security and support our troops in Afghanistan and elsewhere’. Such a declaration is both ominous and alarming. As voters are discovering to their cost on so many fronts, actions speak louder than words. Home Secretary Theresa May’s backsliding on the promise to repeal Control Orders is a warning as to what we can expect on the vexed issue of terror suspects. It is probably also therefore a foretaste of how this Government will approach the wider concerns raised by the security threat. Defending civil liberties can be difficult. The general public are often, and understandably, prepared to accept restrictions on their freedoms in times of apparent emergency. There is a real challenge for proponents to demonstrate that the real, longer term danger is posed by the erosion of hard won rights and freedoms. For those reasons, progressive lawyers, activists and working class communities have an interest in standing shoulder to shoulder with those, particularly among Muslim communities who are currently embattled and demonised. The short, sharp and passionately written essays contained in this volume can play a vital role in arming us with the necessary evidence and arguments that can assist us in those struggles.


This extraordinary new book concludes as follows: ‘In [Latin America’s] example we also learn that the truest form of rule comes not from producing the most goods, or harbouring the deadliest nuclear weapons… rather, it concerns the human capacity to make new history.’ The author, Oscar Guardiola-Rivera, teaches Constitutional Law, International Law and Human Rights at Birkbeck College. He qualified in law in his native Colombia and after coming to the UK obtained an LLM with Distinction at UCL. In 1998 he completed a PhD in Philosophy at the University of Aberdeen, with a thesis entitled ‘Practical consciousness: Marx, mind and the problem of ethics’, on the relationship between Hegel, French Post-Structuralism, contemporary Cognitive Science and the self-institution of society. So it should be no surprise that this is not at all a law book. Rather it is an intellectual and political roller-coaster ride, drawing on literature, history, and philosophy, and other disciplines, together with a particular focus on alternative economics. In order to write the book Oscar travelled widely: to Cape Town, Rio de Janeiro, Lima and La Paz, Buenos Aires and Bahia Blanca, Mexico City, Miami, San Francisco and New York. In particular he visited ‘an almost inaccessible Indian village near Belalcazar in the Colombian [region of] Cauca, where Victoriana Pennakwe, a young leader of the remarkable Nasa people, taught me about their community-based model of furthering political and social transformation.’

The indigenous peoples of Latin America are a constant source of inspiration for this book. Oscar begins with the ‘Dream of the Indian’, a dream which provides a golden thread through his work: the dream is that private ownership can be replaced by access. In the midst of Latin America Ruled the World, the real dream is that the world’s people, who have been so long denied the right to dream, will be able to dream again.