

Rt. Hon. Tony Blair MP
Prime Minister

Dear Prime Minister,

As you are no doubt aware, the Law Society and the Bar Council, including the Bar Human Rights Committee, are extremely concerned about the situation of those detained in Guantánamo Bay as “enemy combatants”. We deplore the fact that they have been detained for up to two years without access to a lawyer; the conditions of their detention appear to be causing serious mental health problems; and, if they are not to be detained indefinitely without charge or trial, they face proceedings before a military commission, the procedures for which are fundamentally flawed and may result in severe sentences including the death penalty.

We note the attempts by Lord Goldsmith, the Attorney General, to win concessions from the US authorities for the British citizens nominated for trial before a military commission but believe that these attempts are insufficient. In any case, any concessions should apply to all detainees, regardless of nationality. We are alarmed by a report in *The Guardian* on 11 November 2003 that the Pentagon has not confirmed, and apparently will not confirm, that the British detainees will not face the death penalty.

We are profoundly disappointed that the British Government appears to be less than whole hearted in its attempts to ensure that the detainees are treated in accordance with the basic principles of international law, so that those who can be proved to have been responsible for criminal acts receive appropriate punishment, and those who cannot be proved guilty of such acts be released.

We reiterate our firm belief that the only acceptable outcome is that the British detainees are either tried in a US civilian court with full safeguards for a fair trial or returned to the United Kingdom where they can be tried if and to the extent that there is sufficient evidence against them of an offence in English law.

We are aware that President George W. Bush will be visiting London next week and so request that you use your good offices to arrange for a meeting with him, or senior members of his delegation, so that we may raise our concerns directly.

We thank you for your assistance in this matter.

Yours sincerely,

Peter Williamson
President
The Law Society

Peter Carter QC
Chairperson
Bar Human Rights Committee