

PRESS RELEASE

December 05, 2005

Urgent Alert: Gitmo Hunger Strikers Seriously Ill

AI Index: AMR 51/197/2005

Fawzi al-Odah (m), Kuwaiti national
Juma al-Dossari (m), Bahraini national
Shaker Aamer (m), UK resident
Abu-Bakr al-Shammari (m), Yemeni national
An unknown number of Guantánamo detainees

A number of detainees who have joined the hunger strike at the Guantánamo detention centre are now known to be seriously ill as a result of the hunger strike and the force-feeding methods being used.

Kuwaiti detainee Fawzi al-Odah joined the hunger strike on 8 August. His lawyer last visited him in mid-November, and found that his weight had continued to drop dramatically, despite the fact that the authorities had been force-feeding him since early September. The lawyer obtained the relevant medical records and consulted doctors, who advised that Fawzi al-Odah was in imminent danger of death or at least permanent organ damage. He has described the method by which he was force-fed: *"The nurse shoved a tube up my nose so quickly that I began choking, bleeding from the nose and spitting blood. They used no anaesthetic."*

Fawzi al-Odah had previously asked his lawyer to file court papers to seek the removal of his feeding tube "out of desperation" over his imprisonment without charge. His lawyers said they would not file the papers without his family's consent and without further consultation with independent doctors, including psychiatrists. His father refused to give his consent, reportedly stating: "We utterly refuse...Fawzi would not have taken such a decision unless he has lost all hope and some of his ability to reason."

Lawyers for Bahraini national Juma al-Dossari have described their most recent meeting with him on 12 November: "Mr Dossari appeared very frail, most likely as a result of his multiple suicide attempts and the fact that he is currently participating in the hunger strike. In fact, Mr Al Dossari's physical health was so impaired that, for the first time since I have known him, he remained in a wheelchair throughout the visit...Mr Al Dossari also, at times, appeared to suffer from facial paralysis."

Two days after this meeting Juma al-Dossari attempted to commit suicide. Throughout his detention in Guantánamo he has attempted suicide on a number of occasions: on 15 October, he attempted to hang himself after going into the toilet during an interview with his lawyer. Medical experts have warned that if Juma al-Dossari's conditions of confinement remain as they are, his mental state "will likely continue to deteriorate and there will remain a great likelihood that he will again attempt to harm himself physically."

In a written statement to his lawyer, recently declassified by the US authorities, Saudi Arabian national Shaker Aamer, who had been resident in the UK since 1996, explained how he had suspended his hunger strike during Ramadan, but resumed it on 4 November. He wrote that "I want to make it easy on everyone, I want no feeding, no forced tubes, no 'help', no 'intensive assisted feeding.' This is my legal right." He also wrote of his health problems: "I am dying here every day, mentally and physically...I have got many problems from the filthy yellow water...I have lung problems from the chemicals they spread all over the floor...I am already arthritic at 40 because I sleep on a steel bed, and they use freezing air conditioning as part of the interrogation process. I have ruined eyes from the permanent, 24-hour fluorescent lights. I have tinnitus in my ears from the perpetual noise...I have ulcers and almost permanent constipation from the food. I have been made paranoid, so I can trust nobody...I was over 250 lbs. I dropped to 130lbs in the hunger strike."

Sami al-Hajj, an al-Jazeera employee detained at Guantánamo who is held in Camp IV with a full view of the hospital where some of the hunger strikers are being treated, has told his lawyer that he is particularly concerned for the health of Yemeni national Abu-Bakr al-Shammari, who he says now weighs under 70lbs and is in a critical condition.

RECOMMENDED ACTION:

Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing serious concern for the physical and mental health of Fawzi al-Odah, Juma al-Dossari, Shaker Aamer, Abu-Bakr al-Shammari and other Guantánamo detainees participating in the hunger strike;
- expressing concern that they may be being force-fed in a manner which is deliberately intended to cause harm and inflict suffering;
- calling for all the detainees who have participated in the hunger strike to be given immediate access to independent medical care and treatment;
- calling for all Guantánamo detainees to be released unless they are to be charged with a recognizably criminal offence and tried in full accordance with international standards for fair trial.

APPEALS TO:

Donald Rumsfeld, Secretary of Defense, The Pentagon, Washington DC 20301, USA

Fax: + 1 703 697 8339

Salutation: Dear Secretary of Defense

Matthew Waxman, Deputy Assistant Secretary of Defense for Detainee Affairs

2500 Defense Pentagon 5E420, Washington, DC 2031, USA

Fax: +1 703 697 6166

Salutation: Dear Deputy Assistant Secretary of Defense

COPIES TO: diplomatic representatives of the USA accredited to your country.

PLEASE SEND COPIES OF YOUR APPEALS TO: His Excellency Mr Robert Tuttle, Embassy of the United States, 24 Grosvenor Square, W1A 1AE. Fax: 020 7499 8218 (marked for the attention of the Ambassador)

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 January 2006.

<http://www.cageprisoners.com/campaigns.php?id=249>

SOURCE: Amnesty International

British Residents in Guantanamo Bay

Jamil El Banna is one of nine British residents held in Guantanamo

Bisher al-Rawi and Jamil El-Banna

“(My third son) got a prize at school for being a supercitizen. The first person he thought of was his dad. He said, how can I tell him that I’m a supercitizen?” Mrs El-Banna, wife of Jamil El-Banna

In 1997, Britain recognized Jamil El-Banna as a refugee from Jordan. His wife and 5 children are all British citizens. Bisher’s family has lived in the UK for 20 years, and they are all British citizens except Bisher, who has long been recognised as a refugee. His family fled Iraq as Bisher’s father had been detained and tortured by Saddam Hussein’s regime. The British government’s refusal to make representations on their behalf means that they are without any diplomatic support. Jamil El-Banna is married with 5 children. Bisher al Rawi is married with 4 children.

Jamil El-Banna and Bisher al Rawi are friends. They both prayed at the same mosque and lent a helping hand in the Arab community. They are both imprisoned in Guantanamo Bay. Bisher persuaded Jamil to come to the Gambia to set up a business scheme developed by Bisher’s brother, Wahab. The idea was to take advantage of the peanuts that grew plentifully there, and offer a mobile peanut processing plant that could turn the crop into oil. Wahab sank £250,000 into the programme, expecting to reap handsome profits.

The plan began to unravel before they even left the UK. The police detained Bisher and Jamil, and alleged that they were carrying a dangerous weapon abroad. Their lawyer, Gareth Peirce, went to the Argos catalogue store and bought an identical “weapon” – proving that it was a battery charger. Two MI5 agents then reassured Jamil and Bisher that they had nothing to worry about going to the Gambia.

The moment they arrived at Banjul airport in Gambia on 8 November 2002, they were arrested. Far from being “on the battlefield”, they were further from Kabul than London is. According to the Gambian authorities, the arrest was

made at the request of the British Government. Jamil reports how a U.S. interrogator said, "Why are you angry at America? It is your Government, Britain, the MI5, who called the CIA and told them that you and Bisher were in Gambia and to come and get you. Britain gave everything to us. Britain sold you out to the CIA."

The two men were held in total isolation in a "Dark Prison" for 2 weeks. It was so dark that Jamil couldn't see his fingers. During this time he was punched, dragged along the floor and kicked. It was winter, but Jamil only had a t-shirt, no shorts and no blanket.

They were then moved to Bagram Airforce Base. This was when Jamil's wife first heard from him, through the ICRC. He asked her how her pregnancy was going and to pray for his safe return.

Since being taken to Guantanamo, Jamil has had health problems. He is diabetic, but in 2004 they stopped giving him special meals, saying they were "too expensive". Once Jamil refused a shower in protest after soldiers had repeatedly desecrated the Qu'ran. They took him out and cut his beard and all his hair off.

Bisher al Rawi is in an emotionally fragile state and he prays for an end to this "*dismal and depressing reality*". "*I don't see hopeful signs yet. I am waiting for something like a miracle – or better still, a real miracle – to resolve this problem.*" His participation in the hunger strike over the past months has left his body weak and malnourished. "*I have to tell you it is extremely strange being in this existence, without food for so long. I never would have imagined this would happen to me that I would involve myself in such an action – I pray that it will be fruitful.*"

Jamil and Bisher have had little contact with their families. Sabah El-Banna has only had 2 letters from her husband in 3 years. Jamil was finally given 13 letters from his wife after a long legal battle with the US authorities holding the letters. Jamil al-Banna has never seen his youngest daughter who was born in April 2003 while he was in detention.

Despite their legal status in the UK, the British Government has refused to take any step to help Jamil and Bisher come home. They do not care that Bisher has been living in the UK for 20 years, or that Jamil has 4 children born in Britain.

Jamal Abdullah Kiyemba

"He's not a British national and therefore we're not able to take up his interests."

UK Foreign Office spokesperson

"Politics has it that I need to be British to get any help. Am I not? How come? As any Military Police personnel in Gitmo, where's this guy from? Answer, they will say Britain! Check my incoming mail and you will find it's from Britain. The first interrogation I had...has been by Brits. Mt GP, my local mosque, my teens, my education, employment, friends, taxes, home, and above all else, my family – it is in Britain. I may not be British according to some piece of paper, but in reality I am a Brit and I always will be...It's the Brits that have the ability to stop the injustice that is going on here – to me and many others."

Jamal Kiyemba, February 2005

Having grown up in the UK, with his immediate family here, Jamal feels more British than Ugandan, and asked the UK Government to help him return to his family. However, the British Government refused to intervene. On October 28th, 2005, the US and his lawyer, Clive Stafford Smith, agreed he would be sent to Uganda. Since Britain had abandoned him, there was no other option.

His detention in Guantanamo is only the latest chapter in Jamal's hard life. He was born in Uganda, to a catholic family. When he was 2 years old, his mother moved to the UK, leaving him with his father. When he was 7, his parents embarked on a messy custody battle. Jamal's father was killed in a tragic car crash, and Jamal then had to live with his 3 aunts, who passed him around out of fear that his mother would kidnap him. Their fears were confirmed when a private detective posed as his uncle and collected him from school. He was taken straight to the UK. Jamal was sent back to Uganda by his mother in 1996. He was given no warning. Fortunately, Jamal was helped by his great-aunt to return to the UK, and he started at Leicester University in 1997 where he studied Pharmacy and converted to Islam.

Jamal Kiyemba was seized while driving with friends by the Pakistani military, at gunpoint on the 19th March 2002. After the assailants had taken their money and any other items of value, the group were bound and blindfolded, and taken to a disused police station where they were left overnight. The following morning, Jamal, still bound and blindfolded, was taken to be "interrogated" by a Pakistani officer. Jamal then spent 3 weeks in a hole in the ground being interrogated by US agents. He was taken to an airfield outside Peshawar, then to Bagram airforce base. This was the first time he had ever been to Afghanistan. He was held there from the start of June until October 27th, 2002. Total silence was enforced at gunpoint. "*The (call to prayer) was considered talking and the caller would be punished.*"

The same applied to reciting the Qu'ran. I was punished for an audible recitation of the Qu'ran, and the second time for audibly making the call to prayer. No group prayers were allowed."

During interrogation, Jamal was subjected to a routine where he was hung on a door for 2 hours, allowed to sit for half an hour, and then hung up again; he was not allowed to sleep. The American interrogators told him that if he did not admit to having planned jihad in Afghanistan, then what lay ahead for him was far worse than what he had already faced. In Bagram, Jamal witnessed the murder of a prisoner who tried to escape.

After he arrived in Guantanamo, Jamal was exceptionally polite and co-operative. However he became a victim of the abuse of the Extreme Reaction Force (ERF), which is supposed to enforce discipline at Guantanamo. Jamal has also suffered from medical problems: on 7th March 2005, he told his lawyer: *"I feel as if something or someone is on my chest trying to squeeze the life out of me. I cannot move. Sometimes I feel I cannot breathe. Sometimes I feel something is covering my mouth to stop me calling for help. I am grabbed by panic. I seem to hear what is going on around me, but I cannot move. I seem to see part of the room I am in...but I cannot turn to see the rest. ...It happened to me first when I was locked up in Pakistan. Here it is more frequent. Maybe 2 or more times a week."*

Shaker Abdur-Raheem Aamer

"The youngest...he doesn't even know who his Daddy is because he has never seen him or spoken to him until this day" – Mrs Z. Aamer

Shaker Aamer has a home in Battersea with his British wife and four British children, the youngest of whom he has never seen. His application for British citizenship was in progress when he was seized in Afghanistan and imprisoned in Guantanamo Bay. He has been threatened with rendition to Egypt. If the British Government denies him the rights to return to this country, his wife will be without a husband and his young family without their father.

Shaker grew up in Medina, in Saudi Arabia. He left home when he turned 17, and went to America. He spent a happy year in Maryland, before returning to Saudi Arabia. Then he travelled in Europe and the Middle East, before moving to London where he met his wife Zinnira Siddique, and started a family. Zinnira said she married Shaker because she saw the kindness in his heart, and he made her laugh. *"He is so funny. If he was here now, he would make you laugh."* Shaker was a hands-on dad, changing nappies without complaint and entertaining the baby. Michael was born in 1999, and Saif a year later. Shaker always told Zinnira that he wanted 12 children, but he has never set eyes on his 4th child, as Faris was born after 2002, after Shaker had been seized by the US Military.

Shaker worked as an Arabic translator for the solicitor who advised him on his immigration case. People always approached him for advice about their problems, and translating for refugees put Shaker where he loved to be – in the role of counsel, listening and advising. He needed more work to support his expanding family, but he was hampered by his immigration status. Until he had British nationality, it would be hard. Shaker dreamed of starting his own business selling clothes. He travelled to the Middle East, collecting samples of material. Shaker and Zinnira wanted to find a perfect home for their family, and better opportunities for Shaker, while his status in Britain was resolved. They decided to look in a Muslim country. They made trips to Saudi Arabia and Pakistan and, in June 2000, Shaker visited Afghanistan to do voluntary work for an Islamic charity. He stayed in Kabul, sharing a house with Moazzam Begg, the British detainee released from Guantanamo in January 2005. Soon after he arrived in Afghanistan the country was pitched into war in the wake of 9/11. When the bombing in Kabul began, Shaker moved to Jalalabad and, fearing he would be taken prisoner by the Northern Alliance, went into hiding with an Afghani family. Soldiers arrived and seized him at gunpoint. He was sold, first to the Northern Alliance, and then to a group in Kabul. He was taken to somewhere outside Kabul in the middle of the night. A helicopter arrived, and when he heard the sound of American accents, he was filled with relief. But he had been sold yet again, this time to the U.S.

Shaker was taken to the Dark Prison in Kabul where he suffered such torture that he cannot talk about it. Then he was taken to Bagram Airforce Base where he was forced to stay awake for 9 days without food. Next he was taken to Kandahar where he suffered yet more cruelty. *"They were jumping up and down on me in their boots, on my back and head. Yelling about my religion, my family and my race. A soldier took the holy Qu'ran and threw it in the shit bucket on the floor."*

When Shaker arrived in Guantanamo, he was assured he would never leave. *"You've come to your end. You will not be going anywhere from here."* Shaker says he was thrown to the ground, beaten and stripped naked, and that the soldiers stuck their fingers up his anus. When he was eventually given his prison uniform, they gave him clothes many sizes too small. It was the beginning of a ritual of humiliation and abuse that has lasted without respite for nearly 4 years.

Because he is well-educated and acts as a translator for the other prisoner, the U.S. Military named him "The Professor". They think because of the status that is bestowed on him he must be a major leader among the prisoners. Because of this, Shaker was kept in isolation for a year. He had no window and only an opening for the air-conditioning. He was often kept in freezing conditions in nothing but shorts. His frame wasted from lack of food, and he was denied a tooth-brush for 8 months.

Shaker has been treated brutally during interrogations. In the interrogation room, Shaker is tied up on the floor for hours before the interrogation begins. Frozen by the air conditioning, he is not allowed to use the toilet and defecates himself.

Despite all the attempts to break his humanity, Shaker remains the kind and supportive man Zinnira remembers. He looks out for his fellow detainees, acting as "next friend" for those without a lawyer.

Zinnira and her 4 children have been waiting 4 years for their husband and father to return home. *"Whenever Shaker travelled before he would always come home quickly because he missed his family. He is taking a long time this time."* Zinnira received sporadic letters from Shaker until June 2003. She has heard nothing from him in over 2 years. Shaker has written his wife a 20 page letter, but his lawyer is not allowed to deliver it. The children do not know where their father has gone. Zinnira says, *"My children are very sensitive, so I have told them he has gone abroad to study. I think they would take it very badly if they knew the truth."*

The absence of her husband has taken an immense toll on Zinnira's health and she has spent some time in hospital. She would wander the corridors knocking on doors. When the person came out asking why she was knocking on the door she said "I am looking for my husband."

Whilst the British Government is refusing to make representations on his behalf, Shaker is on hunger strike. In a recently declassified statement, Shaker wrote:

"I am dying here every day, mentally and physically. This is happening to all of us. We have been ignored, locked up in the middle of the ocean for many years... I have problems many problems from the filthy yellow water...I have lung problems from the chemicals they spread all over the floor...I am already arthritic at 40 because I sleep on a steel bed, and they use freezing air conditioning as part of the interrogation process. I have ruined eyes from the permanent, 24-hour fluorescent lights. I have tinnitus in my ears from the perpetual noise...I have ulcers and almost permanent constipation from the food. I have been made paranoid, so I can trust nobody, not even my lawyer. I was over 250 lbs. I dropped to 130lbs in the hunger strike. I want to make it easy on everyone, I want no feeding, no forced tubes, no 'help', no 'intensive assisted feeding.' This is my legal right."

Omar Deghayes

"When we discussed his participation in the hunger strike, Omar recently told me, 'I am dying slowly in here anyway. And the Americans say they will send me back to Gaddafi, which means I will die painfully there. So I may as well take my destiny into my own hands.' I am very concerned that Omar will lose his life, either because the U.S. refuses his basic human rights, or because the U.K. does not care enough to prevent his rendition to Libya. It is time the British government recognized its responsibility to someone who has lived in Britain more of the past 20 years than I have."

Clive A. Stafford Smith, Omar's lawyer and Legal Director of Reprieve.

Omar Deghayes is a long term British resident, a refugee from Libya, who has been detained in Guantanamo Bay, a victim of mistaken identity and grotesque injustice. He is being held without charge in Guantanamo, and the British Government takes the position that as Omar is not a British citizen they cannot make representations on his behalf. British Foreign Secretary Jack Straw said: *"We can represent British citizens (but) we cannot represent those who choose not to seek British citizenship and make their own choices presumably because they want to maintain the citizenship of their birth."* Omar has been visited by Libyan officials in Guantanamo where he was told "You have no problems with the U.S. Your problems are with us."

Omar moved to the U.K as a teenager and secured refugee status after his father, Amer, had been murdered by the Gaddafi regime. Amer was a prominent lawyer in Libya who pioneered the trade union movement. When Gaddafi came to power in 1968 Amer was offered the post of Foreign Minister. Recognizing that the regime he was being asked to join was oppressive, Amer declined. He was a man of integrity, an idealist who believed in justice. Because of this, Amer was consistently harassed and threatened.

One Sunday in February 1980, during the family's weekly gathering, Gaddafi's men came for Amer. He was executed 3 days later. Viewed as counter-revolutionaries, the rest of the Deghayes family was then a target for persecution. It took 6 years, but Amer's wife Zohra managed to get them all out. They went to the U.K, settling in Brighton, which they had been visiting for years and where they had many friends. Even in the U.K. the family continued to receive threats from Libya.

Omar and his family were given refugee status in 1987, recognized by the U.K. and the United Nations High Commission for Refugees (UNHCR). Omar was grateful for his refuge. He and his brother Monder played football on Sundays for their local team and Omar contemplated trying out for Brighton and Hove Albion.

Omar had inherited his father's compassion and sense of justice. He did voluntary work for Sussex Prison Service, giving religious guidance to Muslim prisoners. On one occasion he persuaded 3 Muslim asylum seekers to give up their hunger strike. While the rest of his family took out British citizenship, Omar did not, as he felt committed to his father's dream of bringing justice to Libya. He studied Law at university, took the legal practice course, and was a student member of the Law Society.

As his studies ended, Omar decided to take a year off to see with his own eyes how people in Muslim countries lived. His refugee status made it difficult to visit many countries, but in 2000 he went to Afghanistan, as he was able to get permission to stay and was told there would be plenty of scope for helping the poor. It was in Afghanistan that Omar met and married his wife who became pregnant with his son, Suleiman.

In the wake of 9/11, Omar feared for his family's safety and went to Pakistan, intending to travel from there back to the U.K. But Omar, his wife and baby were seized and handed to the U.S. A Libyan delegation led by Gaddafi's elder son tried to force his wife and baby to go to Libya. They only barely escaped. Meanwhile, Omar was sent to Bagram Airforce Base. Some months later Omar's mother Zohra received a card in Brighton that read *"Mum, I'm in Guantanamo Bay."*

Omar did not understand why he was being held and the U.S. authorities have refused to provide him with any official charge. However, 3 years after his false arrest, it is possible to reconstruct how the U.S. military made their mistake. In a search, Spanish authorities seized a videotape depicting Islamic rebels in Chechnya. An anonymous informant then identified a rebel in the video as Omar, whereupon the Spanish added a subtitle to identify the person on the tape as "Mr. Deghayes". On the basis of this the Spanish issued a warrant for Omar's arrest, and passed the tape onto the U.S. authorities. The tape was then aired on an episode of the tabloid TV program *America's Most Wanted*, with Omar identified as a Chechen rebel. Omar's story was eventually investigated and told by the BBC. The BBC was able to secure a copy of the Spanish tape: immediately Omar's lawyer and family saw the tape they knew it was not Omar. An independent expert, Doctor Tim Valentine, concluded that the person on the tape was definitely not Omar Deghayes. Indeed, it was later confirmed that the person on the tape was one Abu Walid, a Chechen rebel who was killed in April 2004.

This has now been brought to the attention of the U.S. authorities, but Omar continues to be held without charge.

Because the British government wants to believe that that Col. Gaddafi has reformed his style of Government, the British currently take the position that Omar must apply to Libya for "consular assistance". Since arriving in Guantanamo, it is clear what kind of "consular assistance Omar can expect from the Libyans. He received visits from Libyan officials on September 9th and 11th 2004. They said to him: *You have no problems with the U.S. Your problems are with us.*" They repeatedly told him, *"We know everything about you and your anti-Gaddafi activities."*

Omar Deghayes continues to be the victim of some of the harshest abuses in Guantanamo because he is an educated man who speaks fluent English, and therefore tries to intercede on behalf of the other prisoners. In one incident, Omar was ERF'd where the soldiers saturated his eye with pepper spray, and then used fingers to gouge at his eyes:

"They gouged my eyes and left me permanently blind in my right eye. While I can see nothing out of it, my eye is very sensitive to light. It is particularly painful when they leave the bright neon lights on all the time. I had an injury when I was a child to that eye, and it is very sad that after all the efforts my parents went to save my sight then, I have now been blinded forever."

Binyam Mohammed al-Habashi

"I chose Britain because as an African...I felt more comfortable that I would receive hospitality from the British people and fairness from the British government."

Binyam Mohammed

Binyam Mohammed is an Ethiopian refugee who lived in North Kensington. He had been in Afghanistan, leaving just after September 11th because of the escalating violence. He was seized in Pakistan whilst trying to return to the UK after all his travel documentation was stolen. Binyam was questioned in Pakistan by the U.S, and then rendered to Morocco by the CIA where he was tortured until out of desperation he confessed to being part of a "dirty bomb plot". He arrived in Guantanamo in September 2004, after spending 5 months in the "Dark Prison" in Kabul and then Bagram Airforce Base. On November 7th 2005, the U.S "charged" Binyam and he now faces "trial" before the universally derided U.S. military commission. The U.K. government is silent on his behalf, and as a refugee and British resident, Binyam has no other hope of consular assistance.

Binyam was born in Ethiopia. His father, Ahmed, worked for Ethiopia Airlines. Binyam always looked up to his brother, Benhur, who is 6 years older than him, but was closest to his younger sister, and was Anna's best friend growing up. *"Binyam was popular at school, and everyone would want to be on his team for games of football or other sports,"* she recalls. *"Binyam enjoyed athletics and was the fastest runner on the school track team. He was gifted academically*

and was one of the top students in his class. His favourite subject was maths." What Anna remembers best is that her brother would never lie. "There were several times when Binyam had done something wrong, and instead of lying to get out of trouble, he would admit what he had done. Our father would often reward Binyam for his honesty by taking him out for ice-cream."

After the Government changed in Ethiopia, Binyam and his family were in danger. They opposed the communist Ethiopian Peoples Revolutionary Democratic Front as, in Binyam's words, *"The EPRDF was undemocratic, its policies were based on ethnic division and it had no respect for human rights."* Binyam went to live with his sister in America for a year, and then sought asylum in the U.K.

He lived in London for 5 years where he obtained 5 GCSEs and was working for an engineering diploma. He was good enough at football to consider a semi-professional career. As a young man Binyam ran into difficulties and started using drugs. He rediscovered Islam, and started volunteering at the cultural centre of his mosque. *"He is remembered here as a very nice, quiet person, who never caused any trouble,"* says Abdulkarim Khalil, the Mosque director.

Binyam decided to travel to escape his old drug haunts and kick the habit. He also wanted to see the Taliban with his own eyes, to decide whether Afghanistan was a "good Islamic country or not." He travelled from London to Afghanistan in June 2001, but after September 11 he fled the violence to Pakistan. He wanted to get back to London, but his travel documents had been stolen from him, so he went to Karachi Airport on April 10, 2002. He was arrested by the Pakistani immigration unit.

On April 20, 2002, the U.S. military showed an interest in him. Binyam is unwilling to lie, but he was also unwilling to talk to them, since he had nothing to do with America. *"I refused to talk in Karachi until they gave me a lawyer. I said it was my right to have a lawyer. The FBI said, "The law has been changed. There are no lawyers. You can co-operate with us the easy way, or the hard way."*

The U.S. authorities seemed to believe that Binyam was some kind of big fish. *"The British talked to me in Pakistan. I was there for three and a half months. They checked out my story, and they said they knew I was a nobody. They said they would tell the Americans. I have struggled with how I came to mean such a lot to them."*

On July 21st, 2002, Binyam was put on board a C.I.A plane and rendered to Morocco. There, he endured 18 months of torture, including having a razor blade repeatedly taken to his penis. He ultimately confessed to a "Dirty Bomb" plot at a dinner on April 3rd, 2002. Binyam did not even speak Arabic at the time this dinner was alleged to have taken place.

On January 21st, 2003, Binyam was taken from Morocco to the Dark Prison in Kabul, where he underwent 5 more months of torture. He spent more time in Bagram before arriving in Guantanamo in September 2004. As if this catalogue of abuse were not enough, the U.S. chose to charge him on November 7th 2005. He now faces a military commission decried by Lord Steyn as a "Kangaroo Court," and criticised as "rigged to convict" by 3 military prosecutors who resigned rather than continue to take part.

Meanwhile, Binyam's family had been searching for answers since his disappearance. His sister was visited by the FBI in the United States and told that he had done nothing wrong. Benhur travelled to London to try and find his brother. Binyam's sister Zuhra combed Pakistan by telephone and e-mail. It was only in 2005 that they found out he was in Guantanamo.

In July 2005 Binyam and an unknown number of Guantánamo detainees went on hunger strike to protest against the harsh conditions and their lack of access to any judicial review. They ended the protest because the US authorities agreed to meet their demands to be treated in accordance with the Geneva Conventions, and said that these changes had been personally approved by Secretary of Defense Donald Rumsfeld.

On 12th August the strike was resumed. In an unclassified statement Binyam said *"It is now August 11th 2005. They have betrayed our trust again. Isham from Tunisia was badly beaten during interrogation, and they publically desecrated the Qu'ran 9again). Sa'ad from Kuwait was ERF'd for refusing to go (again) into interrogation because the female interrogator had sexually humiliated him (again) for 5 ½ hours. Omar the kid from Canada was ERF'd (again) for refusing to go to another illegal interrogation. Therefore the strike must begin again. I do not plan to stop until I either die or we are respected. People will definitely die. only ask for justice: treat us, as promised, under the rules of the Geneva Conventions... while we are held, and either try us fairly for a valid criminal charge or set us free"*.

Binyam Mohammed al-Habashi remains detained in Guantánamo Bay without access to judicial review. His hope is that "the British people will hold the British Government to its word" so that he can "go back home" to London.

Ahmed Errachiddi

"We do not take responsibility for other countries' nationals, purely on the basis of residence in the UK"

UK Foreign Office Minister Valerie Amos

Ahmad Errachiddi is a Moroccan who has traveled in London for almost 18 years. A husband and father of two, in 2001 he traveled to Pakistan on a business venture to raise money for medical treatment for his young son. Seeing the Afghan War in television in Pakistan, Ahmed traveled to Afghanistan to offer humanitarian assistance. He soon realized there was nothing he could do to help, and that it was too dangerous for him to stay in Afghanistan. He returned to Pakistan where he was kidnapped by bounty hunters and sold to the U.S. Military. He was eventually taken to Guantanamo Bay, where he remains. His fluent English and caring attitude to other detainees has convinced the military personnel in Guantanamo that Ahmad has some authority among the prisoners. As a result of this they nick-named him "the General" and have subjected him to punitive punishment and kept him in isolation for two years. Ahmad Errachiddi has been before the widely condemned Combatant Status Review Tribunal in Guantanamo where, in his absence, without a lawyer and with no information relating to evidence of the "charges" against him, he was found to be an enemy combatant.

Ahmad Errachidi was born in Tangiers, in Morocco. He has worked as a cook in London for almost 18 years. The best man at Ahmad's wedding, Mohammed Khenoussi, lives in North London and describes Ahmad as a "loyal, trustworthy and totally unselfish friend." He is a faithful husband, and the devoted father to his two young sons.

Ahmad is a passionate chef, proud of the accolade he earned at the *Centuria* restaurant on St. Paul's Road from one food critic, who said that Ahmad's was the best fish he had ever tasted.

Ahmad's young son needed a difficult and expensive operation for a blocked tube in his heart. The condition the child suffered from can become fatal without surgery. Ahmad planned a new business venture to eventually pay for the operation. His idea was to take all of his savings and go to Pakistan to buy silver jewellery inexpensively, selling it at a profit in Morocco.

Ahmad flew to Pakistan on September 26th, 2001. He spent time in Islamabad, investigating the viability of his silver business. Leaving his cheap hotel, he watched CNN and Al Jazeera news footage of the U.S. bombings in Afghanistan on a colour television at a nearby mosque. He saw civilians, even children, suffering. Impulsively, he delayed his business plans and went to Afghanistan to offer humanitarian assistance to the civilians there.

Later, in a letter sent from Guantánamo Bay, Ahmad would describe his decision: "*I entered Afghanistan to help the poor children and the women and to partake in their calamity, to taste what they taste, and to fear just as they fear, and to be hungry just as they are hungry.*" Ahmad saw at first hand the 'collateral damage' in the U.S. assault on Afghanistan. He vividly describes standing on a hill watching a U.S. plane fly through a clear blue sky to drop a bomb. It struck a busload of men, women and children, and the bus folded like an accordion. As he ran to help, he saw how a woman's head had split open like an egg, her brains spilling out. Body parts of children were spattered around the roadside.

Ahmad soon became convinced that it was too dangerous for him to stay in Afghanistan, and that he could offer no meaningful support. He was just another burden. It took him several days to get back to Pakistan. He remained in Pakistan for a further month trying to salvage the original purpose of his trip. However, he was seized in Islamabad by Pakistani bounty hunters who sold him to the U.S. military. At that time the U.S. was offering \$5,000 – twenty years' salary for some Pakistanis -- for each foreign Muslim "terrorist" who was handed over.

From Pakistan, Ahmad was transferred to Afghanistan where he spent several months in various detention centres. His true suffering began there. At Bagram Air Base, the sign on the door of the interrogation room read *Janaham* -- "Hell" in Arabic. After 26 days of torture and interrogation it literally became Hell for Ahmad.

Eventually, he was transferred by the U.S. to Guantánamo Bay, where he remains to date. He was welcomed by an officer who told him: "We're going to dictate your food, your sleep and when you shit." Ahmad is not inclined to accept such orders, or to keep quiet when he sees an injustice. He speaks English fluently, and when the occasion merits, he speaks it loudly. Because of his constant interventions, the U.S. military thought he was a leader. They dubbed him 'The General' and warned him: "You have to get off the stage. You put yourself on a place so high that you've got a long way to fall." Yet, as Ahmad says, "as a human being I hold the right to give help to another human being regardless of race, religion or creed." Ahmad laughs at the irony of his elevation: "The cook has become the General overnight, charity is now called terrorism, and the U.S. has made the breaking of an egg into the bursting of a bomb."

As a result of the authorities' perception of him, he has been in punitive isolation for over two years, the longest period served in isolation by any Guantánamo prisoner.

In October 2004, Ahmad went before the widely criticised Combatant Status Review Tribunal (CSRT) for review of the 'charges' against Ahmad and assessment of Ahmad's status as an enemy combatant. Kate Allen, director of Amnesty International UK has said of these tribunals: "*US Authorities have spent 3 years preparing Military Commission trial proceedings at Guantanamo that fall below international fair trial standards. "Evidence" extracted under torture can*

be used in these proceedings, the accused can simply be excluded from his own trial at any moment and there is no independent review of the process whatsoever..."

The burden was on Ahmad to prove his innocence. In this CSRT Ahmad was not given the right to a lawyer. The chef from London became distressed during his pre-CSRT interview when the summary of evidence was read to him. He wanted to know who said he was a member of al Qaida, and of the GICM. He was told that this was secret. When Ahmad demanded justice, the Tribunal President said that, *"by his actions ... the Detainee chose not to participate in the process."* Therefore, the process rolled on without him. Even the Tribunal President conceded that the unclassified evidence against Ahmad was either "not persuasive" or "provided no usable evidence," so he had to rely on "certain classified evidence". Ahmad could not know what this was.

The Tribunal unanimously concluded that Ahmad *"is properly classified as an enemy combatant and is a member of, or affiliated with, al-Qaida and was part of or supporting the Moroccan Islamic Fighting Group."* Sitting in isolation, Ahmad wrote to his mother,

"Know, mother, that your son Ahmad is not in prison because of a crime or drugs or robbery. I am in prison because I wanted to wipe away the tear of a little boy who lost his parents, who has been terrified, so I was moved by his plight and I remembered my infancy. I am a hostage and traded commodity. No matter how long it takes, the days of the sale will come and the market will close its doors and the dust will settle and the buyer and the seller will be known, and only the anecdotes and the memories will remain."

Other UK Residents

At least 2 other British residents are known to be detained in Guantánamo Bay in addition to those named above. These are: **Ahmed Ben Bacha** , an Algerian who lived in Bournemouth. His case has recently been filed and little else is known about him.

Abdulnour Sameur , an Algerian refugee who lived in South Harrow, London. He was given refugee status in 2000, and had travel documents. He was seized in Pakistan.

Prominent lawyers and Human Rights experts have consistently pointed out that the fundamental breach of human rights at Guantanamo Bay is to render stateless those it detains: They are held beyond the reach of national laws both of their own country and that of the US, as well as international conventions. By failing to acknowledge its responsibility and demand the safe return to the UK of those it once protected, the British government is renegeing on its duty and colluding in the continued torture and illegal detention of British residents in Guantanamo Bay.

<http://www.cageprisoners.com/articles.php?id=10974>

SOURCE: Cageprisoners

November 06, 2005

Guantanamo Prisoner's Bosnian Wife Begins Hunger Strike



Nadja Dizdarevic, wife of Guantanamo prisoner, Algerian Boudella Al Hajj, sitting in front of Bosnia's Presidency building in Sarajevo on Monday, Dec. 5, 2005. Dizdarevic went on hunger strike Monday demanding Bosnia's Presidency open talks with the U.S. government about releasing her husband. Next to her is a poster saying "Through hunger strike to the release of the Algerian Group." Her husband was arrested in Bosnia in October 2001 along with five other Algerians. In a move condemned by human rights groups, Bosnian authorities handed the group over to U.S. authorities in 2002, ignoring a ruling by the country's highest court that they be released. (AP Photo/Hidajet Delic)

SARAJEVO, Bosnia-Herzegovina (AP)--The wife of a man being held at the U.S. military detention center in Guantanamo Bay, Cuba, began a hunger strike Monday, urging Bosnia's presidency to open talks with the U.S. government about releasing her husband.

Nadja Dizdarevic said she stopped eating Monday morning, and would end her hunger strike only when she received written confirmation from Bosnia's presidency it would address the issue with Washington.

Her Algerian husband, Boudella Al Hajj, was arrested in Bosnia in October 2001 along with five other Algerians. In a move condemned by human rights groups, Bosnian authorities handed them to U.S. authorities in 2002, ignoring a ruling by the country's highest court that they be released.

All six ended up in Guantanamo Bay

<http://www.cageprisoners.com/articles.php?id=10997>

SOURCE: Serbianna.com

December 07, 2005

U.S. Christians March on Guantanamo To Visit Prisoners on Hunger Strike

by Thomas Good

Santiago, Cuba Twenty-five Christians in the nonviolent tradition of Dorothy Day and the Catholic Worker arrived in Cuba last evening and plan to set out from Santiago today on a solemn fifty-mile march to the prison camp at Guantanamo Bay, Cuba. They seek to defend human dignity by visiting with the hundreds of detainees.

CONTACT: Mike McGuire, 347-683-4928, press@witness torture.org

U.S. Christians March on Guantanamo to visit Prisoners on Hunger Strike Witness Against Torture Implores U.S. Military to Allow Access So They Can Perform Work of Mercy: Bringing Comfort to Prisoners

Santiago, Cuba Twenty-five Christians in the nonviolent tradition of Dorothy Day and the Catholic Worker arrived in Cuba last evening and plan to set out from Santiago today on a solemn fifty-mile march to the prison camp at Guantanamo Bay, Cuba. They seek to defend human dignity by visiting with the hundreds of detainees who have been held for more than three years under horrific conditions by the U.S. government.

As a Christian, I feel compelled to reach out across national boundaries to perform one of the most basic acts of faith as described in the gospel of Matthew 25, I was in prison and you visited me, explained Catholic Worker Matthew Daloisio. We want our fellow Americans to see the shameful acts of torture and abuse taking place in this and other illegal prisons hidden across the globe. We pray that others will join us in urging our government to allow us to perform this act of Christian faith.

Participants in the group include a Jesuit Priest, Steve Kelly, a Catholic Nun, Sr. Anne Montgomery, Frida Berrigan, daughter of the late antiwar activist Phil Berrigan, and representatives of a number of Catholic Worker Communities. The marchers plan to arrive outside the gates of the U.S. naval base and prison complex on Guantanamo Bay on December 10, International Human Rights Day.

They are requesting entry into the compound to visit and interview the detainees as a work of mercy in keeping with their faith. If refused, as United Nations inspectors were just two weeks ago, they will hold a fast in solidarity and a vigil to pray for the immediate abolition of torture by all nations.

A press conference at the St. Marks Church-on-the-Bowery will be held on December 7 to call on the U.S. Government to allow Witness Against Torture to visit the Guantanamo prisoners. Speakers will include Michael Ratner, head of the Center for Constitutional Rights (CCR), and CCR's Gitanjali Gutierrez, the lead attorney for Guantanamo Bay detainees. CCR brought the landmark detainee right-to-trial case in which the Supreme Court ruled that the U.S. Government had to allow federal hearings to determine the legal status of detainees. Ratner will explain how the Bush

Administration has refused to comply with this ruling. Speakers will also include relatives of a Guantanamo Bay detainee now on hunger strike. Sister Diana Ortiz, a U.S. nun who was a victim of rape and torture in Guatemala, will be joined by anti-torture activist Jennifer Harberry, to speak of what it feels like to be a victim of torture.

A sign-on letter at <http://www.witnesstorture.com> will allow Americans to join their call.

press@witnesstorture.org

<http://www.witnesstorture.org>

347-683-4928 (Mike McGuire, Press Contact)

www.witnesstorture.org

<http://www.cageprisoners.com/articles.php?id=11029>

SOURCE: US Indymedia.org

December 09, 2005

Guantanamo Wife on Fourth Day of Hunger Strike

SARAJEVO, Bosnia-Herzegovina, Dec. 8 (UPI) -- The campaign for the release of Guantanamo detainees has spread to the Balkans, where Nadja Dizdarevic is on hunger strike to free her husband.

Since 2002, detainees at the U.S. detention center Camp Delta in Guantanamo Bay have staged a number of hunger strikes to protest their conditions, all to no avail.

Algerian-born Boudelle El-Hadj was seized in Bosnia-Herzegovina along with Algerians Bansayah Belkacem, Lahmar Saber, Mustafa Ait Idir, Lakhdar Boumediene and Mohamed Nechle by U.S. officials on Jan. 18, 2002.

Before his arrest El-Hadj worked as an IT consultant at the Human Appeal International Islamic charity in Sarajevo. He married Dizdarevic in November 1993. El-Hadj and his wife have four children under 10.

At the time of the arrests in October 2001, local police claimed that the suspects planned assassinations in Bosnia-Herzegovina one month after the Sept. 11 attacks on the United States.

In justifying their actions in taking custody of the men four months later, U.S. authorities claimed the men posed a credible security threat to U.S. personnel and facilities in Sarajevo and demonstrated involvement in international terrorism.

Makfax news agency reported that Dizdarevic is in the fourth day of her hunger strike.

<http://www.cageprisoners.com/articles.php?id=11112>

SOURCE: UPI

Detainees 'Are Being Ill-Treated'

By KANWAL HAMEED

MANAMA

LAWYERS have countered US claims that detainees on hunger strike at Guantanamo Bay are receiving humane treatment.

Attorney Joshua Colangelo-Bryan, whose team is representing the three remaining Bahraini prisoners, described the claims as nothing but a "cheap" exercise in public relations.

He said they are contradicted by credible reports from government personnel, professional associations and detainees themselves.

Mr Colangelo-Bryan was responding to an article published by the American Forces Press Service that appeared on the website of the US Defence Department.

The article quotes senior officials claiming that hunger strikers at Guantanamo Bay are tube fed "humanely" and "well within common standards of medical care".

Of the three Bahrainis still being held at Guantanamo Bay, two are thought to be on hunger strike.

The article reports that hunger strikers at the prison are fed through a tube inserted through their nose, but it is not done involuntarily.

It quotes Guantanamo Bay Naval Hospital commander Dr John Edmonson and deputy commander Brigadier General John Gong as saying the majority of detainees voluntarily participate in the feedings.

Dr Edmonson said there were "rare exceptions" when some do not co-operate and have to be restrained and force fed.

But he claimed some even insert their own feeding tubes, while others are given anaesthetic to remove any discomfort and lubricant is used.

However, Mr Colangelo-Bryan told the GDN that he thinks the statements lack credibility.

"The falsity of those statements is made perfectly clear by FBI agents at Guantanamo who have described in their own words torture and abuse," he said.

"Considering that, any official statement made by the military regarding the treatment of detainees seriously lacks credibility.

"With respect to medical care, a number of physician's associations in the United States have expressed concern about the medical care at Guantanamo and many of our clients have described instances in which they were given no care or utterly inappropriate care.

"Official talk is very cheap when it is contradicted by government personnel, professional associations and detainees.

"Lawyers for some Saudi detainees have submitted documents to court detailing medical treatment, which at the very least is grossly negligent with respect to those on hunger strike."

Mr Colangelo-Bryan criticised the US government for whitewashing the "reality" of life at the prison.

In the American Forces Press Service article, a hunger strike is described by the US military as "voluntary fasting".

"The military would call the suicide attempt by Juma Al Dossary, that I witnessed, 'manipulative self-injurious behaviour'," Mr Colangelo-Bryan said.

"That underscores the fact that the euphemisms used at Guantanamo Bay have nothing to do with reality, but everything to do with public relations."

More than 30 detainees are said to be on hunger strike, to protest their continued detention, the statement said.

Bahrainis Juma Al Dossary and Essa Al Murbati are both said to be among them.

Dr Edmonson said on November 18 that Mr Al Dossary had been on hunger strike for almost three weeks to protest his continued detention after the other three Bahrainis were released on November 5, in a document filed at the US District Court of Columbia.

According to Mr Colangelo-Bryan, Mr Al Dossary was not seen being tube-fed during the lawyers' last visit on November 12, although he appeared to be extremely dehydrated.

A nurse was unable to insert a needle into Mr Al Dossary's arm to provide him with fluids intravenously after six attempts because his skin was too rubbery, Mr Colangelo-Bryan said.

Essa Al Murbati, 40, is believed to be still in the hospital as the result of a hunger strike that he is said to have begun more than three months ago. Lawyers were unable to meet with him on their most recent visit to the prison.

Criticised

Meanwhile, Mr Colangelo-Bryan criticised official attempts to link the detainees' hunger strike with the terrorist attacks of September 11, 2001.

"The number of hunger-striking detainees peaked at 131 around the most recent anniversary of the September 11 attacks," said Brig Gen Gong in the article.

It also quotes US Army 18th Cavalry Regiment first battalion commander Lieutenant Colonel John Lonergan as saying: "It's their little contribution to their cause."

Lt Col Lonergan's unit provides security at Guantanamo Bay.

"Considering that not even the military argues that not all detainees are associated with Al Qaeda, or are terrorists of any sort, the attempt to link the hunger strike to the terrorist attacks (of September 11, 2001) seems particularly feeble," Mr Colangelo-Bryan said.

<http://www.cageprisoners.com/articles.php?id=11108>

SOURCE: Gulf Daily News

The Silence of the Doctors

by **JONATHAN H. MARKS**

It was called the "water cure." But it was dosed out liberally to those who weren't sick. Unfortunate recipients were held by the neck beneath a water tank. The tap was turned on, and they were forced to swallow the gushing stream--or to choke within an inch of death while trying. Another variation used tubing to siphon water from a kerosene can into a detainee's nostril. Sworn testimony records the use of this tactic in the presence of a doctor. It was, after all, a "cure." When the detainee still refused to talk, the doctor would ratchet up the treatment, ordering a second tube to be placed in the detainee's other nostril and a handful of salt to be thrown into the water. Anyone who's ever had sea water up his or her nose will know just how pleasant that would have been.

This interrogation tactic comes not from the "war on terror" but from the war in the Philippines more than 100 years ago. There too the abuses were justified by the need to combat troublesome local "insurgents." The enemy was "not civilized" and did not deserve to be treated according to the rules of civilized warfare. The water cure is, of course, the precursor to a more recent interrogation technique known as "waterboarding." And the participation of the physician is an early example of American medical personnel being co-opted into an egregious and unlawful military mission. The doctor's presence did not restrain the interrogator's excesses; on the contrary, he actively fueled them.

After 9/11 some American healthcare personnel were once again asked to step into the breach and help Army interrogators conduct aggressive interrogations. They have, among others, Maj. Gen. Geoffrey Miller--former camp commander at Guantánamo Bay--to thank for this. Miller considered the participation of Behavioral Science Consultation Teams--known colloquially as "Biscuits"--to be an "essential" part of the interrogation process. Having introduced the first Biscuit to the Guantánamo facility in late 2002, Miller urged the deployment of a similar team at Abu Ghraib in late 2003. These Biscuits were staffed at various times by psychologists and/or psychiatrists.

The Defense Department has acknowledged that several Biscuit staff were sent to Fort Bragg, North Carolina, for training at SERE school--short for Survival, Evasion, Resistance and Escape. This is where American soldiers are taught how to resist their captors. Training is based on exposure to abusive tactics, some tantamount to torture, delivered by fellow soldiers. (That these tactics are designed to break detainees and procure false confessions--not to produce intelligence--appears to have been overlooked by the Administration when it decided to deploy them in the "war on terror.") At SERE school, Biscuit healthcare personnel acquired a grounding in the now well-publicized techniques of hooding, prolonged isolation, stress positions, sleep deprivation and exposure to loud noise and temperature extremes--techniques often used in combination.

They brought this knowledge back to Guantánamo Bay, where--according to an internal Army report--they offered opinions on the character and personalities of detainees, advised on interrogation plans and approaches, and provided feedback on interrogation technique. Army documents also record that Biscuit personnel sometimes sat in on interrogations. Notably, the name of a Biscuit psychologist appears in the interrogation log of Guantánamo detainee Mohammed al-Qahtani. According to that log--a copy of which was obtained by Time magazine--Qahtani was questioned for eighteen to twenty hours per day for forty-eight out of fifty-four consecutive days in late 2002 and early 2003. During that time, he was subjected to an array of tactics that included exposure to temperature extremes, barking military dogs, strip searches, stress positions, being led around on a leash and being forced to stand naked in front of women. In addition to these measures--many of which were held "legally permissible" in a recent Army report--a medical corpsman forcibly administered three and a half bags of intravenous fluid. Qahtani was refused a promised bathroom break and, when he became desperate, he was told to go in his pants.

Before this interrogation regime, Qahtani had been subjected to 160 days of isolation and--according to a letter of complaint sent by the FBI to the Pentagon--he was "evidencing behavior consistent with extreme psychological trauma." Not surprisingly, this trauma was compounded by the deleterious impact the interrogation tactics had on Qahtani's physical health. On one occasion, his heartbeat became so slow--just thirty-five beats per minute instead of the normal sixty to 100--that he had to be hospitalized. On at least two occasions, his temperature dropped to a life-threatening ninety-five degrees.

Aggressive interrogations like those endured by Qahtani were based on a model that seeks to employ extreme levels of stress in order to erode established patterns of behavior, such as resistance to questioning. One of the functions of Biscuit health professionals is to help interrogators tailor interrogation "stressors" to the personality of each detainee--particularly "high-value detainees." In one example--reported by Neil Lewis in the New York Times--interrogators were told by a Biscuit that a detainee's medical files recorded his severe phobia of the dark, and the Biscuit suggested ways that fear could be manipulated to make the detainee cooperate.

Much ink has been spilled--by me and others--explaining why these practices violate fundamental rules and protections found in both the laws of war and international human rights law. These two bodies of law prohibit most of the aggressive interrogation strategies deployed in the "war on terror"--and mandate the humane treatment of detainees. The Administration has tried its best to circumvent these laws. It argues, for example, that the ban on cruel, inhuman and degrading treatment doesn't apply to foreigners outside the United States--a position the McCain amendment seeks to overturn. This amendment is all the more important in light of the Defense Department's new Interrogation Directive. The directive was greeted warmly in the press with headlines like "Pentagon: Detainees Must Be Treated Well" (AP). It prohibits the use of military dogs and requires interrogations to be humane and in accordance with "relevant" international law (whatever that may be). But read the fine print: It also expressly provides that Defense Secretary Rumsfeld or his deputies may authorize interrogations that do not meet either of these basic criteria.

When medical personnel are involved in interrogation, medical ethics should also have something to say. And when the Administration plays around with legal rules, it is all the more important for the medical establishment--and its members--to take an ethical stand. Medical ethics should embrace and reflect the fundamental protections found in human rights law and the laws of war, as the UN has recognized. According to a resolution of the General Assembly adopted without dissent in 1982, it is a "gross contravention of medical ethics" for health professionals to be complicit in torture or cruel, inhuman or degrading treatment. They are also required not to use their knowledge and skills to assist with an interrogation that may adversely affect a detainee's health and is not in accordance with international law. Medical personnel who helped design and monitor aggressive interrogations like those of Qahtani have undoubtedly fallen afoul of this ethical mandate.

But ethical constraints can and should go beyond the requirements of law. The World Medical Association has acknowledged this and holds that--even in times of armed conflict--it is unethical for physicians to weaken the physical or mental health of a human being "without therapeutic justification." Its codes also emphasize that detainee medical records are presumed to be confidential. This presumption--universally acknowledged as being vital to patient trust and effective medical care--was violated by the routine exploitation of medical records during interrogations at Guantánamo. The association's rules also prohibit force-feeding hunger-strikers--a rule now broken daily at Guantánamo. Although the Defense Department has denied the shocking claim that a finger-thick nasogastric tube was reused without sterilization in order to feed different detainees at the facility, it readily admits that force-feeding is occurring.

The Pentagon has recently taken steps to alleviate concerns about the involvement of medical personnel in abuse. In June it issued new medical "procedures" for detainees in US custody. These prohibit healthcare personnel from participating in interrogations not in accordance with "applicable law." But what law is "applicable"? More pertinent, what law is applicable according to an Administration that does not shy away from developing its own highly permissive formulations of legal doctrine? In September the Defense Department issued a further "special text" stating that Biscuit members should not have access to medical records "except as needed to maintain safe, legal and ethical interrogations." But anyone familiar with previous abuses must have concerns about how that constraint will be enforced. In October the Pentagon flew officials from several health professional organizations to Guantánamo. Like the typical Defense Department tour of Guantánamo, it was a six-hour visit. Guests were armed with packs of

information and given multiple briefings, but they were not permitted to talk to detainees--a prohibition that recently led UN human rights experts to cancel their Guantánamo visit.

These measures may not have had the effect the Administration hoped for. Following the Guantánamo trip, Dr. Steven Sharfstein, president of the American Psychiatric Association, stated publicly that it was "inappropriate" for psychiatrists to serve on Biscuits. The APA's board is soon expected to adopt changes to its rules that will make this official policy. Sharfstein's concerns extend beyond aggressive interrogations. In his view, all Guantánamo interrogations are tainted by the detention of the subject in legal limbo and, more than that, he doesn't want his members participating in or advising on any inherently deceptive interrogation tactics.

Other groups--not least, Physicians for Human Rights and Physicians for Social Responsibility--have also been vocal in their condemnations of medical participation in abusive practices at Guantánamo Bay and elsewhere. The responses of two of America's core medical professional organizations, the American Medical Association and the American Psychological Association, however, raise serious concerns.

The performance of the AMA--the organization that spoke out so firmly in response to the abuses of Nazi doctors--has been especially shocking. After the Guantánamo tour, it declined to make its representative on that trip, Dr. Audiey Kao, available to the New York Times for comment. The AMA was also slow to express support for the anti-torture McCain amendment, doing so only after other medical groups had spoken out and its silence became embarrassing. One reason for the AMA's lack of resolve is its members' concerns about other issues--topics more relevant to their daily practice. Hundreds of resolutions are brought by members every year on issues ranging from tort "reform" to Medicare. But only two resolutions in the past year addressed the interrogation issue. The result was a decision in November to commission a report from the AMA's ethics body, which won't appear until June 2006 at the earliest. That concerns about the level of Medicare reimbursements--currently under consideration on the Hill--are preventing the AMA from speaking out on an issue that goes to the heart of what it means to be a physician (whether for fear of offending the government or exhausting the group's political capital) should be a source of shame.

The American Psychological Association has been quicker to act, producing guidance drafted by its Presidential Task Force in June. But the task force was stacked predominantly with psychologists who work or have worked for the military--in some cases at SERE school. Although the resulting guidelines require psychologists not to facilitate torture or cruel, inhuman or degrading treatment, they adopt as a "touchstone" US rules and regulations as "developed and refined" in the "war on terror." Despite the association's subsequent support of the McCain amendment, this makes psychologists' ethical constraints appear dependent upon the Administration's manipulation of legal doctrine and, in particular, on its views about the scope and content of the ban on cruel, inhuman and degrading treatment. Just as important, the task force also failed to require psychologists to respect the fundamental human rights of detainees established in international law. Rather than giving psychologists firm guidelines, the task force tells them to be mindful of factors that "require special ethical consideration" when consulting on interrogation. But leaving psychologists to make ad hoc decisions in military scenarios--when they are dependent on others for information and have neither the time nor the competence to assess it--is not a good recipe for preventing future abuses. Since the Defense Department has deployed psychologists rather than psychiatrists on Biscuits recently--sensing, perhaps, that their ethical constraints may not be as rigorous--it is especially important that the shortcomings in these guidelines be addressed.

But all bodies within the medical establishment should lay down rules that directly address the participation of their members in the design and monitoring of interrogations. Clear rules drafted with real-world scenarios in mind are vital if we are to empower medical personnel to say no when asked to participate in future abuses.

Moving forward, however, also requires looking back. At least four Guantánamo detainees have lodged a complaint against Dr. John Edmondson, head of the facility's Naval hospital. They allege that physicians under Edmondson's supervision made medical care contingent on cooperation with interrogators, that they witnessed and participated in abuse and that they shared medical information with interrogators to expose detainees' weaknesses. The Medical Board of California has refused to entertain the complaint on procedural grounds. The board says it can't consider the complaint because the alleged conduct occurred outside its jurisdiction, on a military base. By that rationale, a lawyer could be guilty of serious misconduct in California and still practice at the New York bar. This point has not escaped Scott Sullivan, the attorney representing the detainees. He has asked the California courts to compel the Medical Board to hear the complaint. That it should come to this is more than unfortunate.

Although it is the job of the medical community to regulate its own, and to call to account the few who threaten to tarnish the reputation of the many, a full and independent investigation into detainee abuses and the role of medical personnel in those abuses is also needed. An "assessment" report of detainee medical activities made public by the Army Surgeon General in July raised more questions than it answered. What did the seventy-four medical personnel--in Iraq alone--who admitted witnessing interrogations actually see? What do the detainees who were the subjects of those interrogations--and who were not interviewed for the report--have to say about the involvement of those personnel? More generally, how were some medical personnel co-opted into a policy of detainee abuse after 9/11? Demanding answers to these questions is essential, not just for the integrity of the medical community but for the health of our democracy.

December 10, 2005

US Invites European Critic For Guantanamo Visit

By Will Dunham

WASHINGTON (Reuters) - The Pentagon said on Friday it invited a European parliamentarian who has urged the United States to close the Guantanamo prison for foreign terrorism suspects to visit the facility, but barred her from meeting with any prisoners.

The invitation went to Anne-Marie Lizin, Socialist speaker of the Belgian Senate, who is the special representative on the Guantanamo Bay, Cuba, prison for the 55-nation Organization for Security and Cooperation in Europe's Parliamentary Assembly.

Lizin was invited to see prison operations and speak to the commander and staff responsible for interrogations and medical treatment, said Pentagon spokesman Lt. Col. Mark Ballesteros.

Lizin would not be permitted to speak with any of the approximately 500 detainees held at the facility, Ballesteros said, because the United States considered that the role of the International Committee of the Red Cross.

"She has expressed interest in visiting Guantanamo with or without access to detainees," said Ballesteros.

Lizin in July presented a report to parliamentarians from OSCE countries urging the United States to set a timetable to close the prison. Human rights groups have criticized the United States for indefinite detentions and treatment of prisoners at Guantanamo, while the Pentagon contends they are treated humanely.

Andreas Baker, spokesman for the OSCE Parliamentary Assembly in Copenhagen, said he did not know if Lizin would accept the conditions set by the Pentagon.

"I know that she's certainly been trying to visit there for a while to get answers to a number of questions," Baker said.

U.N. human rights investigators last month rejected a similar invitation, saying the prohibition on meeting prisoners prevented a "credible, objective and fair assessment" of their situation.

In explaining its invitation to Lizin, the Pentagon said in a statement, "The department strives for transparency in our operations to the extent possible in light of security and operational requirements and the need to ensure the safety of our forces."

Criticism by rights groups has escalated in recent months with the U.S. military's disclosure it was force-feeding Guantanamo detainees staging a hunger strike since August over their conditions and lack of legal rights.

Ballesteros said 36 detainees were currently engaged in the hunger strike and 22 were being force-fed. Advocates for the detainees say the number participating is much higher.

The invitation was announced as Secretary of State Condoleezza Rice wrapped up a European trip aimed at defusing anger that has raged across the continent over another detainee-related issue, a report the United States held suspects in clandestine jails in Eastern Europe.

Wife of Gitmo Detainee Hospitalised

SARAJEVO, December 9 (FENA) – Nadja Dizdarevic, the wife of one of the members of the so-called Algerian group, who was transferred to a hospital on Thursday in critical condition, has interrupted the hunger strike in line with doctor's advice, Fena learns from the Press Service of the Clinical Centre of the University in Sarajevo.

After four days of protest by hunger strike in front of the BiH Institutions building, Dizdarevic fainted. She is now under control of doctors, and all vital parameters are fine.

Dizdarevic went on a hunger strike because the BiH authorities are not doing anything to ensure the release of members of the "Algerian group", who were transferred to custody of the U.S. authorities in 2002, after which they were transferred to military base Guantanamo in Cuba.

<http://www.cageprisoners.com/articles.php?id=11137>

SOURCE: FENA

US Prisons Provide the Model: Roots of Gitmo Torture Lie Close to Home

By LINN WASHINGTON, Jr.

The group of American peace activists now walking across southeastern Cuba in route to stage an anti-torture demonstration at the infamous US Guantanamo Bay prison are receiving applause from activists involved in the fight against torture inside US state and federal prisons.

"There are huge similarities between US prisons and Guantanamo Bay," said Bonnie Kerness, coordinator of the American Friends Service Committee's Prison Watch program.

"The US has a history of violating human rights in prisons before and after signing international treaties barring the use of torture," said Kerness who has monitored abuses in US prisons since 1975.

Human rights abuses in US prisons, Kerness said, include beatings, hoodings, isolation, stun belts and sexual humiliations. These abuses have erupted in US detention facilities from Gitmo to Iraq to Afghanistan.

Prison torture and abuses are daily occurrences across America, said Kerness who receives an average of ten letters a day from male, female and juvenile inmates.

"Juveniles are being held in isolation. They are being maced and pepper sprayed. This is happening to children in the United States," said Kerness, who began working with the AFSC's Criminal Justice Program in 1976.

Torture and other human rights abuses in US prisons is "a state of mind and that state of mind lead to Guantanamo and Abu Ghraib," Kerness notes. "The strategy of torture is not isolated. It is all done with the knowledge of people in authority at the federal and state levels and none ever acknowledge it."

The peace activists in Cuba are preparing to stage a protest at the gates of Guantanamo Bay on Saturday (December 10) International Human Rights Day.

The activists, members of the Catholic Worker religious community, plan to seek entrance to the Guantanamo Bay prison which US authorities have UN and other inspectors from entering.

The 25 activists hope to meet with some of the estimated 500 detainees at the prison, held by the US government on suspicion of terrorist activities.

Reports indicate that 200 detainees at the prison are conducting hunger strikes to protest conditions inside the facility and their long incarceration some for as long as three years without trial.

This action by these activists is the first time that religious people of conscience have challenged the Bush Administration's refusal to allow inspectors' access to Guantanamo, where reports claim detainees are being tortured.

A Statement released by the activists stated, "For many months we have heard and read reports of torture being carried out by representatives of the American government in the name of the American people. As people of faith we are compelled to act"

The activists include Frida Berrigan, daughter of the late peace activist Phil Berrigan.

The Statement released by the activists before they quietly left the US on Monday, slipping into Cuba on Tuesday, also stated, "We demand that the prisoners of Guantanamo be treated with the same measure of mercy and dignity, as we would have our own sons, brothers and fathers treated. Regardless of the perpetrator, torture is an act of terrorism."

Bush Administration officials vehemently deny charges of torture at Guantanamo.

Earlier this week, US Secretary of State Condoleezza Rice, during a European tour, repeated these denials of torture. Rice's was trying to defuse the crisis that erupted across Europe in the wake of revelations that the CIA operates secret prisons for terror suspects in some Eastern Europe countries.

However, Rice's denials are flat wrong according to Ron Daniels, Executive Director of the Center for Constitutional Rights.

"America does torture," said Daniels, a noted author and activist.

Daniels, who like Rice is African-American, said it was "ironic to see [Rice] as the point person justifying torture."

Rice frequently plays a 'race card' about her growing up during America's segregationist era in America's South, a time saturated with racist terrorism and torture. Additionally, Rice frequently cites her childhood friendship with one of the four black girls killed in the 1963 racist bombing of a Birmingham, AL church.

Rice "is a black woman but she is wrong," Daniels continued. "The issue of torture, abuse, rape and harassment are routine in US prisons."

Major human rights organizations like Amnesty International and Human Rights Watch have repeatedly documented sexual assaults in US prisons on female prisoners by male prison personnel and rampant inmate-on-inmate rapes in male US prisons. Torturous conduct ignored by prison authorities.

Charles Grainer, one of the US soldiers featured in the infamous sex abuse photos at Iraq's Abu Ghraib prison, was a prison guard at a Pennsylvania maximum security prison.

Grainer was the subject of inmate abuse complaints at that prison. SCI Greene, the facility housing Pa's Death Row.

"Is it mere coincidence that some of the most brutal, most vicious actors at Abu Ghraib were US Reserves, who, in their civilian lives, were prison guards. How else could they learn it?" said death row journalist Mumia Abu Jamal, in an April 2005 commentary. Abu Jamal is housed in the same maximum security prison where Grainer worked.

In mid-November, the AFSC issued a press release decrying the widespread torture existing in US prisons.

One incident listed in this press release detailed how prison guards in a California jail "put an inmate in a bath so hot it boiled 30% of the skin off his body."

American military and intelligence personnel [allegedly] use various forms of water based torture on detainees at Guantanamo, Abu Ghraib and those CIA operated secret prisons in European countries.

"The tactics approved in US prisons are being exported overseas," said Tonya McClary, national director of the AFSC's Criminal Justice program.

A 1999 report prepared by Bonnie Kerness contained testimonials on torture from inmates across America.

A Utah inmate described being pepper sprayed to the point of getting "burns and blisters to my arms, face, chest and feet." Another account described a "mentally ill prisoner in a New Jersey isolation unit who was tortured to death." Guards made this inmate "perform sexual acts on himself in order to get food and cigarettes."

Torture is not America's "dirty secret anymore" Bonnie Kerness said. -30-

Linn Washington Jr. is a columnist for the Philadelphia Tribune and a graduate of the Yale Law Journalism Fellowship Program.

<http://www.cageprisoners.com/articles.php?id=11129>

SOURCE: Counterpunch.org

Why I Am Marching to Guantánamo

By Frida Berrigan, AlterNet.

As a U.S. citizen and a Christian, this International Human Rights Day I am marching against torture, and for humanity.

As a U.S. citizen and as a Christian, when the prisoners in Guantánamo began their first hunger strike this summer, I was forced to think more seriously about how to say no to torture and yes to humanity. I had to think about the depth of powerlessness and despair as well as the intensity of will and defiance that goes into the decision to starve oneself. It is an act against biology. But refusing to eat is the prisoners' only way of drawing attention to their predicament. They have no other tools except deepening their own suffering.

Jesus commands that we visit the prisoner and comfort the afflicted, and reminds us that what you do to the least among us, you do to me. I am marching as a person of faith trying to apply these mandates to an ever more violent world.

These fathers and brothers and sons now imprisoned at Guantánamo Bay have been swept up in indiscriminate raids, bound and blindfolded and shipped to an arid military base that is off the map of international law, a wasteland of injustice, a modern heart of darkness. Most of these men have done nothing wrong, nothing illegal. The Bush Administration has denied every fundamental right afforded by international law or American law to allow the inmates to defend themselves. It has even denied charging them with any crime beyond looking the part of the villain in Bush's war on terrorism.

Why are these men now starving themselves and being savagely force-fed? They are crying out for the world to hear their suffering. We 25 Catholic Workers have committed ourselves to responding to their cry, reaching out human to human, across battle lines, borders, religion and ethnicity to simply say- we hear you and we are with you.

Our group includes professors, activists against the death penalty, people who run soup kitchens, a nun, a priest. We are all marching to Guantánamo with a simple request -- a request coming from the mandate to Christians to perform the Works of Mercy -- to visit the prisoners. We believe our own dignity and humanity are bound to the dignity and humanity of all people, and we want the prisoners to know that as Christians, we condemn their treatment. Pope John Paul II reminds us that practices such as the torture abuses perpetrated at Guantánamo are "'incapable of being ordered' to God" and therefore are "'intrinsically evil.'" Would that our leaders who profess to be Christian hear his words.

But I am not marching just because Jesus commands us to perform works of mercy, or because the late Pope names torture as evil. On June 20, at a European Union event, President Bush invited me, and anyone else in the world community to inspect Guantánamo. Countering questions about torture and the United States' commitment to human rights, President Bush said, "You're welcome to go down there yourselves ... and take a look at the conditions."

But he was disingenuous. A few weeks ago a United Nations Panel of Experts declined a rigorously scripted "inspection" of Guantánamo, saying U.S. officials "did not accept the standard terms of reference for a credible, objective and fair assessment of the situation of the detainees at the Guantánamo Bay detention facility."

Just last month, in Panama on November 7, President Bush said emphatically, "We do not torture." Is he telling the truth?

I am trying to see for myself, and it will be hard. The U.S. Naval Base at Guantánamo is not easy to get to. It is no accident that the prisoners were put there, so ordinary Americans like me would not see them, or the inhuman and illegal treatment under which they suffer. So, while we walk for the works of mercy, we also walk to tell the story of how hard it is for Americans to get to the place where these men are being held, deliberately hidden from the American people and the world.

In my name and with my money, my government is committing immoral and illegal acts, mocking and ignoring international law -- all at a place it is illegal for me even to visit. I march to say no. Will you join me? Visit WitnessTorture.org to learn how.

<http://www.cageprisoners.com/articles.php?id=11125>

SOURCE: Alternet.org

Wrongly Held, Never Tried, Fighting Back

Sarah Goldstein

In the fall of 2001, in the midst of the US war in Afghanistan, Ruhel Ahmed, Asif Iqbal and Shafiq Rasul traveled from their native Tipton, England, to attend a wedding in Pakistan. Once in the region they decided to extend their trip, eager to learn more about their Muslim roots and to offer help in the humanitarian crisis across the border in Afghanistan. On November 28, 2001, the men--who would come to be known internationally as the Tipton Three--were picked up by bounty hunters of the Afghan warlord Gen. Abdul Rashid Dostum.

With some 200 other suspected terrorists, the men were packed in shipping containers in the presence of US forces, according to a report issued by the Center for Constitutional Rights. They were shipped to Sherbegan prison, a former Taliban fortress, before being placed formally in US custody. Near suffocation, Iqbal passed out and awoke gasping for air at the small holes Dostum's guards had created by firing machine guns at the containers. One of the bullets had hit Iqbal in the arm, giving him a wound that soon became infected for lack of medical care. Ahmed says that all three men suffered "cold, dehydration, hunger...uncertainty," as well as dysentery and other injuries. During the brutal eighteen-hour transport, only twenty of the 200 captives survived.

The story of the Tipton Three--their detention, transport, torture and release--is no more or less outstanding than that of any others who have been swept up in the "war on terror," disappearing into what Vice President Dick Cheney has referred to as the "dark side" of the intelligence world. What is remarkable about these men is that we know their story, and it is one of the clearest failures of the Administration's use of extra-legal methods to detain and prosecute suspected terrorists: They were wrongly held and never tried.

Before being designated "unlawful combatants," Rasul, Ahmed and Iqbal were working-class kids scraping by in Tipton, a poor neighborhood in the Midlands area of England with large Pakistani and Bangladeshi communities. All three attended one of the worst secondary schools in England. By the time Iqbal was 16, he had dropped out to take a job in a factory--Ahmed soon joined him. Raised in nonfundamentalist Pakistani households, the three were as much British as they were Muslim; they played soccer in the park and rap on their stereos. As Eric Lewis, one of their lawyers puts it, "They are just kids. Guys in Nikes and backward baseball caps who happen to be Muslims."

While the men were held at Sherbegan prison, the International Committee of the Red Cross told them that British Embassy officials would be coming to see them shortly and that everything would be cleared up. However, when the British arrived, the men were chastised for being jihadis and told that if they were sent home, they would be charged and placed in Belmarsh, one of Britain's most notorious maximum-security prisons. But the men were never charged with anything, and instead of being sent to Belmarsh, they were held at a US-operated detention center in Kandahar, where they were repeatedly beaten, interrogated at gunpoint and told that their families back in England had been thrown out on the street.

In Kandahar the men were subjected to cavity searches, which they say were meant to "degrade and humiliate" them. In various interviews after their release, Rasul said, "I could hear dogs barking nearby and soldiers shouting, 'Get 'em, boy'.... I was taken...for a so-called cavity search...told to bend over and then felt something shoved up my anus. I don't know what it was, but it was very painful." After being held in Kandahar for two weeks, Iqbal and Ahmed were masked, goggled and shackled, and led onto a large cargo plane with other detainees, where they were told they would be taking a short journey (Rasul would follow one month later). Twenty-two hours later they arrived in Cuba.

The kind of humiliation Rasul describes in Kandahar was only an introduction to what the men would come to experience regularly over the course of their two-and-a-half year detention at Guantánamo Bay. They lived in constant fear of being killed and said that the guards told them "nobody knows you're here, all they know is that you're missing, and we could kill you at any moment and no one would know." In the report Iqbal recalls one guard screaming, "You killed my family in the towers, and now it's time to get you back." Almost immediately after they arrived, interrogators began hounding them to admit to being in a videotape with Osama bin Laden that was made in Afghanistan in 2000. The men describe interrogation sessions that went on for fourteen hours during which they were forced to sit in a chair with their hands and feet shackled to a bolt in the floor, while strobe lights and loud music played in a room frigid from air-conditioning. The men were routinely beaten, deprived of sleep, kept in isolation for months at a time and told that the others had confessed. After existing under such conditions for months, all three men finally admitted that they had, in fact, been in the video with bin Laden.

Were these confessions a victory for the US "war on terror," perhaps even a sign of what can be gained by "taking the gloves off" with recalcitrant detainees, as defenders of US policy might suggest? Here were three suspected terrorists

who, after months of grueling, expensive detention and interrogation, admitted to being linked with the world's most dangerous man.

But as it turned out, the case was a perfect embodiment of everything wrong with the "war on terror." The confessions extracted from all three detainees were false. At the time the video was made they were in Tipton--Rasul was working at an electronics store, and Ahmed and Iqbal were employed at the factory. When the men were released from Guantánamo into British custody in March 2004, the MI5 held the men, as it did not, understandably, want to release potential terrorists who had just confessed to a connection to Osama bin Laden. It was while in British custody that investigators were able to determine the impossibility of the Tipton Three's guilt simply by examining the tape's tracking date and matching it to police, employment and passport records. The MI5 disproved in days the false story that had taken interrogators at Guantánamo nearly three years to obtain. Of course even if their confessions were true, the evidence would not stand under British law. On December 8, Britain's highest court ruled that evidence obtained through torture-- even if it took place overseas--is not admissible in British courts.

False confessions are a frequent result of interrogations where torture is employed to extract information, says Michael Ratner, president of the Center for Constitutional Rights. As Ahmed explains in the CCR report, he was ready to confess to anything as early as his detention in Afghanistan. "I was in a terrible state, I just said 'OK' to everything they said to me. I agreed with everything whether it was true or not. I just wanted to get out of there." It is impossible to determine exactly how many detainees being held at Guantánamo and elsewhere have confessed to acts they did not commit when torture is employed during interrogations. Jen Nessel, a spokeswoman at CCR, explains that because more than half of the detainees at Guantánamo do not have any form of legal representation, there is no way to know who has confessed to what, nor does the US military consider itself obligated to charge detainees so long as they are held as "unlawful combatants."

Along with Jamal al-Harith, a fourth British detainee who was similarly abused and released without charges after a prolonged detention, Iqbal, Ahmed and Rasul are currently awaiting a decision from a DC District judge in the civil suit Rasul v. Rumsfeld. Filed under the Alien Torts Statute, Rasul seeks \$10 million in damages for each of the plaintiffs on account of torture and other human rights violations. As their attorney Lewis explains, they are "having difficulty getting back into their lives." For one thing the Tipton Three no longer live in Tipton. "They've received countless threats," says Lewis. "They're followed by British intelligence. The last time I saw them, they were under surveillance." All three suffer chronic pain in their backs and knees as a result of the "stress positions" they were held in for countless hours of interrogation, and Ahmed incurred irreversible damage to his eyes because he was unable to receive proper contact lenses and medical care. The lasting psychological effects of their detention are more difficult to gauge. "It has taken time," says Lewis. "They're very distrustful." Their case has received extensive press attention in Britain but has passed largely unnoticed in the US media.

As Harith and the Tipton Three wait for a decision, the right to challenge detentions in federal courts is being threatened for the hundreds of Guantánamo detainees whose stories we don't know. The Graham amendment, recently approved by the Senate, is being considered in a House-Senate conference committee. Ratner, who oversees all of the CCR's 9/11-related cases, says one day "the President says you'll have this hearing, Graham says no. One day there's no Geneva Conventions, the next day you can be tortured." In this context it is chilling to remember that, according to information US military intelligence gave to the International Committee of the Red Cross, an estimated 70 percent to 90 percent of those arrested in the "war on terror" as of February 2004 were done so mistakenly.

In the recent PBS Frontline documentary on Abu Ghraib, John Yoo, the former Justice Department attorney who authored some of the key memos greatly expanding the executive in early 2002, stated that Guantánamo is an ideal location to house prisoners because it is "this private place" where "you don't want to have...the judiciary getting involved while the war is going on in the management of the prison system for the military." If Guantánamo is ideal because it is beyond the reach of law, then Rasul v. Rumsfeld is, as attorney Lewis says, "about preserving an American ideal--the rule of law."

<http://www.cageprisoners.com/articles.php?id=11122>

SOURCE: The Nation