

PRESS RELEASE

May 15, 2006

Focus on Guantanamo Horror

BAHRAIN'S public were given a firsthand insight into conditions at Guantanamo Bay with the premiere of British film *The Road to Guantanamo*, shown at the National Democratic Action Society (NDAS) in Umm Al Hassam last night.

Based on extensive retelling by former Guantanamo detainees, the film follows the real life journey of three British men who travelled to Pakistan for a wedding and ended up being detained by the US military for almost three years after being captured by the Northern Alliance in Afghanistan.

Bahrainis Salah Abdulrasool Al Blooshi, Isa Abdulla Al Murbati and Juma Mohammed Al Dossary are currently incarcerated at the US prison camp.

The award winning docudrama was shown by Amnesty International (AI) Bahrain as part of moves to step up a local campaign for their release.

Organisers circulated a petition to the US Embassy calling on their government to close the prison and release prisoners to their home countries for trial according to local laws - if there is proof for allegations.

A second film screening will be held at the Palestine Hall, NDAS, at 8.15pm tomorrow. The event is open to the public free of charge

<http://www.cageprisoners.com/articles.php?id=13918>

SOURCE: Gulf Daily News

May 16, 2006

Hicks Case May Go Back To UK Courts

The legal team for Australian Guantanamo Bay inmate David Hicks is considering returning to court to force the British government's hand over a challenge to his UK citizenship.

Earlier this month, Britain's Court of Appeal refused the Home Office the right to appeal to the House of Lords against rulings that Hicks be registered as a British citizen.

That left the government's last option being to directly petition the House of Lords, which acts as Britain's highest court.

However, the opportunity to make that direct petition expired at the end of last week.

The government can make an application after the expiry, but would need to justify its late lodging.

Hicks' British legal team has been frustrated by a lack of communication from the Home Office over whether it intends to go to the Lords.

His English lawyer, Stephen Grosz, said Hicks's legal team may now return to court to force the government to declare whether it will make a last-ditch appeal bid to the Lords or abandon its challenges.

Hicks is seeking British citizenship in the hope of leaving Guantanamo Bay as the UK government has successfully gained the freedom of all its nationals, while the Australian government has refused to intervene in his case.

He is entitled to British citizenship because his mother was born and raised in England.

The British government was defeated in the High Court and Court of Appeal on its argument that it could recognise Hicks's right to citizenship but refuse to register him because of his alleged activities alongside the Taliban in Afghanistan.

Hicks is due to face a military commission in the US on charges arising from his actions in Afghanistan, but the process has been held up by a court challenge to the legitimacy of such hearings.

Adelaide-born Hicks faces charges of conspiracy to commit war crimes, attempted murder, and aiding the enemy.

Hicks was captured in Afghanistan in December 2001, and has been held at Guantanamo Bay since January 2002.

<http://www.cageprisoners.com/articles.php?id=13928>

SOURCE: Sydney Morning Herald

U.S. Releases Fullest Guantanamo List To Date

By Will Dunham

WASHINGTON (Reuters) - The United States on Monday issued its most comprehensive accounting to date of detainees currently or formerly held at the Guantanamo prison for foreign terrorism suspects, naming 759 people and their nationalities.

Navy Lt. Cmdr. Chito Pepler, a Pentagon spokesman, said the list named "every single individual detained under DoD (Department of Defense) control" at the U.S. naval base at Guantanamo Bay, Cuba, since the jail opened in January 2002.

Asked whether that meant some detainees may have been held outside of Defense Department control at Guantanamo by other U.S. agencies like the CIA, Pepler said, "I wouldn't know because I can't speak for other agencies."

The 18-page list was disclosed and posted on a Pentagon Web site (<http://www.defenselink.mil/pubs/foi/detainees/detaineesFOIArelease15May2006.pdf>) in conjunction with an ongoing Freedom of Information Act lawsuit filed by the Associated Press. It listed detainees by name, citizenship, place of birth, date of birth and an internment identification number.

The Pentagon said there are "approximately 480" detainees at Guantanamo -- it declines to give a precise number -- and that since 2002 a total of 272 others have left the jail, either freed or transferred to the custody of their home governments for further detention.

In conjunction with the same Freedom of Information Act lawsuit, the Pentagon on April 19 released a list of 558 detainees who went through a military hearing process put in place at Guantanamo in summer 2004. That list included, officials said, all the current detainees.

The new list included the names of 201 detainees moved out of Guantanamo before the United States began holding these military hearings, the Pentagon said.

'AN OPEN QUESTION'

Amnesty International official Jumana Musa said the Pentagon's language describing the new list fed long-running speculation about whether the CIA held detainees at Guantanamo outside of military control.

Musa said it also begged the question of whether "ghost detainees" -- kept off the books and deprived of contact with the International Committee of the Red Cross -- have been held there.

"While we certainly think it's about time that the names of the folks who were in DoD custody were released, whether or not other government agencies held people in Guantanamo will remain an open question," said Musa, who has observed military hearings at the base.

Human rights activists decry the indefinite detention of Guantanamo detainees and accuse the United States of torture. The Pentagon insists detainees are treated humanely and not tortured, and says many dangerous al Qaeda and Taliban figures are held there.

The release of the list comes more than four years after the arrival from Afghanistan of the first group of 20 shackled and masked detainees on Jan. 11, 2002. The Pentagon long resisted disclosing the names and nationalities of those held at the prison, citing security concerns such as keeping groups like al Qaeda in the dark about who was jailed.

Only 10 of the detainees have been charged with a crime, and not one of the trials has been completed. The United States classifies Guantanamo detainees as "enemy combatants" and not prisoners of war, thus denying them rights afforded POWs under the Geneva Conventions.

The British government's top legal adviser, Attorney General Peter Goldsmith, last week called for the closure of the Guantanamo jail, which he said had become a symbol of injustice.

The release will help lawyers and other advocates track who has been held at the base and find former detainees to help investigate allegations of abuse, said Priti Patel, an attorney for New York-based Human Rights First.

While the release of Guantanamo names is welcome, human rights groups also want to learn the identities of all those held in Iraq, Afghanistan and secret locations, Patel said.

"There's still much more in darkness," she said.

For example, the United States has not disclosed where it is holding Khalid Shaikh Mohammed or Ramzi Binalshibh, who allegedly plotted the Sept. 11 terrorist attacks, and other captured top al-Qaida figures. The list released Monday also does not specify what has happened to former Guantanamo Bay detainees.

The fate of some is documented. All British nationals held at Guantanamo Bay, for example, were transferred back to Britain. But what has become of dozens of other detainees was not known.

Some could be free. Others could be in secret U.S. detention centers, or in torture cells of prisons in other countries.

Jumana Musa, an official with Amnesty International's Washington office, said there have long been rumors that the CIA has a secret prison at Guantanamo Bay, an isolated base along the Caribbean which Cuba granted to Washington by treaty a century ago.

But Pepler, in an e-mail to the AP, emphatically ruled that out.

"Absolutely not," Pepler said. "There are no other detention facilities other than those under DoD control in Guantanamo Bay.

<http://www.cageprisoners.com/articles.php?id=13926>

SOURCE: Reuters and Associated Press

DoD Releases Names of 759 Current, Former Guantanamo Detainees

**By Kathleen T. Rhem
American Forces Press Service**

WASHINGTON, May 15, 2006 – Defense officials today released 201 more names of detainees at the U.S. facility at Naval Station Guantanamo Bay, Cuba.

The list released today includes the names of 759 detainees who are or were held at the U.S. detention facility for war on terrorism detainees. The department first released 558 of these names April 19.

Those 558 names were of detainees who had gone through the Combatant Status Review Tribunal process, implemented in July 2004 to give detainees a forum to contest their designation as enemy combatants.

"This approximately 200 didn't attend a CSRT because they were released or transferred from Guantanamo either before the CSRT process was established or & before going through the entire CSRT process," Pentagon spokesman Bryan Whitman told reporters this morning.

Today's release of information is the fourth such release brought about by a lawsuit filed under the federal Freedom of Information Act by the Associated Press.

In March officials released 5,000 pages of transcripts of the Combatant Status Review Boards and of another procedure, Administrative Review Boards, designed to be held annually to determine if detainees properly classified as enemy combatants still pose a threat to the United States.

A month later, on April 3, DoD released another 2,000 pages of Administrative Review Board transcripts and 600 pages of submissions made by private attorneys on behalf of detainees.

In total, DoD has released about 7,500 pages of documents pertaining to proceedings concerning detainees at Guantanamo Bay.

Today's release is the result of an agreement made between the Associated Press, the courts and the government, not a direct judicial order resulting from the lawsuit, Whitman said.

"It is by agreement that we are making this list available now," he said. "It is not part of the original lawsuit."

Other information released today includes each detainee's name, internment serial number, country of citizenship, and place and date of birth. Officials did not specify whether this list includes the names of every detainee who is being or has ever been held at Guantanamo Bay.

<http://www.cageprisoners.com/articles.php?id=13925>

SOURCE: Defenselink.mil

May 17, 2006

Six Turks on Pentagon's Guantanamo Bay List

By Cihan News Agency

Six Turks have been named on the list, published by the Pentagon, of detainees held at the Guantanamo Bay detention camp in Cuba since January 2002 by the United States (US) authorities.

The Turks named on the list are Yuksel Celikgogus born in 1967 in Sakarya, Murat Kurnaz born in 1982 in Bremen, Mahmut Nuri Mart born in 1971 in Agri, Ibrahim Sen born in 1980 in Van and Salih Uyar born in 1981 in Kocaeli.

Also on the list is Belgian citizen of Turkish origin, Mesut Sen who was born in Brussels in 1980.

Last month the Turkish authorities had stated that Murat Kurnaz was the only Turkish citizen being held by the US at the Guantanamo Bay camp.

The US detention centre at Guantanamo Bay used to hold suspects in the so-called "war on terror" has been widely denounced for breaches of human rights. Many world leaders, including UN Secretary General Kofi Annan, have called for the camp to be closed down.

The Pentagon has stated that a total of 759 suspects from 41 countries have been held at the camp since January 2002, and that the prisoner population of the camp is currently at 480.

The Pentagon has released information about the Guantanamo camp after legal action was taken against it under the Freedom of Information Act by Associated Press.

For further information please visit <http://www.cihannews.com>

<http://www.cageprisoners.com/articles.php?id=13957>

SOURCE: Zaman.com

Pentagon New Guantanamo List Includes 15 Moroccans

The Pentagon published on Monday a new list of Guantanamo Bay detainees held between January 2002 and May 15, 2006. It includes 15 Moroccans, reported MAP news agency.

Last month, the pentagon released the names of 558 detainees, in response to the AP lawsuit. Ph: Archives.

It contains even the names of the Moroccan detainees who have already been handed over to the Moroccan authorities.

The list, released in response to a Freedom of Information Act lawsuit filed by the Associated Press (AP), features 759 people. But the names of those considered by the US as the most notorious terrorist suspects were not included.

Last month, the pentagon released the names of 558 detainees, in response to the AP lawsuit.

<http://www.cageprisoners.com/articles.php?id=13955>

SOURCE: Morocco Times

Howard Blames Hicks For Jail Woes

DAVID HICKS has only himself to blame for languishing without trial at Guantanamo Bay, the Prime Minister, John Howard, said.

After his meeting on Monday with the US Defence Secretary, Donald Rumsfeld, Mr Howard said that if Hicks and his lawyers had not used the US civilian courts to challenge his trial by military commission the Australian would have been tried by now.

"The circumstance delaying his trial by military commission is a legal action in the American courts Until that is resolved the military commission trial can't go ahead," Mr Howard said. "We do not want him to come back to Australia until he's been tried before the military commission."

Hicks's military lawyer, Major Michael Mori, said: "If the military commission process was fair as [Mr Howard] likes to say it is, then the US courts would not entertain any legal challenges."

<http://www.cageprisoners.com/articles.php?id=13953>

SOURCE: Sydney Morning Herald

Pakistan Says 29 Nationals Still in Guantanamo Prison

There are still 29 Pakistani prisoners languishing in the US detention center of Guantanamo and eight of them are likely to be freed soon, Interior Minister Aftab Sherpao said on Tuesday.

A list of the Guantanamo prisoners recently issued by the US Defense Department said that there are 13 Pakistani prisoners in the detention facility.

However, the interior minister said at a news conference in Islamabad that the US has now told Pakistan that 29 Pakistanis are still in Guantanamo.

He said that there were a total of 67 Pakistani prisoners in Guantanamo and the US authorities have so far freed 38 of them.

The government is trying to get the remaining freed as soon as possible, Sherpao said.

The minister's statements coincide with the release of a list of the detainees currently or formerly held at the Guantanamo prison, naming 759 people and their nationalities.

The Pakistan Human Rights Commission Chairperson Asma Jehangir on Tuesday demanded of the United States to allow UN and other human rights group to investigate the rights abuses at Guantanamo.

To a question about investigation into the London bomb blasts, Sherpao said the inquiry report has not found any link to suicide bombers to Pakistan.

The report findings has strengthened Pakistan's stand that it will not allow any one to use its soil for terrorism, he said.

To a question about the on-going violence in tribal region of Waziristan, the interior minister said the government is forming a grand traditional jirga or tribal council of elders to establish peace in the restive tribal area.

To another question about last month's suicide bomb blast in Karachi, Sherpao said there has been progress in the investigation. He did not give any details.

<http://www.cageprisoners.com/articles.php?id=13952>

SOURCE: IRNA.ir

Photos Agony For Bay Three

By Kanwal Tariq Hameed

HARD-hearted guards barred a lawyer from handing family photographs to Bahraini detainees in Guantanamo Bay. Detainees Isa Abdulla Al Murbati, Salah Abdulrasool Al Blooshi and Juma Mohammed Al Dossary have not seen their families for more nearly five years.

Lawyer Joshua Colangelo-Bryan is fresh back from a three-day visit to the notorious US camp, in Cuba.

He took with him photographs from meetings in Bahrain with Mr Al Murbati's and Mr Al Blooshi's families - but was not allowed to take them into the meetings with his clients.

Mr Al Murbati, a father of five, broke down and wept when he was told his son asked lawyers to tell him to phone home, said Mr Colangelo-Bryan, who head the New York team representing the three.

Mr Al Blooshi, 24, described as "a quiet soccer fan" was also saddened by news from home, particularly about the father he was so close to.

Meanwhile, Mr Al Dossary, 32, reportedly has new scars since the lawyers last saw him in January.

They include a wound across his neck - consistent with reports that he attempted to end his life by slashing his throat in March, said Mr Colangelo-Bryan.

"During the visit, we told our clients about our recent trip to Bahrain, including our meetings with family members and government officials," he said.

"I talked with Isa about meeting his boys in Bahrain.

"I told him that one of his young sons had promised to buy him a cake when he comes home.

"I told him that one of his sons had asked him to call his family, which Isa is not allowed to do.

"As I spoke, Isa began to cry.

"I talked to Salah about meeting his father during our last trip to Bahrain," he added.

"I talked about the ways in which Salah and his father have similar character traits.

"In response, Salah smiled before getting a very sad look in his eye."

Mr Colangelo-Bryan said he was prevented from taking family photos from the Bahrain visit into the detainees.

"Although we had family photographs from our trip to Bahrain, we were not allowed to bring those photographs into our meetings with Isa and Salah," he said.

"Hopefully, the photographs will be delivered to them soon."

He was only permitted to visit Mr Al Dossary, who has repeatedly attempted to kill himself since his detention, on the final day of the trip.

"On the last day of our trip, we saw Juma," said Mr Colangelo-Bryan.

"He has a scar across his neck, which is consistent with the reports that he had tried to cut his throat in March.

"He also has a deep scar on the side of his leg.

"Juma did not have either of these scars during our last visit."

Mr Colangelo-Bryan said he relayed a message from the Bahrain government that local efforts were being made to bring them home.

"We assured our clients - as we were assured - that the Bahrain government and the Parliament are making all efforts to bring them home," he said.

"We told our clients that we hope these efforts will be successful soon."

Notes taken during interviews with the Bahraini three during the visit are currently classified.

<http://www.cageprisoners.com/articles.php?id=13951>

SOURCE: Gulf Daily News

Guantanamo Prisoners' Papers Get Closer Look

By Jane Sutton

GUANTANAMO BAY U.S. NAVAL BASE, May 16 (Reuters) - More than four years after the U.S. military began sending captives to the Guantanamo prison camp, intelligence analysts at the base said on Tuesday they are still going through the prisoners' notebooks and papers to figure out exactly who they are.

Some 120,000 items belonging to the detainees are stored in a low, metal building called the evidence locker, stacked in cardboard boxes and green metal lockers on shelves that reach to the ceiling.

The stash includes notebooks, phone records, real and counterfeit currency, clothing, letters, watches, cassette and video recordings, global positioning trackers, and wooden sticks apparently used as toothbrushes.

They were seized when the Guantanamo prisoners, who now number 480, were captured in battles and raids, mostly in Afghanistan and Pakistan after the U.S. invasion to oust al Qaeda from Afghanistan after the Sept. 11 attacks.

The items were stuffed into garbage bags and boxes, cataloged and tagged, and then shipped to Guantanamo with their owners. Last year the general then in charge of the prison camp decided somebody should take another, more thorough look.

"I think there were a lot of things they missed," said a security officer who can be identified only as Lori. "Eight or nine months ago, they really started going back through everything."

Military and civilian intelligence analysts wearing blue latex gloves said they were sifting through the prisoners' belongings "to find out who they are ... what they had on them and what they're doing."

CRUCIAL INFORMATION

The first prisoners arrived at Guantanamo in January 2002, and the last in October 2004. Military officials at the navy base have repeatedly said the detainees were dangerous men who provided crucial information in the U.S. fight against terrorism.

The intelligence analysts would not say why a thorough and painstaking review of their belongings had not been completed long ago, except that it involved massive amounts of work. Some documents were still being checked by linguists, and the significance of others had not been apparent on first reading, they said.

"Sometimes a name that didn't stick out before suddenly becomes prominent when we find new intelligence," one bearded civilian analyst told visiting journalists who had asked to see the evidence locker.

The analysts said they were still finding information in the prisoners' papers that cast doubt on some of their stories.

"Where there's one guy who says 'I was a cook or a poor goat farmer,' we find records where he's signing it as the chief of intelligence or etcetera," the bearded analyst said.

The belongings included notebooks with drawings the agents said were wiring diagrams, a military map of Cuba, a UNICEF health pamphlet, and several videotapes that the agents said could contain secretly recorded messages. One was labeled "Intercessionary Prayer Video - The Lightning of God."

Asked if any of those contained a hidden message, the analyst replied, "We haven't looked through those."

<http://www.cageprisoners.com/articles.php?id=13950>

SOURCE: Reuters

Diverse Group of Detainees at Guantanamo

By **BEN FOX**

Associated Press Writer

SAN JUAN, Puerto Rico (AP) - He has a flowing white beard, can't hear or see very well and, according to his lawyer, uses a walker to hobble around the Guantanamo Bay detention center.

Haji Nasrat Khan is the oldest prisoner at Guantanamo Bay, according to a newly released list of all those who have been held at the isolated prison on a U.S. Navy base in southeastern Cuba, perched above the Caribbean Sea.

Khan, an Afghan who the military says is 71 but may be several years older, exemplifies the striking diversity of Guantanamo detainees past and present as identified by the list, which the Pentagon released Monday to The Associated Press in response to a Freedom of Information Act lawsuit.

"I met him one time and came out of there thinking, 'Why is this old man here?'" said Peter Ryan, a lawyer whose firm represents Khan and 14 other Afghans at Guantanamo.

The list provides the first full official accounting of all those who have been held by the military in Guantanamo on suspicion of links to al-Qaida or the Taliban. The document provides the names, hometowns and dates of birth of 759 current and former detainees.

They range from teenagers to an Afghan, now released, who was nearly 90 and was reportedly referred to as "al-Qaida Claus," by interrogators. Their hometowns are from all over - including the holy Muslim city of Mecca; Lyon, France; and Baton Rouge, La.

The military now holds about 480 detainees at Guantanamo following a series of releases and transfers that began in October 2002, nearly 10 months after the detention center opened.

An additional 136 detainees have been approved for transfer or release, but the timing depends on when their home countries agree to accept them and whether they can assure the U.S. the men will be treated humanely, said Navy Lt. Cmdr. Chito Peppler.

"This has proven to be a complex and time-consuming process," he said.

The Pentagon list does not say whether detainees were released or transferred. But the information is available from other sources, including news reports and a comparison of the list released Monday with a roster released last month.

Among those who had left were Yaser Hamdi, who was captured in Afghanistan in 2001 and taken to Guantanamo, where U.S. authorities discovered he was born in Louisiana and was therefore an American citizen. He was transferred to a military brig in South Carolina.

Hamdi was released to his family in Saudi Arabia in October 2004 after the Justice Department said he no longer posed a threat to the United States and no longer had any intelligence value. As a condition of his release, he gave up U.S. citizenship.

Two Afghans who were under 18 when they arrived are no longer at the detention center, while a third who was still there in the summer of 2004 would no longer be a minor. Peppler said there now is no one under 18 at the camp.

Khan's defense lawyer said he doesn't know if the elderly Afghan is among the 136 who are slated for release or transfer. He is at Guantanamo with his adult son, who was captured in a compound with some 700 weapons, including small arms and rockets, according to lawyers and military documents released to the AP.

Khan and his son told a military panel that the younger man was guarding the weapons for the government of Afghan President Hamid Karzai and the father said he was arrested while complaining about his son's capture several days later.

The military said the father and son had links to the Taliban. At a military hearing, the father ridiculed the notion he could be a threat.

"How could I be an enemy combatant if I was not able to stand up," asked Khan, who has told his lawyers that he doesn't know his exact age but believes it's close to 78.

Ryan, who works for a Philadelphia-based law firm, said it seems unlikely the man is a threat to the United States but acknowledged he hasn't seen the classified evidence against him and may not know the full story.

"He just seems very grandfatherly," Ryan said. "But it's hard to say this without seeming naive."

<http://www.cageprisoners.com/articles.php?id=13949>

SOURCE: The Guardian

US To Release Eight Pakistanis From Guantanamo Bay Shortly

ISLAMABAD, May 16, 2006 (AFP) - Eight out of 29 Pakistanis still held at the US Guantanamo Bay detention center will be released soon, the government said Tuesday.

Interior Minister Aftab Sherpao disclosed the figure at a news briefing, saying that Pakistan had sought consular access to the detainees.

"Eight are being released and they are expected shortly," the minister said.

The US government has already released the bulk of scores of Pakistanis who were held as "enemy combatants" at the detention centre after the 2001 invasion of neighbouring Afghanistan by US-led forces.

Pakistan Official Demands UN Access To Guantanamo

By **MATTHEW PENNINGTON**

ISLAMABAD, Pakistan (AP) - The United States should follow its disclosure of the names of all Guantanamo Bay detainees by allowing UN rights investigators complete access to the prison, the chairwoman of Pakistan's independent human rights commission said Tuesday.

Asma Jehangir, who served on a UN panel that recently issued a scathing report on Guantanamo, also demanded compensation for freed detainees and accused Pakistani intelligence of intimidating Pakistani inmates who had been released from the facility in Cuba and repatriated.

Jehangir said that despite the Pentagon's release of 759 detainee names, nationalities and ages, the lack of information about parentage, addresses or where they were arrested made it very difficult to trace their relatives.

"We want full information. We don't want bits and pieces, and we don't want this game that is played between the U.S. and its so-called allies in the war on terrorism," Jehangir said.

"We want to get to the depths of the human rights violations so it doesn't happen again in the future."

Pakistan is a key U.S. ally in the war on terror, and many of those held in Guantanamo were captured in Pakistan after fleeing neighbouring Afghanistan after the fall of the Taliban regime in late 2001 following a U.S.-led military campaign to avenge the Sept. 11 attacks on America.

Pakistan's Foreign Ministry declined immediate comment on the release of the list, including some 200 previously undisclosed names of detainees who were moved out of Guantanamo before the summer of 2004, but it was welcomed in neighbouring Afghanistan.

A spokesman for Afghanistan's peace and reconciliation commission, which helps returning Guantanamo detainees reintegrate into society, said the move would help the agency speed the repatriation of the prisoners. About a quarter of detainees at Guantanamo have been Afghans, and scores of them are due to be shifted to a prison outside Kabul later this year.

"This will be very useful for us to push for their release," Sayed Sharif Yousofy said. "We have requested the release of all Afghans in U.S. detention."

Hundreds of Afghans are still held in U.S.-run detention facilities in Afghanistan, and the United States is suspected of also detaining people in other countries.

Despite the Pakistan government's continuing efforts to free Pakistanis that remain at Guantanamo, Jehangir accused it of failing to disclose the names of those who had already been freed and of blocking access to them or their lawyers.

"They (the freed detainees) are being threatened by local intelligence agencies. Their movements are monitored. They can't go to the courts because the courts are monitored as well," she said.

The Pentagon list includes 65 Pakistanis, most of whom have been released. At least six Pakistanis are still being held at Guantanamo, although a senior Interior Ministry official, who requested anonymity because of the sensitivity of the issue, said it believes as many as 29 are still in U.S. custody, either at the prison in Cuba or in Afghanistan.

Jehangir repeated the demand that UN rights investigators be granted "total access" to Guantanamo and that the U.S. government support an international commission led by the world body that would also look into demands for compensation of freed detainees.

In February, the UN panel of five independent experts accused the United States of practices that "amount to torture" at Guantanamo and recommended its closure. It demanded detainees be allowed a fair trial or be freed.

The panel, which had sought access to Guantanamo Bay since 2002, refused a U.S. offer for three experts to visit the camp last November after being told they could not interview detainees.

<http://www.cageprisoners.com/articles.php?id=13947>

SOURCE: Cnews.canoe.ca

May 18, 2006

One Turkish Inmate Remaining in Guantanamo

ANKARA - Turkey has announced today that there is one Turkish inmate in the Guantanamo Bay Prison in Cuba.

In response to a question on Wednesday, Turkish Foreign Ministry spokesman Namik Tan said that, out of 6 Turkish prisoners initially held at Guantanamo Prison, 5 have been released. The only Turk remaining at the Guantanamo Prison is Murat Kurnaz.

Tan told reporters that Kurnaz was born in Bremen, Germany and as such the German embassies in Ankara and Washington are also trying to help Kurnaz.

<http://www.cageprisoners.com/articles.php?id=13974>

SOURCE: Turkish News

Hicks Trial Delay Normal: Law Council

TERRORIST suspect David Hicks was not responsible for delays in bringing his case to trial, despite what the Australian Government claims, the nation's peak legal body said.

Earlier this week, Prime Minister John Howard said he was unhappy about delays in Hicks's trial and wanted the Guantanamo Bay detainee to be brought before a military commission as quickly as possible. He said a court challenge in the United States, sought by Hicks and his lawyer, was the primary reason why the trial had been held up.

Australian Law Council president John North today said Hicks had simply explored all avenues open to him.

"It is perfectly understandable that Hicks sought access to the US court system as an alternative to a military commission," Mr North said.

Mr Howard and his minister had made no attempts to expedite the legal process for Hicks, Mr North said, adding the Government was engaged in blame-shifting.

"The Prime Minister is seeking to rewrite history by shifting blame about delays on to Mr Hicks himself," Mr North said. "But it has been the US authorities, under no pressure from Australian authorities, who have presided over the drawn-out process designed to avoid real judicial scrutiny of the disgrace that is Guantanamo Bay."

In addition, US authorities were forced to grant Hicks a stay on proceedings because of a backlog of other cases, he said.

Hicks, who has been held in Cuba for more than four years, currently hopes to win British citizenship and join the nine UK detainees the British have successfully forced the US to release from the prison.

Hicks was captured in Afghanistan in December 2001, allegedly fighting with the ousted Taliban regime.

<http://www.cageprisoners.com/articles.php?id=13972>

SOURCE: News.com.au

Guantanamo Uyghurs Find Freedom 'Like a Celebration'

WASHINGTON—Five Muslim men from northwestern China, just released after five years in the U.S. prison camp at Guantanamo Bay, say they are finding freedom “like a celebration,” as they resettle in the only country to offer them asylum—Albania.

The men, all Chinese passport-holders, belong to the mainly Muslim ethnic Uyghur minority that accounts for most of the population in China’s northwesternmost Xinjiang Uyghur Autonomous Region.

They were cleared last year of terrorism charges but had nowhere to go except back to China, which accuses them of belonging to a pro-independence Uyghur group, the East Turkistan Islamic Movement, which Beijing says has links to Osama bin Laden’s al-Qaeda.

“We have been waiting for a year for our freedom, but no government wanted to take us in. That was the most difficult thing for us, being innocent but still in prison,” Ababehir Qasim, 37, said in a telephone interview from Albania, where the men were resettled last week.

“After waiting for a whole year we learned that Albania had agreed to take us as political asylees, and suddenly everything we had been through was forgotten. It was like a celebration for us,” Qasim told RFA’s Uyghur service.

“We feel that this is a celebration for all the Uyghur people, and we are so delighted.”

“For more than four years we couldn’t contact anyone outside, couldn’t contact our families,” he said. “After that, the most difficult time for us came after the decision last May 9 that we were innocent.”

Many Uyghurs, who twice enjoyed short-lived independence as the state of East Turkestan during the 1930s and 40s, are bitterly opposed to Beijing’s rule in the northwestern region of Xinjiang.

“Thank God, we are very well, we are so happy, we are healthy and free,” Qasim said. “We are also grateful that our Uyghur brothers share our joy. Some of our Uyghur brothers have been contacting us. We are thankful for that.”

Asked what they would have done if China alone stepped forward to reclaim them, Qasim said the men would have sought to remain in Guantanamo, a Cuban-based U.S. naval base at which more than 10,000 people are thought to have been held.

“Sometimes we thought that if that were the only option, instead of going back to China we would be better off staying there [in Guantanamo]... Going back to China would more than double the suffering of the Uyghur people’s spirits.”

“So our people wouldn’t suffer, we thought that staying at Guantanamo would be better. The time it took to apply for political asylum became longer and longer, and we heard from our lawyer that the Chinese government was pressuring other governments not to accept us. Naturally, we tried to comfort each other,” he said.

Held after 2001 attacks

Asked if the group had seen other prisoners in the camp, he replied:

“When we were in Prison #4, we are greeting to about 150 other prisoners. We could play ball together when we were in #4. We had some freedom. After they announced our innocence we were transferred [to another place]. They opened a new place called Iguana for just nine of us: five Uyghurs from Turkestan [Xinjiang], one Uyghur from Saudi Arabia, one Algerian, one Egyptian, and one Uzbek from Russia.”

“The nine of us were together, and if we went to the health clinic we could say hello to other prisoners. For various reasons we would meet other prisoners,” he said.

The five men were detained during the U.S. invasion of Afghanistan following the Sept. 11 attacks. On May 6, Washington announced that the men had been sent to Albania for resettlement after officials concluded they posed no threat but could face persecution if they were sent back to China.

Other Uyghurs released from Guantanamo are Adil Abdulhakim, 32, and Ahter, 33, who along with Qasim are natives of Gulja City, Ili prefecture; and Ahmet, 33, whose birthplace is unknown, and Ayuphaji Mahomet, 23, from Kashgar.

Asked to describe their situation in Albania, Qasim said: "It is normal and things are going well. We have been here for three or four days now. When we arrived in the airport in Albania, someone picked us up by car and brought us to a refugee center."

"We have been settled in a four-bedroom apartment, and the conditions here are not so bad. It has beds and a shower, they prepared new clothes for us, and we are eating at a common dining hall. The person who is responsible for looking after us said, 'Whatever else you need, whatever else you want, just let me know.' Their attitude toward us is positive. Maybe they have been told what happened to us."

Lawyer speaks out

China wants the men repatriated for trial. On May 9, Chinese Foreign Ministry spokesman Liu Jianchao said the "suspects should be sent to China as soon as possible." Liu described the men as "by no means refugees, but are terrorist suspects" whom the Chinese authorities accuse of waging a violent campaign for an independent state of East Turkestan.

On Monday, the Chinese ambassador to Albania, Tian Changchun, called for the five to be repatriated immediately, saying they "fought on the side of the Taliban during the Afghan war, and this single fact can prove that they are nothing else but terror suspects."

Beijing blames Uyghur separatists for sporadic bombings and other violence in the Xinjiang region. But diplomats and foreign experts are skeptical. International rights groups have accused Beijing of using the U.S. "war on terror" to crack down on nonviolent supporters of Uyghur independence.

The men's attorney, in an interview with the Associated Press, criticized the United States for moving them to Albania, a country where he said it would be virtually impossible for them to assimilate.

Sabin Willett said U.S. President George Bush's administration "has simply taken advantage of the good relationship with Albania to try to make one of its problems go away and I think that's unfortunate."

The five are being sheltered at a National Center for Refugees in the suburbs of Tirana and they have not been allowed to meet with reporters, Willett said.

Meanwhile, the British government's top legal adviser called this week for the closure of Guantanamo Bay, which he called a symbol of injustice.

"The existence of Guantanamo Bay remains unacceptable. It is time, in my view, that it should close," Attorney General Peter Goldsmith said in a speech in London.

"I believe it would also help to remove what has become a symbol to many—right or wrong—of injustice. The historic tradition of the United States as a beacon of freedom, liberty, and justice deserves the removal of this symbol," he said.

Human rights groups have condemned Washington's use of indefinite detentions without charge and want Guantanamo to close.

Original reporting by Omer Kanat of RFA's Uyghur service. Translation by Uyghur service director Dolkun Kamberi. Produced for the Web in English by Sarah Jackson-Han. Edited by Luisetta Mudie.

<http://www.cageprisoners.com/articles.php?id=13971>

SOURCE: ExpertClick.com

Films on Guantánamo and Iraq Face War of Cuts

Suzanne Goldenberg in Washington

Two new films which expose unpleasant truths about Guantanamo and the battle for Iraq are coming under pressure from censors in the United States.

The Motion Pictures Association of America has censored a poster advertising a film about the Tipton three, called *The Road to Guantanamo*, that showed a hooded and blindfolded man hanging by his shackled wrists. Also, the makers of *Baghdad ER*, a documentary about a US military combat hospital, told the Guardian yesterday that Francis Harvey, the secretary of the army, had demanded last-minute changes to the film.

The Guantanamo film ran into difficulties with the MPAA last month when it submitted its advertising material for customary review. To the surprise of Howard Cohen, president of Roadside Attractions which is distributing the film in the US, the association demanded that the poster for the R-rated film be toned down.

"It was the head in the burlap sack that pushed it over the edge for them," Mr Cohen said. The film will be advertised instead by a poster which shows only a pair of shackled hands and arms. "It's outrageous that they are objecting to this image ... They are saying ... children in the US should not be allowed to see what it is we are doing to people in Guantanamo." The MPAA offered no comment.

The makers of *Baghdad ER* say the senior leadership of the Pentagon has turned against their film, despite cooperation during its making in Baghdad and a positive reception at screenings at military bases. "Somebody wearing a tie and not a uniform seems to have a political agenda and is trying to influence this film," said the director, Jon Alpert.

The army surgeon general, Lieutenant General Kevin Kiley, issued a health warning against the film, saying it could cause post-traumatic stress disorder. But Major Crystal Oliver, an army spokeswoman, said there was no attempt to censor and that the military was happy with the portrayal. "The leadership are proud of those soldiers in the film," she said.

<http://www.cageprisoners.com/articles.php?id=13969>

SOURCE: The Guardian

Pending U.S. Ruling Stalls Guantanamo Tribunals

By Jane Sutton

GUANTANAMO BAY U.S. NAVAL BASE, May 17 (Reuters) - Hearings this week for two Guantanamo war crimes defendants were canceled or cut short as their attorneys opted to wait for the U.S. Supreme Court to rule on the legitimacy of special military tribunals set up by the Bush administration.

Uncertainty over the pending ruling has stymied prosecutors' efforts to complete the preliminary hearings, even as they face criticism for holding hundreds of prisoners at the U.S. military base at Guantanamo Bay in Cuba for more than four years without trial.

"We would like to keep cases moving so they might be ready (for trial) when we get a Supreme Court decision," said the chief prosecutor, Air Force Col. Moe Davis.

Lawyers for a Yemeni prisoner, Salim Ahmed Hamdan, argued before the Supreme Court in March that the tribunals, set up after the Sept. 11 attacks, are unconstitutional because they allow the president, through his military subordinates, to define the crime, choose the prosecutor and judges and set all the rules.

The court is expected to rule by the end of next month.

An Afghan detainee, Abdul Zahir, appeared briefly before a tribunal on Wednesday

His military lawyer, Lt. Col. Thomas Bogar, had asked for a hearing after Zahir was moved from a medium-security camp, where prisoners live in groups, to a maximum-security facility where detainees live alone in concrete cells.

REQUEST WITHDRAWN

Bogar initially asked the presiding officer to reverse the move, but withdrew the request at Wednesday's hearing, in part because he wanted to see if the Supreme Court ruling in the Hamdan case sheds light on his client's rights.

"I think from a legal standpoint we may have more of a legal bearing after Hamdan," Bogar said after the hearing.

Zahir is accused of being an al Qaeda paymaster who took part in a grenade attack on a car full of civilians in Afghanistan in March 2002.

The other prisoner scheduled for a hearing this week, Ghassan al Sharbi, won a stay on Friday after a federal judge in Washington ruled that the Saudi captive could suffer irreparable harm if he appeared before a tribunal that could be deemed illegal in a month.

Sharbi, an electrical engineer accused of being an al Qaeda bombmaker, was the fourth among the 10 defendants charged so far to have his case frozen until after the ruling. Pretrial hearings scheduled for June 5-9 have been canceled, though others set later in the month are still expected to take place.

All 10 defendants are accused of conspiring with al Qaeda to attack civilians and property, and would face life in prison if convicted.

The tribunals are the first convened by the U.S. military since World War Two. Davis said charges are "in the pipeline" for another two dozen Guantanamo prisoners and that President George W. Bush had already signed off on charges against two of them.

But even those are not expected to be filed until after the Supreme Court rules, Davis said.

"The Hamdan case is the linchpin," Davis said.

<http://www.cageprisoners.com/articles.php?id=13968>

SOURCE: Reuters

Freed From Guantanamo, 5 Face Danger in Albania

By Charlie Savage, Globe Staff

WASHINGTON -- Five Chinese Muslims recently released from the Guantanamo Bay prison are living under increasingly dangerous conditions in Albania, the only country to let them in after the United States determined they were not "enemy combatants," according to their lawyer.

The lawyer, Sabin Willett of Boston, asked in court papers filed yesterday that the Bush administration bring the five men to the United States for their own safety.

The men, who are members of an ethnic group known as Uighurs, were arrested in Afghanistan four years ago. A military tribunal later determined that the men had never been enemies of the United States, and ordered them released.

But because the Chinese government has a history of persecuting Uighurs, who have been seeking greater independence, the men could not be sent back to China.

Two weeks ago, on the eve of a court hearing into their fate, the military announced that it had dropped the men off in Albania, a mostly Muslim country in southeast Europe. Willett, who has been waging a court battle to get the Uighurs brought to the United States as refugees, fled to Albania.

In an affidavit filed yesterday with the US Court of Appeals for the District of Columbia, Willett described a harrowing trip to a slum where the five men are living in a refugee processing center. He said he was able to take his clients to a restaurant and get glasses made for one of them, but since he left, they have been afraid to leave the compound.

The men's arrival has caused a sensation in Albania, he said. The Chinese government has called on Albania to extradite the men, whom it calls terrorists. Members of the Albanian parliament have vowed to send them to China. And even if the men are allowed to stay in Albania, Willett said, they would face a bleak future.

"The impoverished country where they were dumped without community, common language, family, or prospects is ill-suited to withstand the strident demands of the most powerful communist dictatorship on earth," Willett wrote. "These men never wronged the United States in any way. What has happened is shameful."

The Bush administration has asked the court to dismiss the case on the grounds that it is now moot. A Justice Department spokeswoman did not return a call yesterday

Also yesterday, Saudi Arabia's foreign minister announced that 16 captives held at the Guantanamo Bay detention camp would be transferred to Saudi jails in coming days -- the first large-scale transfer from this isolated island prison camp in more than a year.

<http://www.cageprisoners.com/articles.php?id=13964>

SOURCE: Boston Globe

U.S. to Turn Over 16 Saudis From Guantánamo to Riyadh

By STEVEN R. WEISMAN

WASHINGTON, May 17 — The United States plans to turn over 16 Saudis suspected of terrorist activities and held at Guantánamo Bay, Cuba, to Saudi Arabian authorities, the Saudi foreign minister and American officials said Wednesday.

The Saudi foreign minister, Prince Saud al-Faisal, said repatriated citizens would be tried fairly.

The decision to release the men came after months of wrangling over American demands for guarantees that they would be treated humanely once in Saudi custody, but it was not entirely clear what sort of agreement had been reached.

A Saudi official said Saudi Arabia had refused American demands that the men be allowed visits by American officials or by the International Committee of the Red Cross. Instead, he said, access would be given to the Saudi Arabian Red Crescent Society and Saudi human rights groups.

An American official indicated that general assurances had been made by Saudi Arabia that the detainees would be treated properly and that if the United States insisted, some American access to the prisoners could be arranged.

These two officials spoke on condition of anonymity to avoid being identified with the disclosure of diplomatic negotiations.

The Defense Department, which runs the prison camp at Guantánamo, declined to confirm that the Saudis would be repatriated soon.

Saudi Arabia is one of many countries, including Britain and nations in the Middle East, that have protested the holding of their citizens at Guantánamo without charges and with access to the Red Cross and other outsiders sharply limited.

Of about 490 suspects now held at Guantánamo, 128 are Saudis arrested at various times and places after the Sept. 11, 2001, terrorist attacks. Last summer, the Defense Department announced approval of repatriation of 18 Saudi detainees, but their release had been delayed by the negotiations over their treatment when they return home.

The military has sent home 267 detainees from Guantánamo after determining that they had no further value for intelligence gathering and posed no long-term security threat. But last month, The New York Times reported that the administration remained concerned about releasing more because of fear that they would be tortured or otherwise mistreated in their home countries.

The Saudi foreign minister, Prince Saud al-Faisal, disclosed the impending release at a meeting with reporters at his embassy, and he emphasized that various legal procedures would be carefully followed.

"We receive tomorrow or after tomorrow the first 16 of them," he said. In Saudi Arabia, he added, "they will be incarcerated and checked, and we'll see what the proof against them is."

"If the proof against them justifies trial, they will be put on trial," he added. "If they are proved guilty, they will be incarcerated. If they are proved innocent, they will be let out."

The minister said that his government was relieved that an issue that had been festering for years had been settled, and that the families of the accused would be pleased their strenuous protests had been heard.

"It hasn't been easy, but we are glad that it has been solved," he said. "Their families are clamoring for having them back, and they are the first to have their minds eased, having them home." Asked if those released faced a possible death sentence for their activities, he said their punishment, if any, "is going to be decided by the courts."

Once back home, they will be jailed and put on trial, if a review of their cases shows a trial is justified, he told reporters after talks with U.S. officials.

"If they prove guilty, they will be incarcerated; if they prove innocent, they will be let out," Saud said.

Eight Saudis have previously been released from Guantanamo Bay, where the United States has been holding more than 500 detainees since the Taliban and al Qaeda were ousted from Afghanistan in late 2001, including more than 100 Saudis.

The 16 Saudis will not be the first released from Guantánamo:

American officials have said the Saudi record on human rights of prisoners is an obstacle in releasing Saudis to their own country. The State Department has found that Saudi authorities use beatings, whippings, sleep deprivation and other forms of abuse of prisoners.

<http://www.cageprisoners.com/articles.php?id=13963>

SOURCE: New York Times, Reuters

Moazzam Begg: Is Torture Ever Justified?

**Presentation for the Graham Turnbull Award
Law Society
24th April 2006**

In the Name of Allah Most Compassionate Most Merciful

Good evening ladies and gentlemen.

When I was first asked to make a presentation for the Graham Turnbull Award, here at the Law Society, I thought I'd find myself out of my depth. Delivering speeches to solicitors, legal experts, activists and peers were not the sort of thing I was used to in my life prior to my incarceration. But the subject matter of the presentation seemed to me to be a rather open and shut case: *Is Torture Ever Justified?* No. End of presentation. So why is it that lawyers are faced with this question today, in the 21st century, here in the United Kingdom of Great Britain, Western Europe or the USA? According to the law of this country, international law, military law, conventions and treaties torture is not an option – it is unlawful. But the question we face here is not one of legality. It's about morality – or the lack of it. It's about a political desire to redefine the use of torture and its application, and to make it acceptable to the masses, because 'the rules of the game have changed.'

The word torture has its roots in the Latin *tortura*: meaning *torment, twisting or physical disorder by twisting*. And when we think of torture today it often takes us back to antiquated times when Latin was the lingua franca of Europe, and torture was an accepted part of the judicial process. Perhaps the French and Spanish Inquisitions come to mind. Anyone visiting one of hundreds of surviving mediaeval castles in this country – something I like to do – will encounter grand and magnificent castellation and architecture, until they descend to the bowels of these great fortresses and discover the dungeons. The morbid fascination these places hold for visitors is evident by the lengths of the queues outside to enter them. Inside we see can expect to see the old instruments of torture: the rack, the stock, and the iron maiden - all grim reminders of our barbaric past. The cells are tiny and devoid of any natural light. We try, for just a moment, to imagine life in a tiny cage, in shackles, that have now rusted away with time. We try to imagine the wails and screams of prisoners that echo from the past, carrying a grim reminder of our own cruel and brutal history. We leave safe in the knowledge that at least this part of it is where it will remain. Surely, nothing like this could be in existence today. Not in the civilized world.

In Arabic the word torture, or *t'atheeb*, comes from *'athaab*, which means punish. Sadly, it is easy to envisage the types of torture meted out today in Middle Eastern and Third World countries. It's common knowledge that one could almost expect maltreatment and torture in these countries, where such practices are part of an unwritten convention, if not written constitution. We, in this country, regard torture as something alien to our society, something we did away with a long time ago, something quite unacceptable. We know the US military has been involved in it, but still, it is only practiced, we tell ourselves, by despotic third world regimes or terrorist-types. However, using information extracted through torture by a third party nation seems to be much more acceptable, particularly in recent times. People have been arrested and detained in this country on nothing more than alleged confessions by people made in countries known to practice torture. Britain has also recently agreed to extradite people to Middle Eastern and North African nations on the written assurance that the deportees would not be tortured, thus inferring a very real possibility that they *would* normally be subject to beatings, rape and electric shock treatment. Why ask for the assurance not to torture in the first place? Yet these countries are led to believe, by the West, that the best form of governance, democracy, which ensures human rights, freedom and equality is a paradigm of civilization for all nations to follow. We don't practice torture, but we don't mind outsourcing it.

Today, the world's most powerful nation, and its most vociferous exponent of democracy, operates the world's most infamous prisons. The manner of incarceration in these places is looked down upon even according to the standards of some of the world's poorest Third World nations. An Eritrean minister recently said, "The U.S. administration has no legal or moral ground to point its fingers at other countries on human rights issues or to act as a self-appointed court" particularly "... at a time when we are reading the gruesome reports from Abu Ghraib and Guantánamo Bay". The central theme of each of these black holes of detention, that has earned the USA such scathing and growing condemnation the world over involves: the removal of basic human rights, arbitrary detention and the application of torture. And he [the minister] didn't even mention the Bagram detention facility.

You may have gathered that the use of language is important to me. It is also important to people far more powerful than me. Language is often manipulated to distort, or *torture* reality. That much, to me, is manifest in this war on terror. Extraordinary rendition is a glorified term to describe something far more unacceptable and sinister: abduction, kidnap, false imprisonment and torture. *Enemy combatant, unlawful combatant or illegal belligerent* are terms used to describe thousands of people held in arbitrary detention, outside the rule of the law and who are denied basic access to what even the worst convicted criminals on earth have been given. Indeed, I was extraordinarily rendered, just like hundreds of voiceless others. As far as I know, there are only two times in history when darker people, mostly Muslim, were taken en masse across the Atlantic to the Americas in chains. The last time it happened was in the days of slavery. The other time is now. During both periods the culprits were overwhelmingly from America. During both periods attempts have been made at justifying kidnap, false imprisonment and torture.

The iguana is a protected species in Guantánamo Bay. If it is harmed, the offending soldier can expect to pay up to 10,000 USD, as well as a host of other penalties. There are detainees in Guantánamo from over forty countries – some of them US allies. But if a detainee is harmed, tortured or even murdered the offending soldier can expect little or no reprimand. I, and other former detainees, have borne witness to this – and so even have some former US military personnel. The only nationality in the world that *is* protected from violations in Guantánamo is, not surprisingly American – even if deemed an enemy combatant. US nationals are simply taken to the US mainland and processed through the normal justice system.

The issues surrounding Guantánamo Bay are of particular interest to people in the legal profession. But in practical, tangible terms the law has never applied there for detainees. Not US criminal or civil law, not the United States Military Code of Justice, not the Geneva Conventions, not international law and not the right of habeas corpus – despite the 2004 US Supreme Court ruling in *Rasul vs. Bush*, a case brought by the family of a British detainee in Guantánamo which supposedly gave detainees the right to habeas corpus claims. In reality, not a single person to date has appeared before a recognised court charged with a crime, in nearly five years. No one has been convicted. No one has been proved innocent. Fathers remain without their children, wives and families. The majority are not even interrogated any longer. After five years in such conditions you forget your own address. The uncertainty of your future is the only reality you know. That, I can tell you, is perhaps the greatest torture I had to endure.

The barbarous wars launched in Afghanistan (and subsequently Iraq) are euphemistically named 'Operation Enduring Freedom'. You'd think that from September 11 to the present time, it was the USA's *freedom* – not security – in jeopardy. Is this an inadvertent, or subliminal message, telling us that in fact it *is* our freedom that is at risk - only the risk is from our own decision makers? How many informed people are really convinced that al-Qa'idah or the Taliban, are desirous, or even capable of removing our freedoms here in the west? In Guantánamo Bay a plaque with the expression, 'Honor Bound to Defend Freedom', decorates all of the detention camp entrances. In fact, there is a rather ridiculous practice they employed by the US military whereby lower enlisted soldiers must salute passing officers, uttering the words, 'Honor Bound!' to which the ranking officer replies on cue, 'To Defend Freedom!' I can assure you it is a practice that most soldiers found ludicrous. But this does demonstrate the levels to which the US administration is convincing itself, and others, that it's actions, lawful or otherwise, are serving a greater purpose. Look at what we're being told: People are being imprisoned, put in chains and tiny cells, without charge or trial, in order to 'keep the rest of us free'; wars are being prosecuted in order to 'secure a lasting peace'; torture is now a necessity in order to protect our human rights – 'to protect our way of life'.

When I was held by the US military in Bagram and Guantánamo I was told that the US was no longer going to fight wars with its hands tied behind its back. I was told that I had no human rights; that the Geneva Conventions did not apply. It was a lesson, they said, they had learned after Vietnam. But it seems they haven't learned the lesson of Vietnam at all.

Although the US, and indeed this country, claims that the use of torture to extract information is abhorrent to their respective ways of life, the former has reinterpreted its meaning and use, and the latter has been actively complicit. Torture, as defined by the UN Convention against it, is any act by which severe pain or suffering – whether physical or mental – is inflicted for the purposes of obtaining a confession. It further outlaws cruel, inhuman and degrading treatment. The 2002 redefining of torture by US officials suggested that torture *now* must include 'severe pain', 'organ failure' or even death. Accepted methods of interrogation, to "glean information from terrorist suspects" now include slapping, water boarding, being made to stand naked in a freezing cell and other types of stress positions. In Bagram, 2002, I saw the results of what must be deemed torture even by this new definition. A man in my cell was held for days in a stress position, with his hands shackled to the top of the gate and a hood placed over his head. His pleas for help fell on deaf ears and after a while his body slumped and went limp. Eventually, soldiers entered the cell and instead of administering the necessary medical treatment, they began to punch and kick him. His body was dragged off to the interrogation rooms, after which he shortly died. Reports from the proceedings in the New York Times tell of how the man was still alive in these rooms, but was beaten further and mocked as he screamed, "Allah, Allah!" The culprits were only given sentences ranging from 5 months in a military brig to demotion from the rank of Specialist to PFC – one pay grade, along with honourable discharges. Incidentally, we are told that the perpetrators of such acts are the few bad apples, and that the greater purpose to gain information to 'protect lives' is not negated by such acts. But, when Rumsfeld replied to a query from military commanders about stress positions and sensory, or sleep deprivation, he said that *he* stood for several hours a day, why couldn't the detainees? Of course, Rumsfeld's hands aren't tied to a caged ceiling with a hood over his head, nor is he punched and kicked during his hard hours of upright posturing.

All of this is justified because of the very real threat of terrorism, to save innocent lives, or at least innocent American lives. But has it saved lives? Since the Bush administration openly declared that a senior al-Qa'idah member in custody had admitted working with Saddam on WMD, the excuse to invade Iraq was fortified. It was cited as hard evidence by the then US Secretary of State, Colin Powell. Three years, hundreds of protests and over one hundred thousand deaths later we know it was a lie. We know that the evidence was extracted from a man under torture in Egypt. That the man said what he did because of the excruciating torture he was subjected to. The torture had been outsourced to a place where even the US military appeared rank amateurs. The suspect had initially been held in Bagram, days before I had to face my own torture there. In fact it was from the CIA in May 2002 – almost a year before the invasion of Iraq – that I learned of this man's fate, because I was threatened with the very same thing.

I learned of the war in Iraq and the Abu Ghraib abuses from sympathetic soldiers in Guantánamo. I learned too that coalition captives were being dressed in orange suits and executed. I later learned that some of the detainees held in the war on terror, who claim they were not hostile to the US, after release or escape, had taken up arms because of their treatment at the hands of the US military. I learned about US mercenaries contracted out to capture militants in Afghanistan, using barbaric torture methods to interrogate their victims in order to produce results and get paid. They claimed their actions were sanctioned by the US military.

The perception of US justice and respect for the law has been shattered for a great many people in the world. And there is a perception too, that countries like Britain, will stand with her ally – right or wrong. War, and its nasty by-product, torture, has increased the threat and reality of the very thing it claims it wants to destroy. Countries and individuals that use and justify it have lost any moral high ground they once may have had. Still, it is all too easy to dismiss torturers as devoid of humanity, much in the same way that the torturers need to dehumanise their victims. Our sad reality is that people have always justified torture. We can even identify with them, if they're packaged correctly. From the Dirty Harry style of Hollywood cops bending the rules to get even and to save lives, to military psychological operations units devising perverse mind games to break the enemy. The idea of torturing someone into submission is never really that far away from us. We see it on our screens everyday.

Finally, I'd like to close with a short story of a recent and relatively uneventful experience I had just a few weeks ago. As I said at the beginning of my speech, I enjoy visiting castles. I had a few spare hours before I was due to speak at an event in Edinburgh, so I decided to visit the castle there. My wanderings inside led me inevitably to the subterranean 19th century military prison, in the PRISONS OF WAR section. As I walked alone into one of the open cells I thought about my years of isolation in Guantánamo. But this cell at least had natural light and was twice as big. Suddenly, I heard the shouts of American voices and doors slamming shut and being bolted. For just a moment, my heart began to pound. And then I walked out. The young American tourists were just fooling around locking one another in the cells. As I ascended the stairs and left I thought, 'If only they knew, if only they knew.'

Thank you and good evening.

<http://www.cageprisoners.com/articles.php?id=13962>

May 19, 2006

Elchin Behbudov Wants To Monitor Secret Prisons in Occupied Territories and Guantanamo Bay Base Prison

Elchin Behbudov, head of Azerbaijan Committee Against Tortures intends to monitor the secret prisons, including Shusha prison established by Armenians in Azerbaijan's territories under Armenian occupation.

"I'll carry out this work if my security is guaranteed. Armenian human rights defenders informed us that there are secret prisons in Nagorno Karabakh. Azerbaijani prisoners of war are detained in Shusha prison, and they are undergoing torture," the Committee head said.

Behbudov also said that he has applied to the US Embassy for his monitoring the Guantanamo detention camp in Cuba.

"I have applied to the US Embassy for permission by the Pentagon. As far as I know, Azerbaijani detainee of Guantanamo camp Polad Sirajov suffered torture. He is being rehabilitated and will be released soon," he reported.

Elchin Behbudov also said the Azerbaijan Committee Against Tortures will launch monitoring of district police stations in the end of this week. He said police stations often use torture

<http://www.cageprisoners.com/articles.php?id=13989>

SOURCE: Today.az

Few At Guantanamo Are Interrogated, Says Commander

GUANTANAMO BAY U.S. NAVAL BASE, May 18 (Reuters) - Only about one-fourth of the prisoners held at the Guantanamo naval base are interrogated regularly because there are not enough translators and interrogators to question them all, the U.S. admiral in charge of the detention operation said on Thursday.

Rear Adm. Harry Harris, who at the end of March took command of the military task force that runs the camp, said the 460 captives at Guantanamo in Cuba were dangerous men who still provide useful information about al Qaeda tactics, financing and safe houses.

But only those he described as senior al Qaeda and Taliban leaders were routinely questioned by U.S. interrogators, he said.

"It's about around 25 percent of the population that we are actively interrogating," Harris told visiting journalists.

"If we had unlimited interrogators and translators then we could interrogate more. But we have limited resources so we have to focus that the best way we can, so we go after those detainees that have the largest intelligence value."

The rest are not ignored completely, he said. But asked if some prisoners might have gone years without being questioned, he replied, "I would think there are, but I just don't know."

The United States has faced criticism from human rights groups and some of its allies for indefinitely holding prisoners at Guantanamo. President George W. Bush said earlier this month he would like to close the detention center.

Some 759 captives have been held at Guantanamo since the detention operation opened in 2002, and nearly 300 have been released or transferred to their home nations for continued detention, including 15 sent home to Saudi Arabia on Thursday.

Harris said he expected the population to drop further as officials in Washington complete diplomatic negotiations to return about 120 more to their homelands.

He said he was convinced the rest were "truly dangerous men intent on jihad" and must continue to be held for the protection of Americans.

SUICIDE ATTEMPTS

In a far-ranging interview, Harris said the United States will spend \$64 million to run the Guantanamo detention operation this year, not counting the \$30 million spent on a new medium-security prison that will replace some of the aging cells in August.

He said the Guantanamo captives were well treated and in generally good health, but with the oldest now 71 years old, the military had drafted a plan for dealing with any deaths.

Nearly all the prisoners are Muslim and Harris said a Muslim chaplain was on call and would be sent to Guantanamo to perform traditional rites. He said the body could be returned to the prisoner's homeland or buried at a cemetery on the Guantanamo base but that interment likely would not take place swiftly, as Muslim tradition requires.

"We would conduct an autopsy because we want to understand why the person died," Harris said. "Obviously we're going to be subjected to lots of questions."

Shortly after the interview, a Guantanamo spokesman said two prisoners had attempted suicide on Thursday by overdosing on prescription medicine they had apparently been hoarding. They received emergency medical treatment, had normal vital signs and were under observation in the camp hospital, said the spokesman, Cmdr. Robert Durand.

He said there had been 39 suicide attempts by 23 Guantanamo prisoners since the camp opened, including 12 attempts by the same man. None have succeeded, Durand said.

<http://www.cageprisoners.com/articles.php?id=13983>

SOURCE: Reuters

Four Prisoners Attempt Suicide At Guantanamo Camp

GUANTANAMO BAY U.S. NAVAL BASE, May 18 (Reuters) - Four Guantanamo prisoners tried to commit suicide on Thursday and several others attacked guards who rushed in to halt one of the attempts, a camp spokesman said.

Three took overdoses of prescription medicine they had apparently been hoarding, and the fourth tried to hang himself, said Cmdr. Robert Durand, a detention camp spokesman. None of the suicide attempts succeeded, he said.

"At this point, I have no idea of motive, no idea of any co-ordination and no idea of any intended message," Durand said.

The attempted hanging took place in a medium-security camp where prisoners live in groups of up to 10 men in long bays lined with metal cots. When guards entered the unit, roommates "tried to prevent them from rescuing the detainee by using fans, light fixtures and other items as improvised weapons," Durand said.

Guards halted the attempted hanging, quelled the disturbance and moved the roommates to a maximum-security area, Durand said.

The three who took overdoses were treated with activated charcoal to absorb and neutralize the medications, and two were held for observation in the camp hospital, Durand said.

The detention camp at the U.S. naval base in Cuba holds about 460 prisoners in five separate compounds. Durand said guards were searching all of the cells for contraband.

The United States has faced criticism from human rights groups and some of its allies for holding prisoners at Guantanamo indefinitely. Some have been there since the camp opened in January 2002.

<http://www.cageprisoners.com/articles.php?id=13982>

SOURCE: Reuters

U.N. Says U.S. Should Close Gitmo Prison

By SAM CAGE

Associated Press Writer

GENEVA (AP) - The United States should close its prison at Guantanamo Bay, Cuba, and avoid using secret detention facilities in its war on terror, a U.N. panel report released Friday said.

In an 11-page report on its review of U.S. adherence to the Treaty Against Torture, the committee said detainees should not be returned to any state where they could face a "real risk" of being tortured.

"The state party should cease to detain any person at Guantanamo Bay and close the detention facility," said the U.N. Committee Against Torture, a panel of 10 independent experts on adherence to the U.N. Convention Against Torture.

The United States should also ensure that no one is detained in secret detention facilities under its control and disclose the existence of any such places, the report said.

The committee said it was concerned that detainees were being held for protracted periods with insufficient legal safeguards and without judicial assessment of the justification for their detention.

The committee was also concerned about allegations that the United States has established secret prisons, where the international Red Cross does not have access to the detainees.

"The state party should ensure that no one is detained in any secret detention facility under its de facto effective control," the report said. "The state party should investigate and disclose the existence of any such facilities and the authority under which they have been established and the manner in which detainees are treated."

The report also said the United States must "eradicate" all forms of torture committed by its personnel in Afghanistan and Iraq and investigate allegations thoroughly, prosecuting any staff found guilty.

"The state party should take immediate measures to eradicate all forms of torture and ill-treatment of detainees by its military or civilian personnel, in any territory under its jurisdiction," said the report, which was presenting its conclusions from a hearing earlier this month into U.S. conduct.

The United States made its first appearance before the U.N. Committee Against Torture in six years earlier this month, addressing issues ranging from Washington's interpretation of the ban on torture to its interrogation methods in prisons such as Abu Ghraib, Iraq, and Guantanamo.

The committee also said the U.S. should rescind interrogation techniques that constitute torture or cruel treatment, citing methods including sexual humiliation, mock drownings and the use of dogs to induce fear.

It said some techniques "have resulted in the death of some detainees during interrogation" and criticized vague U.S. guidelines that "have led to serious abuse of detainees."

U.S. officials in Geneva declined to comment immediately Friday.

<http://www.cageprisoners.com/articles.php?id=13980>

SOURCE: The Guardian

Fifteen Saudi Guantanamo Detainees Arrive Home

RIYADH, (Agencies) - Fifteen Saudi Arabian detainees at the U.S. Guantanamo Bay naval base arrived home on Friday after being freed from U.S. custody, the kingdom's Interior Minister Prince Nayef bin Abdul Aziz said.

He said in comments carried by the official Saudi Press Agency (SPA) that the 15 named men "will be made subject to the country's laws".

"Upon their return to Saudi Arabia, the 16 will be jailed, and the proof against them examined," said a Saudi Embassy news release on Wednesday. ``They will then either be put on trial or released. For those found guilty at trial, punishments will be determined by the courts."

Prince Nayef said the kingdom was trying to secure the release and return of the remaining Saudi detainees at Guantanamo Bay.

Last Wednesday, Saudi Foreign Minister Prince Saud al-Faisal said 16 Saudi nationals would be released from Guantanamo Bay then jailed and put on trial in Saudi Arabia, if a review of their cases shows a trial is justified.

Eight Saudis have previously been released from Guantanamo Bay, where the United States has been holding more than 500 detainees since the Taliban and al Qaeda were ousted from Afghanistan in late 2001, including more than 100 Saudis.

At least five of the earlier released detainees were freed by Saudi Arabia last year after they completed their jail sentences.

Nearly all of the prisoners at Guantanamo, in Cuba, are being held without charge and some have been held for more than three years

<http://www.cageprisoners.com/articles.php?id=13979>

SOURCE: Asharq Alawsat

My Life in Guantanamo

Asharq Al-Awsat Exclusive
By Mohammed Al Shafey

London, Asharq Al-Awsat- Mohammed al Gharani, born in Medina, Saudi Arabia, and currently held at Guantanamo Bay in Cuba, dreamt of one day becoming a doctor but could never have imagined that a fortuitous encounter would propelled him into the legal limbo he now finds himself in.

In a letter to his British lawyer Clive Stafford-Smith, which Asharq al Awsat has obtained a copy of; the Chadian citizen revealed that he started working aged 9, when he was still living with his family in Medina. Mohammed met a Pakistani boy during the Hajj season, who advised him to travel to Pakistan and learn how to use computers; aged only 15, he was working more than 10 hours a day and was attracted to the promises of riches to come. "I used to dream of becoming a doctor, and specializing in pediatrics, but fate decided otherwise. My Pakistani friend made it all sound like a dream. I was convinced I would learn how to fix computers in 5 months and return to Saudi Arabia where I would start my own business. I thought my friend had a big heart..."

Working in the Souk of Medina, Mohammed said he was drawn to a computer shop which, he noted, was not offering customers any after-sales service or repairs. He thought about being "in a room with air conditioning, fixing computers and drinking coffee, instead of sweating in the noonday sun." His mind was set. He counted all the money he had in the world, 7000 SR, obtained a passport, bought a ticket and left to Pakistan in September 2001.

When asked by a US interrogator in Guantanamo Bay about why he chose to go to Pakistan after the September 11 attacks, and not Egypt or Syria or Sudan, for example, Mohammed replied, "Simply, because my Pakistani friend advised me to go there. If he had been Egyptian and told me, "Go to Egypt ", I would have ended up in Egypt . This was the only reason I went to Pakistan ."

His timing could not have been worse. Within days, he was seized by the Pakistani authorities, whilst praying in a mosque in Karachi . Mohammed recalls that day, 21 October 2001 , very clearly. "The army arrived and surrounded the building. They told us not to move and not to resist. They were speaking in Arabic. We went out. They took us to prison where we were interrogated and tortured."

Mohammed was hung by his wrists in a Karachi prison, so high that the tips of his toes were only just touching the ground. A bag was placed over his head. He was naked, save for his shorts. He was forced to stay in the same position for ten to 16 hours a day. If he moved he would be hit with a metal rod. This went on for 20 days and the beatings seemed to be random.

In prison, Mohammed discovered he would be sold to the US authorities for \$5000. "This kind Pakistani sergeant who spoke Arabic told me. One night, he came with a camera. He wanted my photo. He wanted to tell the world about my story and tell my family."

He was handed over to the Americans towards the end of November 2001, when he was just 15. "The first word I learned in English was 'nigger'. They kept calling me that and I didn't know what it meant. [Other detainees] would not tell me. Finally, one said it was an ugly word about me being black." The Americans took Mohammed to Kandahar . It was the first time he'd been to Afghanistan .

Mohammed's suffering was compounded as he was lost in translation on more than one occasion during his interrogation. One Yemeni translator mistakenly reported that he was an al Qaeda financier. Another Egyptian translator stubbed his cigarette in the young man's arm and hit him with a sharp object.

In detention, Mohammed wrote his first poem about his ordeal in Pakistan and how he was flown to Cuba .

Be careful, my brother, when in Pakistan :

They understand money – the price of a man.

I came here to study, I learned just deceit:

The Mosque was a war zone, surrounded. Police

Were shouting for silence: "Hands up!

Come in peace!"

They took us by truckloads, thrown, bound hand and feet;

Then marched us eight hours, then eight hours more --

We cried for relief, but we suffered, footsore.

They kicked us, they beat us, they told us – their guests --

They'd sell us for money, and Yankees paid best.

We're slaves of our century, the slave ship a plane

To humiliation, abuse and disdain.

Respect was abandoned, the Holy Quran

Downtrodden there with us.

Their madness, a plan

To torture us, beat us, encouraged by drink --

Send priests with their crosses to save us, they think.

They take us to Cuba , pursue without qualm

Crusades of injustice, their war on Islam.

Conditions in Guantanamo Bay are very bad, the young Chadian told his lawyer. He has been bitten twice by poisonous spiders and received no medical care. For over a year, Mohammed has been held in an isolation cell in Camp V. The lights are on 24 hours a day and al Gharani's eyes hurt very badly. He is locked for 24 hours a day only gets out once a week for recreation and a shower. "I am in a cell 24 hours a day. The cell measures 2mx4m. I do not have any books, any newspapers or magazines, not even TV. The only belongings in my cell are a blanket, a prayer mat and the Quran. I recite the Quran daily between breakfast and lunch."

Guards have taken away his toothbrush and toothpaste as punishment. As a result, Mohammed suffers from bad dental problems for someone his age. When he asked to see a doctor because of a sharp pain in his tooth, the American interpreter of Hispanic origin, who had just learned Arabic, misunderstood his request. Instead of having his tooth filled, Mohammed's tooth was removed.

"Every morning I wake up at 6 am . I get up and pray. Then, I wait for breakfast to be served. Breakfast consists of eggs which seem, to have been cooked in a strange way. There is also harissa without sugar. I sometimes find mosquitoes in my [cup! Lunch consists of food not fit for an animal. The same can be said of dinner. I only eat because I need to survive."

Mohammed revealed that his worst experience whilst in US custody occurred when he was transferred to Camp V during the night. "I was very sad. On the first day, I was taken to Reservation. The interrogator explained why I was in Camp V : "We made this camp for people who would be here forever. You will be here all your life. Maybe one day my son will come to see you as you get old. Don't worry, we'll keep you alive so you can suffer more."

Without any contact from his family in Saudi Arabia and after four years in detention, with no hope of a fair trial and no knowledge if or when he will be released, Mohammed has become very depressed and tried to commit suicide twice this year. A request by his lawyer to meet with his client was never answered by the US authorities.

<http://www.cageprisoners.com/articles.php?id=13977>

SOURCE: Asharq Alawsat.com

May 20, 2006

Hicks' Dad in Town To Share Hopes

By PHIL BECK

TERRY Hicks hasn't given up hope that his terror suspect son David will soon be released from Guantanamo Bay.

And while it wasn't always the case in the early part of his son's confinement, Mr Hicks feels public opinion is now fully behind him.

"He has been there so long without a trial that people don't care any more what he's alleged to have done," Mr Hicks, 60, said.

"I'm getting huge support, as people now fear what could happen to their own sons when they see how our so-called allies are treating David.

"I never give up hope but the frustrating thing is that I'm not getting any help from my own government."

David Hicks, 30, has now been incarcerated for four years and four months at the military prison on Cuba, after being captured in Afghanistan in late 2001.

He has pleaded not guilty to charges of conspiracy to commit war crimes, attempted murder and aiding and abetting the enemy.

Terry Hicks was in Hobart yesterday to speak at an Amnesty International forum on human rights issues in the war on terror.

Amnesty International has serious concerns for David Hicks and other detainees, saying that they have been denied their rights under international law.

Mr Hicks said his son had been in solitary confinement since March, after airing grievances about his treatment with the Australian consul.

"What worries me is that David is the only white man left in Guantanamo Bay and they need to put him before a military commission to be seen to be treating everyone equally," Mr Hicks said.

"The only shining light at the moment is the British but the Blair Government may still appeal David's British citizenship application to the House of Lords."

Mr Hicks hopes the British Government will fight for his son's release, just as it did for nine other of its nationals held at the military prison.

He said his letters to his son sometimes took four months to reach him.

<http://www.cageprisoners.com/articles.php?id=14020>

SOURCE: The Mercury

Saudi Foreign Minister Urges More Detainee Releases From Guantanamo

**By Michael Bowman
White House**

Saudi Arabia's foreign minister says he hopes the United States will release more prisoners from the detention facility at the U.S. Naval Station at Guantanamo Bay, Cuba.

Prince Saud al-Faisal says he hopes this week's transfer of 15 Saudi nationals from Guantanamo Bay will be followed by more detainee releases in the future, and expressed disdain for the controversial facility in general.

"We are very happy and pleased to have received the 15 Saudis that were released," he said, "and we are hoping that the rest of them will be released as time goes on. And, if all prisoners leave the place, then I really do not care what happens to the place."

The foreign minister spoke with reporters after meeting with President Bush for what White House officials termed a "strategic dialogue" on counter-terrorism, energy and regional issues. Prince Saud al-Faisal said he discussed Iraq and Iran with Mr. Bush, and said he is convinced that the president is doing everything possible to bring security and stability to the Middle East region.

Earlier, the United Nations Committee Against Torture urged the United States to close the detention camp at Guantanamo Bay, where suspected al-Qaida and Taliban prisoners have been held since late 2001. Some 460 detainees are currently being held at the facility, including scores of Saudi nationals.

Speaking with reporters, White House spokesman Tony Snow noted that President Bush has also expressed a desire to one day bring the detainee operation at Guantanamo Bay to a close. But he said the president is awaiting a decision by the U.S. Supreme Court as to whether the accused terrorists and combatants will face charges in a civilian or military court. In the meantime, Snow said, the United States treats all detainees humanely.

U.S. military sources at Guantanamo Bay report a clash Thursday between detainees and guards, who were attempting to prevent a suicide bid. Prisoners are said to have used improvised weapons against the security personnel, who successfully intervened to keep a detainee from hanging himself.

<http://www.cageprisoners.com/articles.php?id=14012>

SOURCE: VOANews.com

CAIR Supports Call To Close Gitmo

by Council on American-Islamic Relations

The Washington-Based Council on American-Islamic Relations (CAIR) issued that call after the Committee Against Torture (CAT), the United Nations top anti-torture body, said such facilities were illegal and should be closed.

(WASHINGTON, D.C., 5/19/2006) - A prominent national Islamic civil rights and advocacy group today echoed a U.N. agency's call to shut down the Guantanamo Bay Camp X-Ray detention facility and to ban "torture" of security detainees.

The Washington-Based Council on American-Islamic Relations (CAIR) issued that call after the Committee Against Torture (CAT), the United Nations top anti-torture body, said such facilities were illegal and should be closed.

In its first review of U.S. policy since the start of the war on terrorism, the committee also urged President Bush to ban interrogation methods such as "water boarding," sexual humiliation and the use of dogs to induce fear.

"Indefinite detention of those who have insufficient access to legal safeguards does not reflect American principles," said CAIR Government Affairs Director Corey Saylor. "Many Americans of all faiths are concerned that conditions at Guantanamo Bay and at secret prisons worldwide constitute a violation of the U.N. Convention Against Torture and should be shut down."

In April of last year, CAIR and other groups called for an independent 9/11 commission-style investigation into the use of torture by American military personnel. SEE: <http://www.cair-net.org/antitorture/>. CAIR also urged Americans to contact their elected representatives and ask that a ban on torture by U.S. military personnel be sent to President Bush.

CAIR, America's largest Muslim civil liberties group, has 32 offices, chapters and affiliates nationwide and in Canada. Its mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.

CONTACT: Rabiah Ahmed, 202-488-8787 or 202-439-1441, E-Mail: rahmed@cair-net.org; Ibrahim Hooper, 202-488-8787 or 202-744-7726, E-Mail: ihooper@cair-net.org.

<http://www.cageprisoners.com/articles.php?id=14009>

SOURCE: Indybay.org

US Stretches Law At Guantanamo: Australian Judge

A Tasmanian Supreme Court judge has accused the United States of stretching legal concepts to lay far-fetched charges against Australian Guantanamo Bay detainee David Hicks.

Justice Alan Blow told a human rights forum the United States is not obeying the rule of law.

Speaking on behalf of the International Commission of Jurists, Justice Blow did not hold back.

He told the forum the details of David Hicks' offences, as alleged by the US, were very hazy and were based on laws passed retrospectively.

Justice Blow decried the use of evidence obtained by interrogation.

He says when British detainees, who had confessed to meeting Osama bin Laden were released, an analysis of the dates and places of the alleged meetings shows the claims are unsustainable.

Justice Blow says it is not surprising.

"In somewhat similar conditions in medieval Europe people used to confess to having conversations with the devil," he said.

Justice Blow says Guantanamo Bay is disguised to look fair, but it does not obey the rule of law.

He also says the extremely vague details of the charges laid against Hicks illustrated this.

"He's charged with the attempted murder of very large number of people of numerous nationalities," he said.

"I think that illustrates the lengths the US Government have gone to to stretch legal concepts and the legal system in order to charge him with something."

Justice Blow also says Hicks cannot receive a fair trial under the legal system set up at Guantanamo Bay.

He says one of the tenets of a fair legal system is an independent judiciary.

"The judges in the US military commissions are serving army officers who are required to base, to obey superior orders and who depend on the goodwill of their superiors to advance and continue their careers," he said.

<http://www.cageprisoners.com/articles.php?id=14008>

SOURCE: ABC.net.au

4 Gitmo Detainees Cleared of Terrorism Links but Still Detained

No Explanation Or Timetable for Release Given

**By Josh White and Julie Tate
Washington Post Staff Writers**

The May 5 release of Chinese Muslims from the military prison at Guantanamo Bay, Cuba, leaves four men there who have been cleared of all connections to terrorism but continue to live in a legal limbo, with no indication of when they will be freed, according to the captives' attorneys and military documents.

The government considers the men ready for outright release -- "no longer enemy combatants" (NLECs) in military jargon. In fact, 38 detainees, 5 percent of the 759 prisoners ever held at Guantanamo Bay, have officially earned NLEC status since the island prison opened in early 2002.

They are men such as Zakirjan Hassam, an Uzbek refugee who was sold to U.S. forces in Afghanistan for \$5,000 in May 2002 by people he mistakenly believed would shelter him. He ended up in Guantanamo Bay the following month and is still there today.

According to the U.S. military, Hassam is not an enemy, and a military tribunal decided in 2004 that his stay at Guantanamo Bay had been based on inaccurate information. There is no evidence that Hassam took up arms against anyone or that he ever supported terrorism, and his only apparent link to alleged terrorist groups were conversations with fellow detainees during his imprisonment at Guantanamo Bay, according to testimony by Hassam that is not disputed by the government.

"He's lost four years of his life for being in the wrong place at the wrong time and for being sold to U.S. forces," said Christopher Moore, a New York lawyer who represents Hassam.

Earlier this month, the government released five Chinese Uighurs who were among the last nine NLECs at Guantanamo Bay. After years of detention and, ultimately, government efforts to find them a home in a third country, the men were sent to Albania. The U.S. had feared that they would be jailed or tortured if returned to China.

Beijing, which considers Uighur separatists to be terrorists, demanded that they be returned.

The accounts of NLECs, contained in hearing transcripts, show that many were rounded up by profiteers along the Pakistan-Afghanistan border and sold to U.S. or Northern Alliance forces. Some were Arabs who stood out in local populations, while others were arrested by overzealous Pakistani police forces seeking to cooperate with the U.S. effort to root out terrorists. The Uighurs were in transit to other countries or training for action against the Chinese government.

"In Afghanistan they heard that American forces are providing \$25,000 to capture each Arab and \$15,000 to capture each Afghan," Haji Shahzada, an Afghan NLEC who was released last year, told his military tribunal.

The NLECs are from 14 countries. One was captured in Mexico. Half are from Afghanistan, with the others from Pakistan, France, the Maldives, Jordan, Sudan, Algeria, Saudi Arabia, Yemen, Egypt, Uzbekistan, Tajikistan, Turkey and China.

"Nobody ever asked who I am, what did I do, or where did I live," said Padsha Wazir, an Afghan detainee who was released. "They just handcuff me. . . . It has been three years, and it shouldn't take that long for Americans to find the truth."

In fact, Pentagon officials say that 121 of the approximately 460 detainees currently at Guantanamo Bay are now eligible for release or transfer to the custody of their home countries. The government still considers 104 of them threats to the United States and its allies. They are scheduled to be returned to the control of other nations, where they probably would be imprisoned. Many are waiting to go to Afghanistan, where the United States is helping to build a prison for some of them.

U.S. military officials have decided that they can free 13 other detainees, though they have not been given NLEC status. The remaining four are NLECs. But there are no immediate plans to release them.

Just this week, 15 other detainees were released into the custody of the Saudi government.

"At Guantanamo, the United States only holds enemy combatants that were members of or supporting Taliban, al-Qaeda and associated forces," said Navy Lt. Cmdr. J.D. Gordon, a Pentagon spokesman, who added that detainees' status is regularly reviewed. "We have no interest in detaining anyone longer than necessary."

The 38 NLECs earned their status through the military's Combatant Status Review Tribunal process between August 2004 and March 2005. Those hearings allowed detainees to learn the unclassified allegations against them and to tell their personal stories to a panel of military officials.

While their identities have not been released, The Washington Post obtained the NLECs' testimony, with names redacted, through a Freedom of Information Act request and compared it to the testimony of named detainees released by the Pentagon to the Associated Press in March.

Mustaq Ali Patel, a French detainee who was released in March 2005, told his hearing panel that he was simply trying to visit Afghanistan when he was arrested at the Iranian border. He said he was beaten by Afghan government officials who threatened to kill him if he did not say he was a Saudi citizen.

"I just want to say that I want to go home, and please set me free," Patel told his captors. "I have nothing to do with this; there's nothing more they could've written badly about me, except that I lied."

Gordon, the Pentagon spokesman, said that "everyone who is or has been detained at Guantanamo was sent there for a valid reason." He noted that of the 10,000 people captured in and around Afghanistan since 2002, fewer than 10 percent have ended up at Guantanamo Bay.

But many cases take years to resolve.

Fethi Boucetta, for example, is an Algerian national who was arrested in Pakistan when local authorities came looking for another man. According to his tribunal records, Boucetta sought asylum in Pakistan in 1996 after leaving Algeria to avoid military service. A doctor who was teaching at an embassy in Pakistan, Boucetta had not entered Afghanistan after 1992 and told a military representative that he did not organize or belong to any extremist groups, as U.S. officials alleged.

"They went to his house and asked to speak with somebody else, and Fethi said he didn't know that person and that he wasn't there," said Danielle R. Voorhees, a U.S. lawyer representing Boucetta, who is still held at Guantanamo Bay. "Pakistani police came back with Americans in plain clothes, and they said they wanted to question him. That's when he was arrested."

According to his attorneys, Boucetta was told in May 2005 that he was no longer considered an enemy combatant and could go home, but he has learned nothing since of efforts to have him released. His first contact with his wife in Algeria in four years was a telephone conversation in late April.

"It's easy for us to say 'Just release him,' but it's a difficult situation," said Don Degnan, another lawyer who represents Boucetta. "There's not a lot of First World countries that want a Guantanamo detainee released into their country."

Lawyers from the Justice Department have told federal judges that there are continuous discussions with other nations about transferring detainees but that the government has a strict policy of not releasing them to countries likely to mistreat them. The same lawyers have said that they do not want any of the men, even those not considered threats, released in the United States.

In one unusual NLEC case, lawyers have asked federal courts to order the government not to release their client so that he will not be sent to his native Egypt, where they fear he would be arrested, jailed and possibly tortured.

Late last year, Justice Department lawyers said that Ala Abdel Maqsud Muhammad Salim, an NLEC still held at Guantanamo Bay, would be released to Egypt. But, in January, they filed a motion stating that new information warranting further investigation had resulted in there no longer being "immediate plans to transfer, repatriate, or release" him.

Salim -- also referred to in documents as Alladeen -- was born in Egypt in 1967 and spent his first 22 years there, a period that included several arrests that never resulted in charges, according to briefs filed by his Washington-based attorney, Carol Elder Bruce. He left Egypt for Saudi Arabia in 1989 and later went to Pakistan, where he worked for the Islamic Relief Organization distributing aid to Afghanistan. He was arrested by Pakistani authorities in 2002 and transferred to U.S. custody; he was later sent to Guantanamo Bay.

At Guantanamo Bay, Bruce asserts in legal papers, Salim was interrogated by Egyptian officials who chained him to the floor and threatened to harm him when he is released. "We will take you somewhere and they will never see you again," Bruce wrote, quoting Salim's interaction with the Egyptian delegation.

In a November hearing, U.S. District Judge James Robertson expressed concern that the United States would "release" Salim to Egypt, where he could face pressure from the government because he had been detained at Guantanamo Bay.

<http://www.cageprisoners.com/articles.php?id=14005>

SOURCE: Washington Post

US Dismisses Guantanamo 'Torture' Report

The United States has dismissed as "full of inaccuracies" a United Nations report that says the treatment of detainees at Guantanamo Bay amounts to torture.

The UN Committee Against Torture has expressed particular concern at the use of dogs to frighten detainees and shackles.

The UN committee's Fernando Marino Menendez says the indefinite detention of prisoners at Guantanamo Bay amounts to torture and this leaves only one solution.

"We told them that Guantanamo should be closed definitively," he said.

"We indicated that some interrogation techniques being used were prohibited by the Convention Against Torture and we gave concrete examples.

"We also indicated that the prohibition of cruel, degrading and human punishment applied to any activity on foreign territory and not only within the United States. We also indicated that secret prisons were banned by the convention."

But American officials insist that all interrogations are conducted in accordance with US law.

A White House spokesman, Sean McCormack, has rejected the UN's call for Guantanamo Bay to be closed.

"The President of the United States has talked about the fact that he doesn't want the United States to be the world's jailers," he said.

"We at some point in the future would very much like to see Guantanamo Bay close down, but at the moment it's housing some dangerous people."

<http://www.cageprisoners.com/articles.php?id=14004>

SOURCE: ABC.net.au

15 Saudis Released From Guantanamo Identified

Samir Al-Saadi & P.K. Abdul Ghafour, Arab News

JEDDAH, 20 May 2006 — Fifteen Saudis, who were released by the United States from its detention camp in Guantanamo Bay, Cuba returned home yesterday morning. Interior Minister Prince Naif confirmed their arrival in Riyadh and hoped the remaining Saudi detainees would be repatriated soon.

The release came a day before a UN committee against torture comprising 10 independent experts asked the United States to close its Guantanamo detention center and its secret prisons abroad, saying they violated international law.

On Thursday, prisoners wielding fans, light fixtures and other improvised weapons clashed with guards trying to stop a detainee from committing suicide at the detention center, the US military said. Four prisoners attempted suicide in a single day.

The clash occurred in a medium-security section of the camp as guards were responding to the fourth attempted suicide that day, said Cmdr. Robert Durand. Detainees struck guards as they entered a communal living area to stop a prisoner who was trying to hang himself, Durand said.

Prince Naif thanked US authorities for the release of the Saudi detainees and said the Kingdom would carry on its efforts "to obtain the repatriation of the Saudis still held in Guantanamo in the near future," the Saudi Press Agency reported. "We will allow their relatives to visit them," the minister said.

Relatives have been advised to contact 01-4034375 to know the whereabouts of the released.

The Interior Ministry identified the released 15 as: Saad Farhan Al-Maliki, Khaled Abdullah Al-Mauraki, Ibrahim Dhaifallah Al-Sahli, Khaled Rashid Al-Marri, Adel Uqla Al-Ruwaili, Saud Bazghan Al-Otaibi, Abdul Hadi ibn Muhammad Al-Subaie, Muhammad ibn Jayed Al-Subaie, Fahd Saleh Al-Jutaili, Abdullah Ibrahim Al-Rasheedan, Abdul Rahman Othman Al-Ghamdi, Abdullah Hamid Al-Qahtani, Nawaf ibn Fahd Al-Otaibi, Rashid Awad Al-Owaida and Adnan Muhammad Al-Sayigh.

Talal Al-Zahrani, father of Yasser, a detainee who still languishes in Cuba, told Arab News that the recent release bodes well for getting his own son back.

"We are extremely happy about the release of the men, whom I also consider my sons. I am very optimistic and have faith in God that my son and the rest will be released."

Interior Ministry spokesman Maj. Gen. Mansour Al-Turki told Arab News: "Tremendous efforts are being made to bring back all Saudis imprisoned outside the Kingdom including the ones in Guantanamo Bay." He said relatives of the released prisoners have been arriving in Riyadh to meet them. "We have provided accommodation and transportation to these relatives," Turki said.

Lawyer Katib Al-Shammari, who represents families of the Gitmo prisoners, said a large number of relatives of the Saudi detainees had arrived at the airport before knowing the names of the released.

Um Sulaim was in tears when she came to know through radio that the name of her son was not among the released. "When will my son be released?" she asked.

The UN committee which examined the US record at home and abroad, urged President George W. Bush's administration to "rescind any interrogation technique" that constituted torture or cruel treatment, citing use of dogs to terrify detainees.

Human rights groups have accused the United States of mistreating detainees through cruel interrogation methods including "water-boarding," a form of mock drowning.

— Additional input from Mohammed Rasooldeen and Abdul Maqsood Mirza

<http://www.cageprisoners.com/articles.php?id=14003>

SOURCE: Arab News

Guards Quell Guantanamo Prisoners' Uprising

The Miami Herald was given exclusive access to the U.S. Navy base at Guantánamo, where commanders described an outbreak of violence. The uprising swept through two camps after two captives attempted suicide by drug overdose.

BY CAROL ROSENBERG

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GUANTANAMO BAY NAVY BASE, Cuba -- In a series of disruptions spanning 18 hours across the prison camps here, captives staged suicide attempts and fought U.S. guards with light-bulb shards, broken fans and metal bars they had ripped from their barracks, the U.S. military disclosed Friday.

At one point, to quell a five-minute brawl between 10 detainees and an equal number of soldiers, a U.S. Army rapid strike force fired pepper spray and rubber bullets.

Two other detainees were in comas at the Navy hospital Friday after overdosing on drugs in what commanders characterized as a calculated, coordinated martyrdom mission.

"These are dangerous men and determined jihadists," declared Rear Adm. Harry Harris, commander of the detention center housing about 460 detainees.

Harris described Thursday's events as "probably the most violent outbreak" at the Pentagon's 4-year-old interrogation and detention center. They also come at a time of increased international pressure on the Bush administration to close this prison complex.

In cascading crises, the tally was two young men in a coma from overdoses of antianxiety drugs that had not been prescribed for them, 66 captives moved out of medium security barracks into individual maximum security cells, and a guard force with cuts and bruises.

By Friday, during several passes around the compounds on the Caribbean, there was no evidence of the disruption -- no noise, with guards coming and going as usual.

FOUND UNCONSCIOUS

Trouble began at 6:43 a.m. Thursday when, during a prayer call, guards spotted a young man unconscious in his cell, according to commanders who created a timeline. At 1:25 p.m., a second man was found unconscious -- both, commanders here said, from taking an overdose of pills.

Neither man was prescribed the drug, leading officers here to conclude that captives had colluded and stockpiled them for two men on a martyrdom mission.

Both men had earlier been committed hunger strikers, willing to die, ostensibly to embarrass the United States internationally and force Guantánamo's closure, said Army Col. Mike Bumgarner, chief of detention operations for more than a year.

In between, two other men appeared ill from overdoses, which officials have since concluded were not suicide attempts. One had a bad reaction to medication, said the admiral, Harris, in a telephone briefing to news reporters off the island. He said the other did not want to die but was creating a disturbance in sympathy with the plotters.

Defense lawyers said the suicide attempts reflect increasing despair among detainees, most of whom have been held for more than four years without charges.

``Under these circumstances, it's hardly surprising that people become desperate and hopeless enough to attempt suicide," said Joshua Colangelo-Bryan, an attorney for a detainee from Bahrain who has repeatedly tried to kill himself.

The most recent turmoil at the detention center perched above the Caribbean on a U.S. Navy base in southeastern Cuba began Thursday morning when a detainee who failed to show up for morning prayers was found unconscious in his cell, Harris said.

Tests indicated he had taken an overdose of drugs similar to the anti-anxiety drug Xanax. He was hospitalized in serious but stable condition.

Early in the afternoon, guards searching the prison for contraband prescription medicine found another detainee ``frothing at the mouth" from an overdose of drugs. He was also hospitalized in stable condition, the admiral said.

With two unconscious detainees from Camp 1 in the Navy hospital here, troubles then began in Camp 4, which has prisoner-of-war-style communal housing. With 175 captives, it is the Pentagon's showcase prison camp, where captives who are considered compliant sleep in bunkhouses for 10, and can eat and pray in open yards 20 at a time.

It has a soccer field awaiting AstroTurf, exercise bicycles and picnic tables under the watch of a guard tower.

But at 6:35 p.m. a sailor guard spotted a captive stringing up a bed sheet inside one bunkhouse.

Sensing a ruse, the commander called out the Quick Reaction Force -- an elite, armed force. Bumgarner believes it was the first time ever here.

When the guards charged inside shouting orders, they encountered excrement, urine and soapy water spread across the floor. Two guards wielding riot shields and batons went down. Guards behind them let loose with pepper spray, five rounds from a 12 gauge shotgun of rubber bullets that unleashed 90 marble-sized pellets and something called a sponge round, and the M203 grenade launcher that shot a blunt rubber object to gain control, U.S. officials said

"We had two guards down," Bumgarner said. ``We were losing the fight at that point."

While guards were putting down the fight, detainees in nearby cells began rioting, destroying cameras used to monitor them, fans, florescent lights and other property, officials said. Guantanamo officials estimated the total damage at \$110,000. The prisoners involved in the melee were moved to a higher security area.

IMPROVISED WEAPONS

The military showed homemade weapons Friday that the military said came from Camp 5 in the melee: a two-foot light tube, shattered on one end; cameras that had been ripped from the walls; parts of a huge electrical fan, and pieces of metal from the barracks building.

Six detainees were treated for minor injuries, Bumgarner said, including an older detainee who got a blast of pepper spray in an adjacent barracks that staged its own disruption around midnight Thursday.

Several guards suffered "cuts, scrapes, bruises -- just like a good football game," said Bumgarner. No detainee was made available to offer an independent description of the episode; the military also refused a request by The Miami Herald -- the only news outlet on the base Friday -- to tour the camps.

MELEE UNEXPECTED

The Navy admiral said there was not even a hint of the coming disruption on Thursday, which began before dawn with 15 long-held Saudi captives leaving the island for their homeland for further investigation and possible trial.

The night before, to celebrate their departure, the admiral had instructed the chefs to prepare a festive meal -- curried chicken, rice, traditional Middle Eastern honey sweets -- and serve it in all the camps, where the Saudis who had departed were scattered.

"There was really good feelings. Everybody was pumped because these guys were leaving," the admiral said. ``The guys themselves were pumped because they were leaving."

Bumgarner attributed the disturbances to a belief in the camps that three of the captives must die here to incite enough ire against the United States to bring sufficient international condemnation on the United States and lead to the closure of Guantánamo.

Word had already passed through the camp that the detainees knew there were news media on the base to cover the first U.S. war-crimes tribunal since World War II.

Harris theorized that the joy over the Saudi departure was cover for more long-range, deeper scheming.

None of the men involved in the disruptions are charged before Military Commissions, Harris said. Prison officials wouldn't provide ages or nationalities of the captives involved. Nor would they give their names.

Harris praised the "heroic" performance of the U.S. military medical and security teams, but said he would review how medication is distributed throughout the camps.

"We trained for the possibility that a suicide attempt may be used by the detainees to create an opportunity to conduct an assault, take a hostage or kill the guard. In fact, that was exactly what was going on last night," Harris said.

"Detainees at Camp Four have the most privileges and are assigned to the camp when they have demonstrated continuous compliance with camp rules. However, we consider it to be the most dangerous camp because detainees have the opportunity to plan and act out in groups," Harris said in a telephone briefing from Guantanamo.

There was rioting in three of five units at Camp Four, officials said. It took an hour to restore order and another hour to move detainees into a maximum security facility, officials said.

Harris described the guard force as showing "remarkable restraint in the face of considerable danger."

Medical staff distribute 1,000 pills a day to 200 to 300 detainees, ranging from psychiatric drugs to aspirin and Tylenol.

Thursday's was the second reported staged suicide spree described by the military at Guantánamo. In January 2005, the military disclosed that more than a year earlier 23 prisoners tried to hang or strangle themselves -- 10 on the same day -- in a sustained, mass protest at the prison.

Guantanamo officials said there have been 41 suicide attempts by 25 detainees and no deaths since the camp opened. Defense lawyers contend the figure is higher.

Clive Stafford Smith, an attorney, said a client of his from Chad had attempted suicide twice in January and he did not learn about it until March from another detainee. Before Thursday, the military said there had only been one attempt in 2006.

At least 12 suicide attempts were by Juma'a Mohammed al-Dossary, a 32-year-old from Bahrain.

Colangelo-Bryan, who represents al-Dossary and spoke to The Associated Press by telephone, said he visited his client last week and saw scars on his throat and the back of his neck from his most recent suicide attempt in March. The attorney, whose firm Dorsey and Whitney LLP of Minneapolis, Minn., represents three detainees from Bahrain, said he did not know if any of his clients were involved in Thursday's melee.

<http://www.cageprisoners.com/articles.php?id=14002>

**SOURCE: Miami Herald,
with additional
material from
Associated Press and
Reuters**

Hicks' Plight Becomes Psychosis in 8m Cube

By Penelope DeBelle

IN MORE than four years, locked away in military detention in Cuba, David Hicks has inspired a play, songs, street banners, petitions, protests, poems — and now a dance.

But unlike previous projects campaigning on Hicks' behalf for a fair trial on Australian soil, this is a major, mainstream production, and will have its world premiere at the Sydney Opera House. Honour Bound, named after the words written above the Guantanamo Bay gates and featuring dance of ballistic physicality, according to choreographer Garry Stewart, is a special commission by the Sydney Opera House. Its August opening in Sydney will be followed by a season at the Malthouse Theatre in Melbourne in September and it is likely to tour extensively, including internationally.

Directed by Nigel Jamieson, who directed the opening and closing ceremonies of the Commonwealth Games as well as a recent play on asylum seekers, Honour Bound has been created in consultation with Hicks' father, Terry, and stepmother, Bev. The two travelled together to Cuba for David Hicks' sole public appearance so far before the specially constituted US military commissions set up by President George Bush as part of the war on terror. Terry Hicks said they had been interviewed at length by Jamieson, who approached them last year at a meeting of the Adelaide-based ginger group set up to keep David Hicks' legal and human plight before the public, Fair Go for David.

Intrigued, Hicks inquired about Jamieson, who was known in Adelaide for his 2000 Adelaide Festival of Arts project, the radical political work based on wayang puppetry about the overthrow of President Soeharto, The Theft of Sita, and agreed.

"I'm game," said Terry Hicks. "We weren't really sure what it was going to be, but it was dance, acrobats, whatever."

Jamieson filmed interviews with the Hicks, tracing events from the time in late 2001 when ASIO arrived at their front door in Adelaide's northern suburbs to announce their son had been captured by US allies fighting with the Taliban in Afghanistan.

The footage will be used, along with segments from the Curtis Levy documentary The President versus David Hicks, as a backdrop to the physicality onstage, and with other visual and audio material drawn from politicians, journalists and lawyers, Pentagon material, and testimony from former Guantanamo Bay detainees.

Onstage, six hyper-athletic dancers and acrobats will perform inside an eight-metre-square cube, lit to resemble the Guantanamo Bay cage in which Hicks spent the first 18 months of his US military detention. Wearing the distinctive Guantanamo Bay bright orange jumpsuits worn by those declared enemy combatants, the dancers will fly, leap and hurl themselves around in an exploration of human beings who are disoriented, pressured, and pushed beyond their limits.

Stewart, the artistic director of the Adelaide-based Australian Dance Theatre who returned this week from touring The Age of Unbeauty through Belgium, France and the Netherlands, said he was brought into the project because of its extreme physicality.

"All the ideas are expressed through physicality and choreography, through the body and not through text," Mr Stewart said yesterday. "There are elements of dance and I think Nigel asked me into this project because of the extreme nature of some of my work."

With Hicks as the central figure, the six dancers, among them a former circus performer, perform aerially, strung upside down, flying or running up and down the sides of walls with the aid of harnesses and ropes.

"There is a sense of the world being a place where there is no centre," said Mr Stewart, who read extensively about Hicks in preparation for the project. "It creates a sense of dislocation and timelessness, you are unhinged and disoriented in time and place — the sense of psychosis really."

<http://www.cageprisoners.com/articles.php?id=14019>

SOURCE: The Age

Amnesty: Guantánamo Reports Worrying

Reports of inmates attacking guards at Guantánamo Bay are worrying not least because the camp is still effectively sealed off to the outside world - including to human rights groups.

For months we have been expressing strong concern that the sheer hopelessness of their situation is forcing Guantánamo prisoners to consider taking their lives rather than endure years behind bars without justice or access to the outside world.

As the UN said only yesterday, the US authorities should immediately close down Guantánamo and either release prisoners or bring them before proper courts on the US mainland.

They also need to allow independent medical experts into the camp as a matter of urgency to ensure that a full range of medical and psychiatric treatment is available.

<http://www.cageprisoners.com/articles.php?id=14017>

SOURCE: Amnesty International

China's Cold Diplomacy for Albania

Tirana, (AENews) – Chinese officials have recently canceled different technical level meetings with Albanian counterparts which were scheduled for this week. The cancellations came after Beijing's request for the extradition of five Chinese Uighurs citizens, whom had asked for political asylum in Albania.

According to daily newspaper "Gazeta Shqiptare", deputy minister of Industry of Albania, Eno Bozgo was visiting China this week, but scheduled meetings with Beijing officials were all canceled.

Five Muslims from China's west region were sent early this week in Albania with a special flight from the U.S. Guantanamo Bay prison after the U.S. government had declared them not guilty for charges of terrorism.

However, the Chinese government still believes that they are suspected terrorists and claims they should be repatriated.

More than 20 different governments from Western Europe countries have declined to accept them as political emigrants. Meanwhile, the U.S. government sent them to Albania, where Tirana's officials are still considering their application.

Sino-Albanian relations were strongly improved during the last years. Deputy prime minister of China Hui Liangyu had visited Tirana in April and several projects of collaboration between the two countries are currently under way.

China is the fourth trading partner for Albania. In 2005, imports from China reached USD 150 million, or about 80% more than 2004.

Meanwhile, Albanian exports to China, for the same period, increased by 420%, reaching USD 3.2 million.

Presently, Albanian imports from China include mechanic and electric equipments, chemicals, plastics and textiles products.

Moreover, Albania is the first European country to have accepted vehicles imported from China. During 2005, the total vehicle imports levels from China reached USD 5 million.

On the other side, China imports from Albania mineral products and is also interested to invest in Albania's mine industry.

<http://www.cageprisoners.com/articles.php?id=14000>

SOURCE: AlbanianEconomy.com

Closing Gitmo

Everyone wants Guantánamo Bay to be closed, from Amnesty International to George Bush. So why is the military prison still open? asks David Fickling.

Mr Bush claims it's just a question of time. "I would like to close the camp and put the prisoners on trial," he told German television earlier this month. But sadly, as a mere president and commander in chief of the armed forces, it seems he's in no position to hurry things along.

So far only 10 of the roughly 460 detainees in the camp have been charged with anything, although another two dozen are expected to face charges shortly and 110 more will be released in the coming weeks. That leaves nearly 300 prisoners who are neither accused of doing anything wrong, nor facing any prospect of release from the camp.

But despite the international outcry, some of the calls for Gitmo's closure have been curiously muted. Amnesty International didn't get round to making the demand until last May, and Human Rights Watch waited until Mr Bush's recent comments before making their own call for the camp's closure.

The position of these human rights groups is understandable. To maintain their credibility, they have to avoid headline-grabbing statements and stick to the boringly precise. Calling for an open legal process and independent scrutiny is one thing: calling for Guantánamo to be closed down altogether risks looking like grandstanding.

Amnesty got their fingers burned on this issue last year, when the like-minded Washington Post took exception to their comparison of Guantánamo to the Soviet Gulag.

The US government has been clever with its semantics here. Claiming that Guantánamo is just a temporary camp blunts any calls for its closure. Human Rights Watch and Amnesty would no doubt have been demanding that it be shut down much earlier had they not given Washington the benefit of the doubt on this claim.

Contrary to all available evidence, Washington is still able to suggest that the detainees are embroiled in a regrettably drawn-out court process (no doubt the fault of liberal lawyers), rather than living in a legal limbo and awaiting the fiat of the US high command to spring them from jail.

Despite Mr Bush's recent poor standing in public opinion, the tactic seems to be working. The most recent poll on the question found Americans still narrowly in favour of Guantánamo, although the gap had narrowed significantly since a similar poll last year.

<http://www.cageprisoners.com/articles.php?id=13999>

SOURCE: Blogs.guardian.co.uk

Albania, The Dilemma of the Chinese Political Emigrants

Tirana, (AENews) – Today the Albanian government had to face the pressure from the Chinese government regarding the issue of the five Chinese citizens of Uighur ethnicity, seeking political asylum in Albania. Their request came after being detained for five years and then freed from the U.S. Guantanamo Bay prison as under suspected terrorism charges.

On Monday, the Chinese ambassador in Tirana, Tian Changchun officially asked the Foreign Minister of Albania, Besnik Mustafaj, the extradition of the five Chinese citizens, whom they claim were part of a violent separatist movement in China.

Mr. Mustafaj responded by saying that the 'Albanian government is investigating their previous activity'.

Meanwhile, different opposition MPs have asked for their extradition, while the Albanian government has not yet reached a final decision on the issue.

"We want to go to Germany"

The five Chinese citizens are presently housed at an emigrants' center near Tirana. Interviewed by a local TV station, they declared that their desire was to go to Germany, where they hoped to be integrated into a Uighurs community there. Their lawyer declared for the local TV stations news24 in Tirana, that he had received the assurance of the Albanian government that the five Chinese emigrants would not be extradited to China.

Albania is a country whose third of the population has migrated to other European countries or to the U.S.A.

In recent years a small number of mainly Chinese and Kurdish emigrants, have moved to Albania turning the country for the first time not only into an exporter of emigrants, but also into a receiving one.

Till today, Albania has not been affected by xenophobia towards emigrants; however the country is sensitive about issues that may somehow contain the Islamic component. Despite the fact that majority of international media considers Albania a country with a Muslim majority, there are a large number of Albanians as well as Albanian politicians who would much rather prefer to be referred otherwise.

<http://www.cageprisoners.com/articles.php?id=13998>

SOURCE: AlbaniaEconomy.com

Sitting Here In Limbo: The Exonerated Detainees

David Luban

Yesterday, Reuters reported here that Albania has agreed to accept five Uighur detainees who have been held for years in a nightmarish limbo at Guantanamo. Two weeks ago, another Reuters report indicated that "nearly 30 percent of the Guantanamo detainees have been cleared to leave the prison but remain jailed because the U.S. government has been unable to arrange for their return to their home countries," according to the Pentagon.

Just how nightmarish the limbo has been became clear in the opinion U.S. District Judge James Robertson issued last December. Hardly concealing his frustration, Robertson detailed incredible duplicity and stonewalling by government lawyers opposing the Center for Constitutional Rights' suit on behalf of the Uighurs. The Uighurs had been wrongly imprisoned for four years, then exonerated -- but the government still insisted on its right to take its good-natured time ("all deliberate speed", anyone?) before releasing them. Displeased though he was, Judge Robertson eventually concluded that the law affords the Uighurs no remedy. They appealed, and the case was about to be argued before the D.C. Circuit; perhaps the timing of the Uighurs' release to Albania is not a coincidence.

These detainees have been trapped by a Catch-22. They faced Combat Status Review Tribunals (CSRTs) – the panels set up by Paul Wolfowitz (under Supreme Court pressure) to determine which of the Guantanamo detainees are actually "enemy combatants" – and were found to be "NLECs" -- No Longer Enemy Combatants. This by itself is noteworthy, because the CSRTs are notoriously slanted against the detainees. In other words, if you're cleared by a CSRT, you are really cleared. Why, then, are they still in Gitmo?

According to the government, the detainees couldn't be repatriated because they face the prospect of torture in their home countries. The Uighurs, for example, belong to a Muslim ethnicity in western China that has for years been locked in a violent struggle against the Chinese government. Article 3 of the Convention Against Torture forbids returning, expelling, or extraditing people to countries where they face a substantial likelihood of torture. The United States is, of course, a party to CAT, and a federal statute (the FARR Act, sec. 2242(a), 112 Stat. 2681-822) declares non-return to be a "policy" of the United States government, and instructs federal agencies to come up with regulations implementing it.

Now, one of the oddities of the U.S. refusal to return the Uighurs to China (obviously the right decision if they face torture there) is how wildly inconsistent the rationale is with the U.S. practice of extraordinary rendition. Yesterday, State Department legal advisor John Bellinger appeared before the U.N.'s Committee Against Torture and testified that Article 3 (the non-return clause) doesn't apply to people captured and held outside of U.S. territory. (The written version is scheduled for release Monday.) Bellinger's statement made explicit what many had assumed: that this interpretation of Article 3 forms the legal rationale for extraordinary rendition. (See Marty Lederman's post on this blog last August.) If they're captured outside the United States, and held outside the United States, sending them to another country doesn't count as "returning" them and doesn't violate the Torture Convention. This is the kind of loophole legalism we have come to know and love in the Bush Administration's detainee policies. However, the FARR act declares non-return of people to face torture to be U.S. policy "regardless of whether the person is physically present in the United States" - a detail that Bellinger ignored. But perhaps he believes that mere "policy" doesn't rise to the level of legal obligation, even when it is written into law.

Given that the administration doesn't concede a legal obligation not to send extraterritorial detainees back to face torture, their rationale for keeping the Uighurs detained for years after the CSRT cleared them is presumably public relations: it would look bad to send innocent people to their doom at the hands of the Chinese government. And, according to government lawyers, the U.S. could not find any other country willing to accept them, until Albania agreed to do so.

Well, good for Albania (as long as it is truly making a humanitarian gesture, and doesn't plan to slap them in prison the moment their plane touches down in Tirana). I can't imagine, though, that a lifetime in Albania – a partially lawless, clannish place where the Uighurs' appearance will make them stand out like sore thumbs, and where they very likely don't know the language – is exactly a consolation prize.

In the case of detainees cleared by the CSRTs – who U.S. processes found not to pose a danger to the United States – mere decency requires us to offer them another option: green cards, or at least political asylum, if they want it. We've imprisoned them for years "by mistake" – maybe an honest mistake. So why not apologize by giving them the option of immigration to the United States? By now, they probably have picked up at least as much English as many immigrants from non-English-speaking countries. It seems obscene to say, "Well, now we know they aren't our enemies. If we can't find anyone else who wants them, we're going to keep them in Gitmo indefinitely because they would be in danger in their home country. But heck, we sure won't let them into the United States!" They're good enough for Albania, but not for us: a nice slap in the face to the Albanians.

Maybe the exonerated detainees don't want to live in the United States. Maybe their all-expenses-paid tropical holiday in Gitmo has not exactly endeared the United States to them. Maybe, just maybe, they want to be as far from the United States as possible. But we owe them the right of refusal.

<http://www.cageprisoners.com/articles.php?id=13997>

SOURCE: Balkin.blogspot.com

'Close The Detention Facility'

Politicians, monitors and campaigners give their views on the camp

David Fickling

UN committee against torture, May 19 2006

The US "should cease to detain any person at Guantánamo Bay and close the detention facility".

Irene Khan, Amnesty International director general, June 22 2005

"Close Guantánamo detention camp and charge the detainees under US law in US courts or release them."

George Bush, May 8 2006

"Of course Guantánamo is a delicate issue for people. I would like to close the camp and put the prisoners on trial."

Tony Blair, February 17 2006

"I have always said it is an anomaly, and sooner or later has to be dealt with."

Archbishop of Canterbury Rowan Williams, March 5 2006

"I think what we've got in Guantánamo is an extraordinary legal anomaly creating a new category of custody with prisoners ... What, in 10 years' time, are people going to be able to say about a system that tolerates this?"

Jack Straw, former foreign secretary, February 21 2006

"I'm absolutely clear that the US has no intention of maintaining a Gulag in Guantánamo Bay. They want to see the situation resolved, and they would like it other than it is."

Condoleezza Rice, US secretary of state, April 1 2006

"We don't want to be the world's jailer and we certainly want to try people or release them. "

Donald Rumsfeld, US defence secretary, February 18 2006

"We shouldn't close Guantánamo. We have several hundred terrorists - bad people, people that if let back out on the field would try to kill Americans. That's just a fact."

Joanne Mariner, Human Rights Watch terrorism and counterterrorism programme director, May 9 2006

"There is no reason for the Bush administration to wait for a court decision before closing Guantánamo. Any detainees implicated in criminal acts can and should be charged now. The rest should be released."

Peter Hain, Northern Ireland secretary, February 17 2006

"I would prefer that it wasn't there. I would prefer it was closed."

Terry Waite, former Beirut hostage, February 11 2004

"The detention of individuals in Guantánamo Bay, Cuba, and Bagram, Afghanistan, without regard to due process is a major threat to all our freedoms."

Former US president Jimmy Carter, June 7 2005

"To demonstrate clearly our nation's historic commitment to protect human rights, our government needs to close down Guantánamo and the two dozen secret detention facilities run by the United States as soon as practicable."

Angela Merkel, German chancellor, January 7 2006

"An institution like Guantánamo can and should not exist in the longer term. Different ways and means must be found for dealing with these prisoners."

Kofi Annan, United Nations secretary general, February 16 2006

"I think sooner or later there will be a need to close the Guantánamo [camp], and I think it will be up to the government to decide, and hopefully to do it as soon as is possible."

<http://www.cageprisoners.com/articles.php?id=13996>

SOURCE: The Guardian

Guantánamo Prisoners Clash With Guards After New Rash of Suicide Attempts

By David Walsh

The US military has provided conflicting reports of a clash that took place Thursday between guards and prisoners at the Guantánamo Bay, Cuba internment camp. Initially, a spokesman reported that inmates, wielding improvised weapons, had confronted guards when the latter attempted to prevent another detainee from committing suicide. The suicide attempt was said to be the fourth of the day.

Navy Commander Robert Durand, public affairs director for the US prison and interrogation network, claimed that "minimum force was used to quell the disturbance and prevent the suicide." Two of the four men who attempted suicide were reportedly hospitalized and under observation. Those involved in the riot were moved to maximum-security confinement. No names or nationalities were revealed.

Durand disingenuously told the media, "At this point, I have no idea of the motive, no idea of any coordination and no idea of any intended message."

During a media teleconference later on Friday, Navy Rear Admiral Harry B. Harris Jr., commander of Joint Task Force Guantánamo, described events that were more in the order of a minor uprising. Harris told reporters that inmates had lured guards into a dorm-like room by a prisoner pretending to prepare to hang himself. "When the guard force entered the compound to intervene, they were then assaulted by the other detainees in the block," he said. "The detainees had slickened the floor of their block with feces, urine and soapy water in an attempt to trip the guards. They then assaulted the guards with broken light fixtures, fan blades" and other weapons.

The American guards, according to a Reuters report, "used pepper spray and then blasted the inmates with several shots from a shotgun that fired rubber balls to gain control of the inmates and used an M203 grenade launcher that shot a blunt rubber object, US officials said. The fighting lasted four to five minutes, they said, and the detainees at one point were winning the fight." Six prisoners were injured.

Army Colonel Michael I. Bumgarner, commander of the Joint Detention Group, who was also on the conference call, told reporters that two guards were knocked to the ground after inmates jumped on them from beds. "We were losing the fight at that point," he said. Bumgarner said the fighting lasted about an hour in total. He claimed that fifteen guards worked in support of the 10-man rapid response team that subdued the inmates. According to the Armed Forces Press Service, "While authorities worked to end the fighting in the first bay, detainees in two other bays began acting out by damaging their accommodations, destroying fans, light fixtures and security cameras."

As for the wave of suicides, Harris claimed that one detainee was found unconscious early in the day after deliberately overdosing on medication. Another prisoner "complained of dizziness after taking about five pills.... It turns out that this detainee simply had a bad reaction to drugs prescribed to him. This was not a suicide attempt." But later a second genuine suicide attempt was discovered. Harris asserted that "this detainee is also stable and unconscious at the naval hospital." Another inmate told guards he had tried to kill himself, but did not have sufficient drugs, Harris told the news conference, so this was not considered a real attempt. "At the end of the day, we have two confirmed suicide attempts," he remarked.

Whatever actually occurred May 18, and there is good reason to be skeptical about every word that comes out of the mouth of a US military representative, the events underscore the hellish conditions at the internment camp, whose existence is a national disgrace. In the minds of many millions of people around the world, 'Guantánamo' is identified with perpetual incarceration without trial and various forms of mental and physical torture. Its establishment in January 2002 contravened international law and it has remained an outpost of illegality and sadism ever since. And yet there is no outrage in the US mass media or the Democratic Party, all of whom are the Bush administration's accomplices in this criminal enterprise.

On the same day as violence erupted at Guantánamo, the United Nations Committee Against Torture urged that the detention center be closed, observing that the detention of persons indefinitely without charge "constitutes per se a violation of the Convention [Against Torture]."

Following the clash May 18, Durand claimed that there had been 39 suicide attempts by 23 prisoners since the internment camp opened in January 2002. This flies in the face of information provided earlier by the American military. The US Southern Command previously reported some 350 "self-harm events" and "hanging gestures" in 2003 alone. In one weeklong protest in 2003, it said 23 prisoners attempted to hang or strangle themselves. The Southern Command documented 110 suicide attempts in 2004.

One prisoner, Jumah al-Dossari, a 31-year-old Bahraini, has allegedly tried to take his own life some 12 times. An attorney for al-Dossari, Joshua Colangelo-Bryan, said that he visited his client recently and saw scars on his throat and the back of his neck from his most recent attempt in March. Colangelo-Bryan, told the Associated Press that the suicide attempts reflect the desperation of detainees held for more than four years with no idea when, if ever, they will be released. "Under these circumstances, it's hardly surprising that people become desperate and hopeless enough to attempt suicide," the attorney commented.

In a statement al-Dossari composed in July 2005, which was made available to Amnesty International, he wrote of "the revolting torture and those vile attacks which were a humiliation and will continue to be a vile stain on history, memories that whenever I look back on them, I wonder how my soft heart could bear them, how my body could bear the pain of the torture and how my mind could bear all that stress. How I wish my memories and my thoughts could be forgotten." According to Amnesty International, "On 15 October 2005, Jumah al-Dossari attempted to hang himself after going into the toilet during an interview with his lawyer. In November 2005 he told his lawyer that he had wanted to kill himself so that he could send a message to the world that the conditions at Guantánamo are intolerable. He added that he had tried to do it in a public way so that the military could not cover it up and his death would not be anonymous. This suicide attempt left him with a broken vertebra and 14 stitches in his right arm."

A hunger strike that began last August at Guantánamo involved some 131 prisoners. In response, the military resorted to strapping prisoners into restraint chairs in cold isolation cells and force-feeding them. The brutal US actions were denounced by 263 doctors, including famed neurologist Oliver Sacks, in a letter to *Lancet*, the British medical journal, published in March 2006. The statement noted that the World Medical Association, to which the American Medical Association is a signatory, specifically prohibits force-feeding. Several prisoners continue to refuse food and are still being force-fed.

Some 460 detainees remain at the Guantánamo Bay facility, out of a total of 759 who have been incarcerated there. Many have been transferred to their home countries, with their fates unknown. In its report calling for the closure of the prison camp, the UN Committee Against Torture urged the US government to "permit access by the detainees to judicial process or release them as soon as possible, ensuring that they are not returned to any State where they could face a real risk of being tortured, in order to comply with its obligations under the [international anti-torture] Convention."

The report also recommended that Washington should avoid using secret detention facilities and investigate and disclose the existence of any such prisons. It called for an end to all forms of torture, by military or civilian personnel, from detention centers under US control and the prosecution and punishment of all perpetrators of acts of torture and responsible superiors. The Committee criticized the practice of sending suspects to states where they may be tortured, the practice known as "extraordinary rendition." It asked the US to report back within a year with its response to the concerns about secret prisons, extraordinary rendition and the use of interrogation techniques that have resulted in deaths.

The Bush administration rejected the Committee's findings out of hand. State Department legal adviser John B. Bellinger III, who led the American delegation at the UN panel, claimed that the committee had not read much of the

information Washington had provided, or had ignored it. "There are a number of both factual inaccuracies and legal misstatements about the law applicable to the United States," Bellinger told the press.

In fact, the Committee, which has no power to enforce its recommendations, acted quite timidly, considering the record of US abuses. Fearful of offending Washington, Andreas Mavrommatis, a Cypriot human rights expert who chaired the panel's review of American conduct, told the media the report should not be blown out of proportion because overall the US has "a very good record of human rights."

George W. Bush's new press secretary Tony Snow told the Associated Press, "It is important to note that everything that is done in terms of questioning detainees is fully within the boundaries of American law." Snow asserted that the US ensures detainees have food, clothing and other basic necessities as well as giving them the chance to worship. "In short," Snow said, "we are according every consideration consistent with not only the law but the needs of safety and security at Guantánamo to the people who are there."

This is a lie, as the testimony not only of former detainees, but FBI officials and others, has revealed. The most savage treatment has been meted out to prisoners at Guantánamo—beatings, sexual humiliation and other forms of physical and mental torture

The list of sanctioned techniques, approved by Secretary of Defense Donald Rumsfeld in December 2002, included the use of "stress positions," clothing removal, 20-hour interrogations, isolation for up to 30 days, sensory deprivation, deceptions, such as pretending the interrogator was from a country known for torture ("false flag"), and inducing stress by playing upon detainee phobias (such as fear of dogs).

One FBI official, in an August 2004 memo, revealed how the US military was "according every consideration" to the prisoners at Guantánamo: "On a couple of occasions, I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food or water. Most times they had urinated or defecated on themselves and had been left there for 18-24 hours or more.... On another occasion, the A/C had been turned off, making the temperature in the unventilated room probably well over 100 degrees. The detainee was almost unconscious on the floor with a pile of hair next to him. He had apparently been literally pulling his own hair out throughout the night."

This is not the first UN report recommending the closure of the notorious military concentration camp. In February 2006 the Commission on Human Rights, alleging that some aspects of the treatment amounted to torture, advised the US government to "close the Guantánamo Bay detention facilities without further delay." It also called on Washington to "refrain from any practice amounting to torture or cruel, inhuman or degrading treatment or punishment, discrimination on the basis of religion, and violations of the rights to health and freedom of religion. In particular, all special interrogation techniques authorized by the Department of Defense should immediately be revoked." US officials dismissed the report, calling its charges "largely without merit."

<http://www.cageprisoners.com/articles.php?id=13995>

SOURCE: World Socialist Website

Noah Feldman: Guantanamo Detainees May Be Difficult To Try, Depending on Hamdan Ruling

Interviewer: Carin Zissis

Interviewee: Noah Feldman, Adjunct Senior Fellow

President George W. Bush, during a recent interview with the German ARD television network, said he "would like to end Guantanamo." But, he said, closing the facility depends on the Supreme Court's upcoming ruling in Hamdan v. Rumsfeld, which will determine whether detainees should be subject to civil or military trials. The case arose in 2004 after an indicted detainee—a Yemeni national and former driver of Osama bin Laden—Salim Ahmed Hamdan, challenged the legality of the military tribunals trying him.

CFR Adjunct Fellow Noah Feldman, author of *After Jihad* and a law professor at New York University, discusses the legal issues at stake in the Hamdan decision, expected in late June. He says the case will decide whether military tribunals are constitutionally sufficient and warns that if the Supreme Court rules current trial procedures inadequate, it may be difficult to try many of the nearly 500 Guantanamo detainees because "much of the evidence—all of the evidence, in some cases—is gleaned from procedures that would not be admissible in ordinary courts."

As you know, Bush said on German television that he "would like to end Guantanamo," and cited a need to wait for the Supreme Court to rule on how detainee cases should be adjudicated. That ruling, for the case Hamdan v. Rumsfeld, is expected at the end of June. What is being decided in that case at this point?

Well, what's relevant to his comments is essentially the question of what kind of trial process is constitutionally required for the detainees. What the case will decide, in part, is whether the current procedures for trial are constitutionally sufficient and adequate. And if they are found to be adequate and sufficient, then I suppose, in theory, one could simply put all of the Guantanamo detainees on trial using exactly the procedures that have been used for Hamdan, which is the first of them. If, on the other hand, the court finds that these procedures are inadequate, then the Department of Defense would have to make some amendments to the way a trial is going to operate.

I suppose it's possible that if the Supreme Court were to require, for example, that the defendant detainees see evidence against them and it's some kind of secret evidence, which we treat as inadmissible, it might actually make it very difficult for them to put some of these guys on trial, because much of the evidence—all of the evidence, in some cases—is gleaned from procedures that would not be admissible in ordinary courts. So it's conceivable there could be some kind of a holding that would in some ways derail this goal of putting all these guys on trial. However, that's unlikely, because the Court also reads the newspapers, and the Court is also aware that the goal is they'd all like to get rid of Guantanamo. The Court doesn't like Guantanamo at all. So that's sort of their take on this issue.

Do you think the Court has been influenced by international pressure to close down Guantanamo? Do you think that will influence them to go for civil trials?

Well, it seems the Court is always a little more sophisticated than direct influence from abroad pushing them toward one result or another. That's just not how they, as it were, encounter the world. They're concerned to protect civil liberties, they're concerned about the reputation the United States has internationally. And part of this calculus is they know the United States looks better if it puts people on trial appropriately. But the Court would not, I don't think, be swayed by the arguments to close Guantanamo in such a way as to weaken the basic civil-liberties protections that are required in the Constitution.

Do you think Bush's comments represent that he is now recognizing this administration is beholden to the Supreme Court when it comes to Guantanamo?

Well, he has no choice on that question. I mean, when the Supreme Court ruled in the Rasul [v. Bush] and Hamdi [v. Rumsfeld] cases, the administration did not take the position that it was not bound by the Supreme Court judgments. The administration complied with the Court's rulings. So, if Bush has acknowledged at every stage after those opinions that he is bound by what the Supreme Court says, he would have taken what he called the nuclear option, where he said "I don't care what the Supreme Court says; I can do what I want." The Court held that Guantanamo is, for purpose of the habeas corpus statute, part of the United States, so therefore that the habeas corpus right applied. That was the core of the Court's holding in Rasul and Hamdi. So he acknowledges that he's got to do what the Court tells him, but I don't know if "beholden" is the word that I would use because the Court said in those cases, to the [Bush] administration, "Go back and figure out some way to give these guys a trial, and then we will be deferential to the way you design those trials." Now the question in Hamdan is how deferential.

Can you distinguish what the difference will be between civil trials and military tribunals? What would military trials be like?

The biggest difference is that it's who they're in front of. [Tribunals] are in front of military officers, and the rules of evidence are quite different. There are kinds of secret evidence that would be allowed here, to which the defendants are not necessarily entitled. That's the biggest example of the difference between the two. There are lawyers in both, obviously, and the opportunity to present a case in both. And, in theory, the opportunity to refute what a prosecutor says, but in an ordinary trial you get to confront the witnesses against you, and that's not been the case.

These are the first military tribunals the United States has called since World War II. What are the legal ramifications of that?

The Court has definitely taken the view that military tribunals are permissible, so that's significant. But you could imagine the Court saying that such tribunals are unconstitutional--they have not done so. The suggestion is that in the future, these military tribunals may be used again, subject to certain requirements.

The majority of detainees are termed "enemy combatants." The Justice Department has said the president had the power to permit the Pentagon to hold the detainees indefinitely. What's the significance of holding these men without judicial review?

That's not exactly correct, because under the Supreme Court's holdings in Hamdi and Rasul [both Guantanamo-related cases in which the Court said enemy combatants could challenge U.S. detention], the men were entitled by law to a certain amount of review. And even though Congress can definitely change that law, the Court left open the possibility that under the Constitution itself, it would be impermissible to hold them indefinitely without any form of judicial review. So, now, the Court hasn't said—they didn't have to—that under the law they had to give them some opportunity for judicial proceedings. But the Court did imply that. So we're not quite there yet, but we're moving in the direction of a legal principle to the effect that the United States can't, under its own Constitution, hold people forever.

But, to the extent that there has been talk of this, it's obviously quite troublesome from the standpoint of basic rule-of-law ideals, because the single most basic right that exists in any of the systems is the right to some form of government judicial review of your detention. Without that, it's hard to say that you're living under the rule of law. The government could take you away, never have to answer to any judicial body about why, and then it'd be very hard to say you were living under the rule of law. That's the single, irrefutable component most important in a legal rule of order.

President Bush says, essentially, he would like to "end Guantanamo" but that he's waiting for this decision from the Court. Do you think that this decision is in some way connected to the closing of Guantanamo? Is the closing of Guantanamo predicated upon this decision?

They can't close Guantanamo unless they know what they're going to do with the people in it. If they want to put them on trial, they need some principles for putting them on trial. So, in that sense, they're closely connected. But the president could, if he wanted to, close Guantanamo tomorrow. He'd just have to do something with the people there.

Are there certain issues that are, in terms of international law, related to the Hamdan case that you see as essential in some sort of ruling?

In the background of the Hamdan case is the question of whether we're complying with the Geneva Convention with respect to these detainees. The Court hasn't said, in its previous opinions, that the Geneva Convention was the only measure, but some of the justices strongly said in this and other cases that there was an obligation under the Geneva Convention to provide some form of a hearing. I think it's quite reasonable to take the view that the Supreme Court's opinion here will be directly relevant to future constructions of the Geneva Convention, and I expect that the opinion won't turn on the Geneva Convention but it will certainly mention it, I would guess.

The United Kingdom's Attorney General Lord Peter Goldsmith recommended that Guantanamo should be closed and the United States said "no." What does it mean when a person in a prominent legal position from one of our close allies makes a comment like that?

It's a way of one of our close allies telling us that they want to distance themselves from this danger. They see it as publicly harmful, and they see a continuation [of Guantanamo] as problematic with their own political statements. This is an ally who stuck with us through thick and thin. It's been backing us on WMD, backing us on the Iraq war. Maybe it's the best ally we've got, especially in terms of security issues, by a huge margin. And they're saying even they draw the line there. Legally, I think what's significant about it is that, at the margins, the justices are aware of what the rest of the world thinks and they want to look respectable in the eyes of the rest of the world. And it doesn't directly determine their outcomes, but they care about it on some level. And here I think that goes to the question of how we have a state that operates under the law; and if we don't, and if Guantanamo is a blow to that. That is definitely relevant to their thinking, undoubtedly.

<http://www.cageprisoners.com/articles.php?id=14018>

SOURCE: Council on Foreign Relations, CFR.org

Going Native at Guantanamo: When Government Lawyers Lose Their Way

JURIST Guest Columnist Victor Hansen of New England School of Law says that the development of US detainee policy at Guantanamo demonstrates what can happen when government lawyers forget that their duty is not to a governmental official or a political party, but rather to their departments and the Constitution and people of the United States...

Earlier this year information from former US Navy General Counsel Alberto Mora revealed to the general public for the first time the degree of concern and disagreement that some lawyers within the US Department of Defense have had with the Administration's policy on the treatment of detainees at Guantanamo. In an internal memo released in February, Mora detailed his concerns about many of the interrogation techniques the Department had approved. The memo also set out Mora's efforts to reverse what he viewed as a seriously flawed legal analysis of an extremely important and sensitive issue.

Mora's efforts to get the Secretary of Defense to reconsider his position on the proper treatment of the Guantanamo detainees highlight one of the most basic and difficult challenges of any organizational lawyer, loyalty to the organization as the client versus loyalty to the organization's head. Mora's memo also reveals the harm that often results when organization lawyers lose sight of who their client is.

Every service member and most elected and appointed public officials take an oath of office when they begin their service. The oath of office includes a pledge to support and defend the Constitution of the United States. It is significant and not by accident that the oath is to the Constitution, not to a specific person or political party. There is a long tradition in military and public service to support the rule of law and to place one's duty to the rule of law above loyalty or allegiance to a specific person or political view. The obligation that a government lawyer has to the organization is no different. Lawyers within the Department of Defense and the Department of Justice do not represent the department head or the President. They represent the organization and the larger public interests. This ethical obligation is clearly set out in the ABA Model Rules of Professional Responsibility under rule 1.13.

When the lawyer's focus is more on advocating and enabling the department head's views than what is in the best interests of the organization the consequences can be disastrous. The Mora memo and other recently released documents show that at the most critical junctures in the development of US Guantanamo policy, key US government lawyers lost their objectivity and as a result, provided flawed and inaccurate legal analysis that has resulted in tragic consequences to the Army and the Department of Defense. More importantly, the analysis has put individual soldiers at risk and has undermined our moral authority to effectively wage the war on terror.

Legal opinions both within the Department of Defense and the US Department of Justice concluded that using stress positions for several hours, removing a detainee's clothing, using detainees phobias such as the fear of dogs to induce stress, the use of scenarios designed to convince the detainee that death is imminent to him or his family, exposure to cold water, and inducing the misperception of suffocation, and other aggressive interrogation techniques do not raise to the level of torture. These opinions were given in spite of the fact that 18 U.S.C. § 2340A(2)(C)&(D) defines torture to include severe mental pain or suffering such as "the threat of imminent death; or the threat that another person will imminently be subjected to death." Common Article 3 of the four Geneva Conventions and other customary international laws also prohibit torture.

As Mora's memo shows, the legal opinions - particularly those authored by the Office of Legal Counsel within the Department of Justice - justified the departure from established laws preventing torture by adopting erroneous legal analysis. The justifications for the use of harsh interrogation techniques were compelling government interests, that the President's authority in time of war is virtually limitless, that the detainees at Guantanamo have no recognized legal status, and that as long as there is no specific intent to cause prolonged harm, the techniques are legal.

The most troubling revelation, however, is that lawyers within the Department of Defense and the Office of Legal Counsel were not only aware that key decision makers were pushing for illegal interrogation techniques, but through their legal opinions and bureaucratic maneuvering these lawyers assisted and enabled the decision makers to authorize torture. Sadly those lawyers with the greatest knowledge and expertise on issues relating to the law of war were purposely sidelined. In their stead, lawyers who were willing to tell the Administration what they wanted to hear were given the task of writing the legal opinions that the White House and the Department of Defense used to justify their treatment of the detainees at Guantanamo. These memos were of course later withdrawn after detainee abuses throughout the Department of Defense came to light.

Absent from any of these erroneous legal opinions is any serious analysis as to the impact that the use of these aggressive interrogation techniques will have on the real client. There is no discussion of the possible risks interrogators who use these techniques could face, to include criminal prosecution and harsh treatment at the hands of their enemies. There is no consideration in these legal opinions of how the use of these interrogation techniques will impact the United States' standing among its coalition partners our allies or the world at large. The legal opinions are silent as to the effectiveness of these interrogation techniques in actually obtaining useful intelligence. Yet these are the very considerations that an organizational lawyer should consider and advise on in order to fully and completely represent the best interests of the client.

How did these lawyers get it so wrong and provide such poor legal advice? The answer comes back to the very simple point that these lawyers lost sight of who the client is and what is in the best interests of the client. The corporate scandals of the past several years are replete with examples of lawyers who have failed to fulfill their ethical and legal responsibilities to the organizations they represent. Unfortunately, as we are now seeing, when government lawyers

fail their clients in matters vital to our national security, the consequences can be severe. Much of this may have been avoided if some of those lawyers would have simply asked the fundamental and most basic questions. Who is my client? What actions are in my client's best interests?

For those who would claim that these questions are too basic, or that this is too simplistic of an approach in the extremely complex arena of national security, I suggest that they look to the example of Alberto Mora. He clearly did not forget who his client was. We are all better for that.

Victor Hansen was a lieutenant colonel in the United States Army JAG Corps and currently teaches at New England School of Law

<http://www.cageprisoners.com/articles.php?id=13993>

SOURCE: Jurist.law.pitt.edu

May 21, 2006

UK Attorney General-Guantanamo

Britain's Attorney General, Lord Goldsmith, Saturday repeated his call for the closure of the US concentration camp at Guantanamo Bay in Cuba, suggesting the regime of holding prisoners with trial or charge was damaging freedom and democracy.

"Rightly or wrongly, Guantanamo may be seen by many as a symbol of injustice and that could lead to problems," warned Britain's top law officer, who has a conflict of interests being also a cabinet minister.

"That is why as well as being in my view wrong in principle, it may be wrong in practice to continue and right for it to close," he said.

His renewed call comes after a UN Committee against Torture report on Friday also called on the US to close the concentration camp set up at the height of its invasion of Afghanistan in 2003 as well as other secret "war on terror" detention facilities abroad.

Goldsmith first called for the closure on May 10, when he said that the "historic tradition of the United States as a beacon of freedom, liberty and of justice deserves the removal of this symbol." But the US was reported to have immediately rejected the original call, proclaiming that the camp housed dangerous people who could pose a fresh threat if they were released.

The Attorney General has yet to receive the full support of Prime Minister Tony Blair, who has so far made it clear that he is only prepared to describe the Guantanamo regime as an "anomaly."

<http://www.cageprisoners.com/articles.php?id=14026>

SOURCE: IRNA.ir

US Allows Consular Access To Pakistani Prisoners in Guantanamo Bay

Islamabad - The United States has allowed consular access to Pakistani prisoners held in its prison at Guantanamo Bay, Cuba, reports said on Saturday.

'The US has allowed our team to visit Guantanamo Bay and meet Pakistani prisoners there,' Pakistan's private Geo TV quoted interior minister Aftab Ahmad Khan Sherpao as saying in Peshawar, the capital of Northwestern Frontier Province (NWFP).

There are 29 Pakistanis imprisoned at the Guantanamo Bay. They had been arrested while fighting alongside the radical Taliban against the US-led international coalition in Afghanistan in late 2001.

Sherpao said of the 29, eight were to be released soon while 'our team will visit the US shortly before travelling to Cuba to meet remaining the 21.'

<http://www.cageprisoners.com/articles.php?id=14025>

SOURCE: DPA via Monsters and Critics

US May Repatriate More Saudi Guantanamo Detainees

Samir Al-Saadi, Arab News

JEDDAH, 21 May 2006 — A statement from the US Embassy in Riyadh yesterday said Washington is considering the repatriation of more Saudi detainees currently languishing in Guantanamo, Cuba.

"The decision to transfer these Saudi nationals reflects the close cooperation between the United States and Saudi Arabia in combating terrorism and followed extensive consultations between our governments," the statement said. "We will continue to assess other Saudi nationals currently detained at Guantanamo for possible transfer at later dates."

Family members of the 15 prisoners who were released Thursday stayed up to early morning hours celebrating the return of their loved ones.

"The whole family hasn't slept for more than 15 hours because we're so excited about his return," said Fahd Al-Subaie, the brother of Abdul Hadi Al-Subaie, one of the repatriated Saudis.

Fahd said that he appreciated the efforts and concern of the Saudi authorities throughout the five years of his brother's imprisonment. He said that they received the news at about 1:30 a.m. Friday. "When I visited him he was in good condition and had high spirits."

Um Abdul Rahamn, wife of repatriated detainee Ibrahim Al-Sahli, said her husband hasn't met his youngest child.

"He has a five-year-old son he hasn't seen yet," she said, adding that they are eagerly waiting for the whole family to reunite with her husband. "It would be the happiest day in my life, when my son meets his father for the first time."

Lawyer Katib Al-Shammari, who represents the families of the Gitmo prisoners, said that the US government needs to do more. "Freeing only 15 of 120 prisoners is not enough," he said.

Families of currently detained prisoners at Guantanamo said that they are optimistic and they carry faith and hope that their loved ones will be brought back home.

<http://www.cageprisoners.com/articles.php?id=14024>

SOURCE: Arab News

Breaking Point: Inside Story of the Guantanamo Uprising

The camp commander's claims of a co-ordinated revolt are challenged by new details of the violence. By Severin Carrell

The prison camps at Guantanamo Bay were gripped by a series of uprisings and disturbances last week which suggest a state of near revolt, it emerged yesterday.

Reports from within the controversial detention centre in Cuba claim the base's military commanders believe there were links between a series of suicide attempts, medical emergencies and the violent clashes between 20 inmates and guards on Thursday.

It was "probably the most violent outbreak" in the camp's four-year history, claimed Rear Admiral Harry Harris, the detention and interrogation centre's commander. "These are dangerous men and determined jihadists," he said.

The base's authorities suspect the incidents were co-ordinated and fed off each other, but one former inmate and two lawyers raised substantial doubts about the US military's account of the disturbances.

Moazzam Begg, the Birmingham bookshop owner released from the camp last year, said the detention cells were too closely monitored and controlled for inmates to organise a revolt so well. Clive Stafford Smith and Brent Mickum, defence lawyers who regularly visit clients in the base, said they suspected the official accounts were "rubbish".

Camp officers said the incidents began early on Thursday morning in Camp 1, when an unconscious inmate was discovered in his cell. Nearly seven hours later, another detainee was found unconscious, both from taking anti-depressants which they had not been prescribed.

During the same period, another two men became ill - one from an adverse reaction to his medication and a second who over-dosed, allegedly in solidarity with the two unconscious men.

Five hours later, 10 inmates in another facility, a normally peaceful communal compound for "compliant" prisoners called Camp 4, allegedly provoked a confrontation with the prison's notorious "quick reaction force". When the 10-man force arrived, the authorities claim they were confronted by detainees wielding improvised weapons made from a broken lighting tube, large fan blades, CCTV cameras which had been ripped down from walls, and metal sheeting from buildings.

The floor of their shared bunkhouse had allegedly been slickened with urine, excrement and soapy water, leading to two guards slipping. The guards then used pepper-spray and rubber pellet shotgun blasts to subdue the detainees - five of whom were treated for minor injuries.

About midnight, an elderly detainee was hit with pepper spray and treated for minor injuries after inmates in another nearby camp staged a further demonstration. Several guards suffered "cuts, scrapes and bruises, just like a good football game," said Colonel Mike Burngarner, the base's chief of detention operations.

The authorities claim the disruption was designed to create further controversy about the camp, because inmates know Guantanamo Bay is the subject of intense legal and political controversy. Next month, the US Supreme Court is due to deliver a critical ruling on whether President Bush's administration can legally refuse to block legal hearings for the 460 inmates now there.

Col Burngarner told the Miami Herald that inmates believed three detainees would need to die in order to provoke a worldwide backlash intense enough to close the camp. Yesterday, Lord Goldsmith, the Attorney General, repeated his demand for closure.

Mr Begg, who was seized by the CIA in Pakistan in 2002, said he was sceptical that inmates would be able to avoid the round-the-clock surveillance by CCTV cameras, foot patrols and watchtowers to make and hide weapons. Medical staff were also scrupulous about ensuring detainees swallowed their medication.

He added that electrical equipment such as fans and cameras were normally out of reach. "It's not like a Second World War prisoner of war camp where you can dig tunnels. There's so much security, day in, day out. Everything is logged, everything is watched, everything is scheduled," he said.

Mr Stafford Smith and Mr Mickum, who represent detainees with close ties to the UK, said these unusually detailed and immediate accounts by the US authorities confirmed the Bush administration had begun a public relations offensive to rebuild support for the camp.

<http://www.cageprisoners.com/articles.php?id=14023>

SOURCE: The Independent

Breaking Point: Inside Story of the Guantanamo Uprising

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The prison camps at Guantanamo Bay were gripped by a series of uprisings and disturbances last week which suggest a state of near revolt, it emerged yesterday.

Reports from within the controversial detention centre in Cuba claim the base's military commanders believe there were links between a series of suicide attempts, medical emergencies and the violent clashes between 20 inmates and guards on Thursday.

It was "probably the most violent outbreak" in the camp's four-year history, claimed Rear Admiral Harry Harris, the detention and interrogation centre's commander. "These are dangerous men and determined jihadists," he said.

The base's authorities suspect the incidents were co-ordinated and fed off each other, but one former inmate and two lawyers raised substantial doubts about the US military's account of the disturbances.

Moazzam Begg, the Birmingham bookshop owner released from the camp last year, said the detention cells were too closely monitored and controlled for inmates to organise a revolt so well. Clive Stafford Smith and Brent Mickum, defence lawyers who regularly visit clients in the base, said they suspected the official accounts were "rubbish".

Camp officers said the incidents began early on Thursday morning in Camp 1, when an unconscious inmate was discovered in his cell. Nearly seven hours later, another detainee was found unconscious, both from taking anti-depressants which they had not been prescribed.

During the same period, another two men became ill - one from an adverse reaction to his medication and a second who over-dosed, allegedly in solidarity with the two unconscious men.

Five hours later, 10 inmates in another facility, a normally peaceful communal compound for "compliant" prisoners called Camp 4, allegedly provoked a confrontation with the prison's notorious "quick reaction force". When the 10-man force arrived, the authorities claim they were confronted by detainees wielding improvised weapons made from a broken lighting tube, large fan blades, CCTV cameras which had been ripped down from walls, and metal sheeting from buildings.

The floor of their shared bunkhouse had allegedly been slickened with urine, excrement and soapy water, leading to two guards slipping. The guards then used pepper-spray and rubber pellet shotgun blasts to subdue the detainees - five of whom were treated for minor injuries.

About midnight, an elderly detainee was hit with pepper spray and treated for minor injuries after inmates in another nearby camp staged a further demonstration. Several guards suffered "cuts, scrapes and bruises, just like a good football game," said Colonel Mike Burngarner, the base's chief of detention operations.

The authorities claim the disruption was designed to create further controversy about the camp, because inmates know Guantanamo Bay is the subject of intense legal and political controversy. Next month, the US Supreme Court is due to deliver a critical ruling on whether President Bush's administration can legally refuse to block legal hearings for the 460 inmates now there.

Col Burngarner told the Miami Herald that inmates believed three detainees would need to die in order to provoke a worldwide backlash intense enough to close the camp. Yesterday, Lord Goldsmith, the Attorney General, repeated his demand for closure.

Mr Begg, who was seized by the CIA in Pakistan in 2002, said he was sceptical that inmates would be able to avoid the round-the-clock surveillance by CCTV cameras, foot patrols and watchtowers to make and hide weapons. Medical staff were also scrupulous about ensuring detainees swallowed their medication.

He added that electrical equipment such as fans and cameras were normally out of reach. "It's not like a Second World War prisoner of war camp where you can dig tunnels. There's so much security, day in, day out. Everything is logged, everything is watched, everything is scheduled," he said.

Mr Stafford Smith and Mr Mickum, who represent detainees with close ties to the UK, said these unusually detailed and immediate accounts by the US authorities confirmed the Bush administration had begun a public relations offensive to rebuild support for the camp.

<http://www.cageprisoners.com/articles.php?id=14023>

SOURCE: The Independent