

PRESS RELEASE

May 22, 2006

Abuse Trial Revives Old Questions

Involvement of Superior Officers at Abu Ghraib to Be Raised

By R. Jeffrey Smith and Josh White
Washington Post Staff Writers

As the Iraq insurgency grew rapidly in the spring of 2003, Secretary of Defense Donald H. Rumsfeld complained to Lt. Gen. Ricardo S. Sanchez, the commander of U.S. forces in the country, that he was not seeing results from the interrogations of Iraqis held at Abu Ghraib and other detention centers.

"Why can't we figure this enemy out?" Sanchez recalled Rumsfeld asking in frustration, according to a previously unreleased transcript of a July 2005 interview by senior Army investigators. "Was there intense pressure? You bet. You bet there was intense pressure" to extract more from the interrogations, Sanchez said -- some of it self-imposed and some of it emanating from "different levels of the chain of command."

The involvement of senior Pentagon officials in policymaking associated with the abuse of Iraqi detainees at Abu Ghraib later in 2003 will once again be debated in a military court at Fort McNair beginning today, during one of the last two trials involving Army personnel accused of the abuse recorded in photos circulated around the world.

Ten military courts-martial have essentially concluded that the acts -- including forced nakedness, the use of leashes and sexual humiliation -- were perpetrated by rogue personnel, working under poor supervision and in violation of their military orders. But the trial this week of a sergeant who threatened Abu Ghraib detainees with a military dog will for the first time include the testimony of a key military officer who carried out policy instructions issued by senior officials in Washington.

Maj. Gen. Geoffrey D. Miller, an artilleryman who commanded the U.S. military's prison at Guantanamo Bay, Cuba, and also helped set interrogation policy at Abu Ghraib, has agreed to testify in the court-martial of Sgt. Santos A. Cardona at the request of the dog handler's defense team. It will be Miller's first public account of events since he testified briefly at a Senate hearing in April 2004.

In sworn statements to Army investigators, Miller has denied recommending or approving the use of dogs for interrogations at Abu Ghraib and said he was unaware of such use during his tenure at Guantanamo Bay. But the senior intelligence officer at Abu Ghraib and the prison's chief warden have said in court and also told Army investigators that Miller urged military dogs be used in association with Abu Ghraib interrogations.

In addition, an Army report last year said dogs were indeed used in interrogations before and during Miller's tenure at Guantanamo Bay. "Unless the dogs are on patrol, they would always be in an interrogation room," a senior military officer told Defense Department investigators in an interview last year. The statement has not been released by the Pentagon.

In an effort to clarify the dog-handling issue, Senate Armed Services Committee Chairman John W. Warner (R-Va.) and Sen. Carl M. Levin (Mich.), the committee's senior Democrat, told Army Secretary Francis J. Harvey in a letter two months ago that Miller's planned retirement from the military this spring should be delayed until the courtroom proceedings are completed and he can be questioned again on Capitol Hill.

The Army complied, and Miller -- who left a job as prison commander at Abu Ghraib last year -- is now a special assistant to the Army chief of staff at the Pentagon.

Cardona's lawyers plan to call as witnesses both officers whose testimony conflicted with Miller's statements: Col. Thomas M. Pappas and Maj. David DiNenna. They will also ask Miller about the use of dogs and the instructions he received from Defense Department policymakers.

Harvey Volzer, the lead civilian lawyer, said he expects evidence at the trial to show that Miller "strongly recommended the use of military working dogs [at Abu Ghraib] based upon their efficacious use" at Guantanamo Bay. "It is a tragic miscarriage of justice for my client to face charges for actions that were ordered and approved," Volzer said he will tell the military panel.

Winning an acquittal will not be easy. In March, a similar military panel rejected the assertions of Cardona's dog-handling colleague, Sgt. Michael Smith, that he was acting on orders from superiors and sentenced him to 179 days in a military brig. Others involved in Abu Ghraib abuse have received sentences ranging from forfeiture of half a month's pay to 10 years' confinement.

On Friday, the U.N. Committee Against Torture -- a group that oversees compliance with an international treaty barring cruel, inhumane and degrading treatment -- said in a report that using dogs to induce fear during interrogations constitutes a violation of U.S. treaty obligations. But no one more senior than Pappas has been found responsible for the use of dogs against prisoners at Abu Ghraib.

In May 2005, Pappas received a letter of reprimand, was relieved of command in his military brigade and had half his pay docked for two months for failing to gain superiors' approval for using dogs. His allegations that the abuse originated in orders, pressure and encouragement by superior officers, including Miller, were rejected.

The Army inspector general is still investigating the matter, however. Pappas reaffirmed in an unreleased interview with Army investigators last month that when Miller and others from the Guantanamo Bay prison visited Abu Ghraib on a Pentagon-arranged inspection tour in August and September 2003, "dogs came up . . . [namely the idea] that they were effective in doing interrogations with Arabs. . . . The tenor of the discussion was that we had to get tougher with the detainees."

An e-mail summarizing Miller's visit, cited during the interview with Pappas but written by intelligence officer Capt. Carolyn Wood, separately noted the advice from Miller's team that "working dogs are highly effective and useful." Pappas said that this meant "setting conditions for interrogations," and "did not mean do illegal things."

According to statements to investigators by officers in Iraq, Miller's visit to Abu Ghraib caught the interest of Rumsfeld and his top intelligence adviser, Stephen A. Cambone. Before he left, it was discussed in a teleconference by Miller; Sanchez's top intelligence adviser, Maj. Gen. Barbara G. Fast; and Cambone's deputy, Lt. Gen. William G. Boykin.

Before departing from Iraq, Miller reported his findings to Rumsfeld via a secure video link, according to Pappas. Other secure video-teleconferences (VTCs) between Rumsfeld and senior defense officials in Iraq about interrogation matters were held in November and December 2003, the period when abuse occurred. According to a recent court filing by Cardona's attorneys, "on 3 May 2006, [the] government sent the defense an e-mail stating that they are attempting to find these VTCs."

In a briefing with top Pentagon officials upon his return, Miller described his plan to have military police soldiers set the conditions for interrogations, according to PowerPoint slides from that briefing. In one slide, Miller explained that "MPs enable increased intelligence production" by providing "focused support" for interrogations.

Other U.S. officers stationed then in Iraq have noted the involvement of Rumsfeld and Cambone in deliberations about interrogations. "There was pressure from higher [echelons] to provide actionable intelligence," Col. Steven J. Boltz, Pappas's senior deputy, told investigators in May 2004, in an unreleased interview. "There were direct questions [to the U.S. military command in Iraq] from Dr. Cambone and SECDEF. They wanted in detail [a] chronology down to the brigade level [of] HUMINT and Interrogation operations."

Portions of Boltz's statement were redacted in the version obtained by The Washington Post.

Sanchez, who also described pressures from Washington, told investigators last year that he had decided to "push our [legal] authorities to the limit without ever violating the Geneva Conventions." Sanchez said that when he signed a memorandum on Sept. 14, 2003, allowing soldiers to "exploit Arab fear of dogs" while maintaining security during interrogations, it was on advice from his legal adviser, Col. Marc Warren, that the instruction was consistent with the Geneva Conventions.

Sanchez's memo was modified a month later, after more senior military officials objected to it. Portions of his statement were redacted in the copy obtained by The Post.

Klaus Stoehr, a Defense Intelligence Agency officer who helped oversee interrogations in Iraq at the time, told a Pentagon investigator in May 2004 that interrogators were encouraged "to go to the outer limits to get information from the detainees by people who wanted the information." Asked whom he meant, Stoehr named Sanchez

<http://www.cageprisoners.com/articles.php?id=14037>

SOURCE: Washington Post

Rice Rejects UN Criticism of Guantanamo Detention Centre

**By Stephanie Ho
Washington**

Secretary of State Condoleezza Rice is rejecting criticism from the U.N. Committee Against Torture, which last week called for Washington to close the detention facility at Guantanamo Bay.

Secretary of State Condoleezza Rice said the Bush administration would like to completely shut down the Guantanamo detention facility, as called for by the U.N. report. But, speaking on the NBC television program Meet the Press, she said the U.S. government does not want to act too hastily, and let people go who may be terrorists.

"We do not want to be the world's jailers," said Condoleezza Rice. "But I would ask people to answer the following question, then what do we do with the hundreds of dangerous people there, who are caught on the battlefield, who are known to have connections, who regularly say that if they are released, they are going to go back to killing Americans? Do you really want those people on the streets?"

"We cannot be in a situation in which we are just turning loose on helpless populations or unprotected populations people who have vowed to kill more Americans if they're released," Rice said.

Camp Delta Cell Block for uncooperative detainees

At the same time, Rice said, U.S. authorities have released hundreds of people who had been detained at Guantanamo.

"We have released them to custody of their own governments, when we can assure that they will not be mistreated, and when we can assure that they will be properly monitored and looked after, so that they cannot commit crimes again," she said.

The U.S. government is currently holding about 460 detainees at Guantanamo, on suspicion of having links to the al-Qaida terrorist network. Of those, more than 100 have been approved for release, and are waiting for their home countries, or other countries, to agree to accept them.

The most recent transfer includes 15 detainees who were sent back to their home country, Saudi Arabia. And, earlier this month, the State Department announced that it had sent five Muslim Uighurs to Albania, rather than to their home country, China, out of fear they could be persecuted.

Camp Delta Quarters for cooperative detainees

Meanwhile, speaking specifically about the U.N. report, Rice repeated U.S. criticism that the committee members did not go in person to see the facility.

"Guantanamo is a necessity because of the nature of the war on terror, but lots of changes have been made at Guantanamo," noted Condoleezza Rice. "I only wish the rapporteurs had gone to Guantanamo and actually looked at what was going on there."

The U.N. report was based on interviews with former prisoners and their lawyers. The U.N. investigators did not accept Washington's invitation to visit Guantanamo, because they would have been denied direct access to prisoners.

Besides calling for the immediate closure of the Guantanamo facility, the U.N. Committee Against Torture criticized the indefinite detention of prisoners there. The group also urged the United States to hold accountable all senior military and civilian officials who authorized or acquiesced to acts of torture committed by their subordinates.

The U.N report asks Washington to report on U.S. compliance efforts within one year.

<http://www.cageprisoners.com/articles.php?id=14036>

SOURCE: VOAnews.com

Kuwait Clears Ex-Guantanamo Inmates

A Kuwaiti court has acquitted five men formerly held at the US Guantanamo Bay facility who were accused of fundraising for al-Qaida.

The men were also cleared of fighting US forces in Afghanistan, judicial sources said on Sunday.

The US released the men in November, but on their return to Kuwait they were re-arrested and charged.

The men's defence lawyers argued that the trials were politically motivated and that the men's reported confessions were obtained by US interrogators at the Guantanamo facility.

The prosecution reportedly plans to appeal the ruling.

'Unjustly imprisoned'

About 460 detainees are being held in Guantanamo Bay in Cuba, including six more Kuwaiti nationals. All are being held without charges against them or trial.

"This ruling underscores what we were sure of all along, that our sons are innocent"

Khaled al-Odah, detainee rights activist

Rights groups in Kuwait welcomed the decision to free the men.

"This ruling underscores what we were sure of all along, that our sons are innocent," Khaled al-Odah, head of a detainee support committee.

"They have been imprisoned unjustly for years at the American base and [this is] a stark breach of international and humanitarian laws by the American administration," he added.

Khalid Al Odah told Associated Press that he was "proud of Kuwaiti justice".

He lamented that "our sons have lost four years of their lives for no good reason". He called on the American government to release the rest of the Kuwaiti detainees, including his son Fawzi. Kuwait has been a major US ally since the Washington-led 1991 Gulf War that liberated it from Iraqi occupation.

Kuwait is a staunch US ally and host to thousands of US troops. It was the launching pad for the US-led invasion of Iraq in 2003.

Last week the US also released 15 Saudi men from the Guantanamo prison. They arrived back in Saudi Arabia on Friday.

<http://www.cageprisoners.com/articles.php?id=14035>

SOURCE: AlJazeera

In the End, McCain Cops Out on Stopping Detainee Torture

NAT HENTOFF (op-ed)
Washington Times

On April 23, the National Consortium of Torture Treatment programs - including 34 programs that care for "victims of politically motivated torture" - awarded Sen. John McCain its 2006 Human Rights Visionary Award for his "tireless work to pass the McCain Anti-Torture Amendment." Omitted was McCain's disturbing silence after his amendment was

made meaningless to prisoners at Guantanamo Bay when the president signed the Detainee Treatment Act of 2005 last December.

That law strips these prisoners of the habeas corpus rights provided them in the Supreme Court's ruling in *Rasul et al. v. Bush* in 2004. Accordingly, no matter how harsh these detainees' conditions of confinement are, they have no recourse to our courts. For example, during the brutal force-feeding of prisoners on a hunger strike, the guards told a detainee, "We can do what we want now because you can't go to court anymore." McCain has not publicly protested the effect of this law.

Tom Wilner (an attorney for a number of the prisoners, who has talked to them at Guantanamo Bay), in explaining how "the heart has been taken out of the McCain amendment," points out that in language slipped into the bill during the House-Senate Conference Committee sessions, the final law "actually authorizes the tribunals at Guantanamo to use statements (against the detainees) obtained through coercion." (That can mean torture.)

Wilner continues: "That provision works a significant change of existing U.S. and international law and actually provides an incentive for U.S. officials - or officials from other governments through (CIA) renditions (sending terrorism suspects to other countries to be tortured) - to obtain such coerced statements."

As soon as the Detainees Treatment Act of 2005 was signed, I called McCain's press staff, which had previously been quick to answer my questions. I requested a statement by the senator on this deep-sixing of his amendment outlawing cruel, inhuman and degrading treatment of prisoners in U.S. custody. No one called back. I then left a personal message for the senator asking for any comment he chose to make. There has been no response.

Like many Americans - and human rights supporters around the world - I had been very impressed when John McCain withstood persistent pressure from the president and from Vice President Dick Cheney to withdraw his anti-torture amendment. The president even threatened to veto the Defense Authorization bill, in which the McCain amendment originally appeared, if it stayed in.

But then - in a televised and otherwise much-publicized Oval Office meeting with McCain on the amendment - the president, praising the senator, said nothing about a veto, and McCain had clearly prevailed.

As it turned out, not so clearly. In a signing statement that accompanied the bill becoming law, the president - as he has done so often to undercut other new laws - made clear he would disregard the torture ban if harsh interrogation techniques help prevent terrorist attacks.

McCain did say publicly then that he would keep an eye on the implementation of his amendment. But when that amendment was nullified for Guantanamo prisoners - with much wider implications, as Wilner has noted - McCain has been silent.

Yet, the "Certificate of Appreciation" presented to John McCain in April reads: "in recognition of his unyielding will and tireless work to pass the McCain Anti-Torture Amendment."

Moreover, in a comment sent to me after I questioned the award, Mary Fabri, president of the Consortium of Torture Treatment Programs, wrote: "We know torture is common throughout the world. We certainly recognize that while the McCain amendment is an encouraging step toward preventing future atrocities, we all have much work to do."

Reading that, I thought that while the force-feeding at Guantanamo was getting wide attention here and abroad, the senator might have been able to stop it - as prisoners locked into restraining metal chairs were urinating and defecating on themselves - by saying publicly that the Detention Act of 2005 was grievously violating his anti-torture amendment, which is uselessly included in the same law.

In a Washington Post column, "A Man Who Won't Sell His Soul," David Ignatius writes, "A McCain candidacy, if he makes the formal decision next year to run, will be rooted in his image as a man of principle. But it will also be something of a balancing act - one that the candidate himself is likely to find uncomfortable."

* I certainly hope so. After McCain's "triumph" in the Oval Office, I was seriously thinking of voting for him in 2008. But I have changed my mind. Situational ethics are not the same as real principles.

Nat Hentoff is a nationally renowned authority on the First Amendment and the Bill of Rights and author of many books, including "The War on the Bill of Rights and the Gathering Resistance" (Seven Stories Press, 2003).

<http://www.cageprisoners.com/articles.php?id=14038>

SOURCE: KuwaitiFreedom.org

Statement by Tausif Paracha

During Witness Against Torture's press conference to kick off a day of action to Condemn Torture, we heard from T. Paracha, a New York-based computer consultant, whose uncle Saifullah Paracha has been incarcerated at Guantánamo since July 2003. Here is Mr. Paracha's statement:

"I am in constant pain. I would prefer to be buried alive than continue to receive the treatment I receive. At least I would suffer less and die." -- Sami Al-Laithi, Egyptian detained in Guantánamo.

From teenagers to 60-year-old men like my uncle, Saifullah Paracha, the U.S. has kidnapped people all over the world. These people were not on the battlefield, they just disappeared over night. My uncle was kidnapped in July of 2003; we didn't know where he was for 2 months. When we begged the U.S. government officials to just tell us if my uncle was alive, they said "no comment," and hung up the phone on us. They beat my uncle, they tortured him, they did everything they could to harm him. They held up by chains and did not feed him for 3 days.

Right now he is in the worst camp in Guantánamo. He has several medical conditions and is 60 years old, yet he was still treated in an extremely hostile manner.

The world has to stand up when detainees prefer death over how they are treated in Guantánamo. It still baffles me how the country like the U.S., who criticizes China and other countries for Human Rights Violations, can kidnap, beat and torture people without proving them guilty of a single thing.

I am very concerned for all the detainees; I have special concern for my uncle because of his old age and medical conditions. The detention of my uncle has devastated our family. He is a gentle and kind man, who has never harmed anyone in his life. He never committed a crime. He was always into humanitarian work.

I want to thank everybody for coming here today, we have to close Guantánamo and make sure every human receives the basic human rights they deserve.

<http://www.cageprisoners.com/articles.php?id=14032>

SOURCE: WitnessTorture.org

May 23, 2006

67 Pakistanis in Guantanamo Jail

WASHINGTON • There are 67 Pakistanis on a Pentagon list of all the detainees who have been or are being held at the US prison camp at Guantanamo Bay, Cuba. The list contains the names and nationalities of 759 people who have been held under the US Department of Defence control since the jail opened in January 2002. One name, that of Saifullah Paracha, a 58-year-old Pakistani citizen, shows that the list also includes prisoners detained by other agencies, such as CIA, after 9/11. Most of the 67 Pakistanis on the list were apprehended by the same Afghan commanders they went to help and were handed over to US authorities. Pentagon issued an initial list of 558 names on April 19, which detailed the detainees who went through a military hearing process instigated in 2004. The additional 201 names on the new list are detainees who were moved out of Guantanamo before the military hearings began. The US military now holds about 480 detainees at Guantanamo after 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.

<http://www.cageprisoners.com/articles.php?id=14058>

SOURCE: The Peninsula Qatar

Kuwaitis Not Involved in Guantanamo Riot

KUWAIT: The head of the Popular Committee for Kuwaiti Detainees in Guantanamo, Khalid Al-Oda, has revealed that no Kuwaitis were among those who tried to commit suicide late on Thursday. Meanwhile, he expressed his regret at the most recent developments at Guantanamo jail, such as the suicide attempts and the chaos that has ensued following the demands by the International Council for Human Rights at the United Nations for the release of all detainees and that they should be treated according to the Geneva Convention. Al-Oda added that, "We will continue to monitor developments at Guantanamo after the events of the past two days", when four prisoners in camps 1 and 2 tried to take their own lives by swallowing pills and medicine. The men were hospitalised immediately and are now said to be making a good recovery. The nationalities of detainees involved has not yet been revealed, reported Al Qabas.

<http://www.cageprisoners.com/articles.php?id=14054>

SOURCE: Arab Times

MEP in Prison Camp Plea

David Ottewell

A MANCHESTER-based Euro MP has called for the Guantanamo Bay prison camp to be closed as she became one of the first western politicians to visit it.

Arlene McCarthy, Labour MEP for the north west, was part of a delegation from Brussels allowed to tour controversial Camp Delta at the US naval base on Cuba, where al-Qaida terror suspects have been held for up to four years without charge.

She was allowed to see the conditions prisoners were kept in and to discuss the camp's future - but barred from speaking to the 490 remaining detainees.

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Ms McCarthy said Guantanamo was "not the answer" to the terrorist threat facing America and it was "not acceptable" to hold people for years without putting them on trial.

"We have always said that Guantanamo needs to close," she said. "We have experienced terrorist attacks with the London and Madrid bombings and indeed my own region, the north west of England, has suffered from bomb attacks in Manchester and Warrington.

"The way to beat the terrorist is through sophisticated intelligence networks and pursuing them through the criminal justice system.

"We will be asking the US authorities about their timetable and strategy for closing down Guantanamo."

The delegation was invited to see the camp by members of the US House of Representatives after expressing concerns about it during a previous trip to America.

Their visit is the first by senior European politicians since Belgian Senate President Anne-Marie Lizin was granted access earlier this year as part of her work with the Organization for Security and Cooperation in Europe.

Five United Nations experts on human rights turned down the chance to visit after learning they would not be allowed to talk to detainees. They later published a report saying inmates had suffered inhumane treatment and were denied basic legal rights.

The Attorney General, Lord Goldsmith, has already called for the camp to be closed and Tony Blair has referred to it as an "anomaly".

Another UN report, published last week, said the indefinite holding of suspects without trial breached a worldwide ban on torture.

There have been 39 suicide attempts at Guantanamo Bay.

But Condoleezza Rice, the US Secretary of State, has made it clear the camp would stay open and said: "We cannot be in a situation in which we are just turning loose on helpless populations or unprotected populations people who have vowed to kill more Americans if they're released."

<http://www.cageprisoners.com/articles.php?id=14052>

SOURCE: Manchester Evening News

Amnesty Says Security Emphasis Hurting Human Rights

By Danica Kirka, Associated Press

LONDON -- Amnesty International said in a report released today that the relentless pursuit of security by the world's powerful nations had undermined human rights, draining energy and attention from crises afflicting the poor and underprivileged.

In its 2006 annual report, the human rights watchdog condemned countries such as the United States, China and Russia for focusing on narrowly defined interests, diluting efforts to solve conflicts elsewhere -- such as Sudan's Darfur region.

"Governments collectively and individually paralyzed international institutions and squandered public resources in pursuit of narrow security interests, sacrificed principles in the name of the 'war on terror' and turned a blind eye to massive human rights abuses," Amnesty's Secretary General Irene Khan said in a statement accompanying the report.

It urged the United Nations to address abuses in Darfur, where violence has killed more than 180,000 people and displaced 2.5 million since 2003. Many of the atrocities are blamed on the so-called Janjaweed, a disparate group of Arab militiamen allegedly backed by the Sudanese government.

"Intermittent attention and feeble action by the United Nations and the African Union fell pathetically short of what was needed in Darfur," Khan said.

Amnesty also urged Washington to close the prison in Guantanamo Bay, Cuba, and for full disclosure on prisoners implicated elsewhere in the "war on terror." It also asked for the UN Human Rights Council to insist on equal standards "whether in Darfur, Guantanamo, Chechnya or China."

It appealed for a change of strategy in Iraq, which it described as having sunk into "a vortex of sectarian violence."

"When the powerful are too arrogant to review and reassess their strategies, the heaviest price is paid by the poor and powerless -- in this case ordinary Iraqi women, men and children," Khan said.

Amnesty has criticized President Bush's approach to tackling international terrorism since the Sept. 11, 2001, terrorist attacks, complaining that hard-won human rights and civil liberties are being sacrificed in the name of stepped-up security.

Along with cases of abuse of prisoners in US detention, the assault on rights makes it harder for Western countries to press other governments to clean up their rights record, Amnesty said.

<http://www.cageprisoners.com/articles.php?id=14051>

SOURCE: Boston Globe

Habib Defamed By Article, Court Told

A TABLOID newspaper expose defamed former Guantanamo Bay inmate Mamdouh Habib because it implied he was roting Australian taxpayers by unfairly claiming a disability pension, a court was told today.

Mr Habib is suing Nationwide News in the NSW Supreme Court over an article it published in The Daily Telegraph in August last year. Headlined, A stretch but Habib wants his pension, the page five article said Mr Habib was seeking Centrelink disability payments, despite the fact he was able to participate in the Sydney City to Surf run.

In 1999, claiming depression, Mr Habib quit his job as a small business owner and started receiving \$470 a fortnight in benefit payments.

After being captured by American soldiers in Pakistan in late 2001, the Sydney man was detained at the US' Guantanamo Bay detention centre in Cuba.

But the article said his family continued to receive the payments and Mr Habib was told upon returning to Australia that he would not get access to a disability pension until he reimbursed taxpayers.

Mr Habib's barrister, Clive Evatt, today said the article defamed his client because it implied he was unjustly claiming the pension.

"The effect of the article was to suggest that he attempted to deceive Centrelink to seek a disabled pension when he was not disabled and that he was the sort of person who would try to live off Australia's taxpayers even though he had a job," Mr Evatt told the court.

He said the article caused Mr Habib to be "shunned, avoided, despised".

"It suggests that Mamdouh Habib has offended the moral code of the community and has probably engaged in criminal or, certainly, wrongful activities ...

"The ordinary reader would just read this and think, what a scoundrel, what a crime."

Mr Habib claims he was tortured in Egypt before being moved to Cuba, where he was held without charge for more than three years before his release in January 2005.

The hearing before Justice David Kirby continues.

<http://www.cageprisoners.com/articles.php?id=14050>

SOURCE: Herald Sun

European MPs, US Congressmen Visit Guantanamo

MIL-US-GUANTANAMO-EUROPE

WASHINGTON, May 22 (KUNA) -- A handful of European Parliamentarians and US Congressmen visited the controversial Guantanamo Bay, Cuba prison on Monday said the Department of Defense.

The visit was part of a Department of Defense effort to "help broaden understanding of the detention operations at Guantanamo," said the Pentagon. During the visit, the four members of the European Parliament and three members of US Congress were shown holding facilities and were allowed to ask questions to the military commanders at the US-run prison.

But the delegation was not allowed to meet with prisoners, which is part of a US policy that has been criticized by many rights groups and UN investigation teams. The delegations visit comes just days after detainees revolted against military guards at the prison with fans, light fixtures and other improvised weapons.

The clash, which occurred Thursday, came as guards responded to the fourth suicide attempt that day.

Guards entered to release the detainee who was attempting to hang himself when other detainees attacked the guards.

Since Guantanamo opened in early 2002 there have been 39 suicide attempts at the detention center, which holds around 460 detainees, said the military. Moreover, the visit by the officials also coincided with a recent UN report that called on the United States to close Guantanamo prison and end questionable interrogation techniques.

The UN Committee Against Torture said that holding prisoners indefinitely without charges or evidence is a violation of human rights laws.

Although both President George W. Bush and Secretary of Defense Donald Rumsfeld have said that they would eventually like to see the prison shut down, the Bush administration has strongly defended the existence of the prison and argues that the prison holds possible al-Qaeda and Taliban suspects.

Many of the nearly 290 detainees that have been released from Guantanamo prison have condemned the nature of their detention and said their release proves their innocence. (end) ayt.

<http://www.cageprisoners.com/articles.php?id=14049>

SOURCE: Kuna.net

Central Asian Security Group Wants Uyghurs Extradited

May 22, 2006 -- An official with the Shanghai Cooperation Organization (SCO) today called on the United States and Albania to extradite five ethnic Uyghurs to China.

Vyacheslav Kasymov, who heads the SCO's Regional Antiterrorism Structure, which based in Tashkent, also accused Washington and Tirana of using "double standards" in their fight against terror.

The five Uyghurs were recently released from the U.S. military prison in Guantanamo Bay in which the United States keeps suspected terrorists. However, Washington sent them to Albania amid concerns that they could face persecution, or execution in China.

The five have requested political asylum in Albania.

China accuses elements of its Uyghur minority of seeking independence through violent means. Rights campaigners in turn accuse Beijing of violating the rights of Uyghurs, most of whom live in the western region of Xinjiang.

The SCO is dominated by China and Russia. The other members are Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan.

<http://www.cageprisoners.com/articles.php?id=14046>

SOURCE: RFA

Azerbaijani Guantanamo Detainee Wants To Be Handed Over To Russia

Azerbaijani detainee of the Guantanamo detention camp in Cuba Polad Sirajov is being treated in a rehabilitation center of the prison (APA). Head of the Azerbaijan Committee Against Torture, Elchin Behbudov told APA quoting Sirajov's family members.

He said it is not known when the detainee will be handed over to Azerbaijan.

"It is reported that Polad Sirajov can be handed over to Russia by his own wish. Therefore, I refused by appeal to the US Embassy for monitoring the Guantanamo prison. There is no Azerbaijani citizen in the detention camp. So, there is no need for Azerbaijani organizations to monitor the Guantanamo," Behbudov said

<http://www.cageprisoners.com/articles.php?id=14044>

SOURCE: APA.az

APA: Stay Out Of Interrogations, Psychiatrists Urged

By Michael Smith, MedPage Today Staff Writer

TORONTO, May 22 — Psychiatrists should play no role in the interrogation of prisoners at places such as Guantanamo Bay, the American Psychiatric Association said today.

The APA has decided that "no psychiatrist should participate directly" in such interrogations, APA President Steven Sharfstein, M.D., of Baltimore told reporters at the association's annual meeting here.

By that, he said, the association believes that:

Psychiatrists should not be present at interrogations.
They should not ask or suggest questions.
They should not advise on techniques of interrogation.

"There has been an issue out in the community about psychiatrists and psychologists taking part in interrogation of detainees at Guantanamo Bay," Dr. Sharfstein said. The position statement, approved on the weekend by the APA's board of trustees and assembly, is a response to those concerns, he said.

The position is essentially a reiteration of the Hippocratic principle that doctors should "first do no harm," Dr. Sharfstein said. Taking part in interrogation is tantamount to "departing from that time-honored role," he said. Dr. Sharfstein is president of the nonprofit Sheppard Pratt Health System in Baltimore and clinical professor and vice chair of the department of psychiatry at the University of Maryland School of Medicine.

A spokesman for the U.S. Army Medical Department said the policy statement is under active discussion but there was no immediate hint as to how it might affect military policy.

"We have been reviewing that issue," Col. Elspeth Ritchie, M.D., said in an interview, "and one of the things we have been waiting on actually is the APA position."

"Now we have gotten a draft and we are actively discussing it," she said.

Lt.-Gen Kevin Kiley, M.D., the army's surgeon general, is expected to take part in a panel discussion on the issue Wednesday at the APA meeting.

Dr. Sharfstein acknowledged that psychiatrists in the military might have a conflict between obeying the APA's policy and following direct orders, noting the position statement is not "an ethical rule."

"Individual psychiatrists wouldn't get in trouble with the APA" for failing to follow the guidelines, he said. "If they're given an Army order, that would be another question," Dr. Sharfstein said.

Currently, he said, there are only a "few psychiatrists who are participating in the interrogations. That was not true in the past."

Other major groups are also grappling with the issue, Dr. Sharfstein said. The American Medical Association is expected to discuss a policy when its House of Delegates meets in June, he said, and the American Psychological Association last year urged its members to pay close attention to ethical issues, but stopped short of saying they should not take part in interrogations.

The association's position, Dr. Sharfstein noted, is "in contrast" with that taken by the psychologists.

Dr. Sharfstein said he hoped one outcome of the position statement is that the "military would take a very close look at the use of psychiatrists in roles other than the healing role."

While the focus of questions was on the use of so-called Behavioral Science Consultation Teams at places like Guantanamo Bay, the position statement actually takes a broader stance, saying that "no psychiatrist should participate directly in the interrogation of person held in custody by military or civilian investigative or law enforcement authorities, whether in the United States or elsewhere."

<http://www.cageprisoners.com/articles.php?id=14041>

SOURCE: MedPageToday.com

Gitmo Returnees Face Trial: Naif

Arab News

JEDDAH, 23 May 2006 — Saudi Arabia will put on trial its 15 Gitmo returnees after establishing their involvement in terrorist activities through interrogation, Interior Minister Prince Naif announced yesterday before leaving for Abu Dhabi to attend a GCC meeting.

"It's premature to talk about it now," the prince commented when a reporter asked him whether the Saudi returnees from the US detention camp in Guantanamo Bay, Cuba would be given back their government jobs.

"First of all, they will undergo investigation to establish whether they were involved in any terrorist activity or not. After that they will be transferred to court for trial," the Saudi Press Agency quoted the minister as saying.

Prince Naif confirmed reports about the upcoming visits of Custodian of the Two Holy Mosques King Abdullah to the Kingdom's different regions.

<http://www.cageprisoners.com/articles.php?id=14040>

SOURCE: Arab News

Global Uprising: From Guantanamo Bay To No. 20 Symonds Street

by Omar Hamed

As I write this I send my thoughts to those struggling against the Halliburton built torture camps at Guantanamo Bay. They are an inspiration. To the six men who rebelled this week against their jailors I lend my strength. Their actions carry within them the flame of all humanity that resists injustice. However, before you read this article I will warn you. It is in unequal parts a film review, an open letter of protest, an eyewitness account of campus life, a corporate accountability report, a message of solidarity, a note of thanks and a declaration of war.

On Monday I read in the Craccum editorial (#10, pg. 4) that US corporation Halliburton was coming sometime soon to the Faculty of Engineering to recruit students. On Tuesday I received the following message concerning the Halliburton visit in an email from a friend, "Pity we didn't have more warning. Could have organised an awesome anti-war profiteering protest." On Wednesday I went and saw A Letter to the Prime Minister: Jo Wilding's diary from Iraq. On Thursday morning I woke up and rode my bike into university and decided to do a bit of investigating into this Halliburton visit. No one seemed to know for sure when and where the visit was taking place. After a bit of legwork I finally found what I wanted on one of the Engineering Department's notice boards. A glossy promotional poster that read, "Reaching for the future? Think red." Just in time. Overlaid on top of a picture of a massive oilrig was the notice that Halliburton's presentation was the very same day.

In A Letter to the Prime Minister Wilding chases the "destruction of the lives of ordinary people during the bombing campaign and their subsequent neglect by Occupation forces and the interim authorities." She travels to bombed out houses, crowded hospital operating theatres and through the US sniper haunted streets of Falluja to seek out the victims of Western imperialism. The film is a testament to the courage and endurance of the Iraqi people and a reminder to those in the West that for many in the Middle East resisting the colonialism that came in our name is part and parcel of everyday life.

I always seem to leave those sorts of films with either a feeling that A) I need to be doing more to help these people or B) Despair. We've travelled to far down the path towards a world of hate, violence and bombed out rubble that there isn't a thing we can do to change anything of significance. A week ago I had dropped a friend at the airport. He was on his way to the United States for a memorial service for a friend who had been murdered in Baghdad. The two of them were part of a four-person team who were in Iraq to support the non-violent Iraqi resistance to the US led occupation. For that reason I was caught between my two available emotions. Even as the occupation was producing more chaos and more uncertainty for the Middle East's future the sacrifices some were prepared to make in the search for peace with justice was also escalating.

By the time I walked out of class on Thursday morning my resolve had set. No way could I allow Halliburton to come into my turangawaewae and recruit for its imperialist projects.

Now a lot of people might say "Why all the fuss? Why make a big deal about something that's none of your business?" That's what they were saying when white people started sticking up for blacks, when straight people started backing up their queer friends and what they said to me when I joined other Pakeha marching in solidarity with Maori against

the racist Foreshore and Seabed Bill. It's the same logic. It's an argument that makes up the first part of a long slippery slope towards fitting the locks on the gates of concentration camps.

And it's an argument I didn't have time for last Thursday. There were posters to make. Emails to send. Requests for banners and megaphones had to be typed out quickly and texted to various activists. By the time the two-dozen or so students and faculty members had assembled on Symonds Street sixteen activists had been arrested in Duncan, Oklahoma at Halliburton's annual shareholder conference, which was coincidentally being held at the same time as our attempt to disrupt Halliburton in Aotearoa. Without realising it we were a solidarity action with the American arrestees who included Hiram Myers, a 74 year old member of Veterans for Peace and with the activists from Peru and Nigeria who went inside the meeting as Halliburton shareholders and raised concerns about Halliburton's bribery of government officials in Nigeria and about a pipeline constructed through pristine rainforest in the Peruvian Amazon.

The protest itself seemed to me very surreal. Looking back on it now vivid images stick out. Myself and three other students walking to the front of the quite full lecture hall and holding banners that read "No Wars for Fuel; No Fuel for Wars" and "No Blood for Oil" as students both clapped and jeered. One student launched into a very angry attack on us, swearing and shouting at us to, "F*** off". (It was only later that I was told he was the son of the Halliburton rep whose presentation we were gate crashing.) The apple core flying through the air then landing at the feet of a member of the Student Association Executive as we stood silently at the front of the hall. The security guard's pulling me towards the door even as I still tried to read to the lecture hall from the piece of paper I held detailing the long list of Halliburton crimes. The Faculty's registrar calling for order, as I slipped back into the hall, to join other students expressing their disgust at Halliburton's presence. The police cars and extra security guards turning up to enforce our eviction.

Halliburton is the company that is rebuilding Guantanamo Bay, the American prison camp renowned the world over for torture and illegal detainment. The company that is stealing the oil wealth of the Iraqi people, that keeps the military infrastructure alive and well in Iraq, that uses slave labour, that is run by those behind the drive to war in Iraq, that sells polluted water to working class communities, that used worker's pensions to pay for management benefits, that feeds US soldiers spoilt food, that is accused many, many times over on accounts of fraud and bribery in the US, Iran, Nigeria and across the world.

So, thank you to all the students who braved the chill Auckland night to hold banners up against windows overlooking the buffet of booze and cocktail food the engineering students were being fed. Cheers to the other students who resisted being thrown from the lecture hall. Thank you to the Asian Studies Professor who came late, long after we'd been kicked out but was still keen for us to all together rush the lecture hall door. Thanks to the members of the Campus Greens for smuggling out Halliburton beer for us to enjoy. Thanks to the many engineering students who after the lecture came and thanked us for protesting. Thank you to the other engineering students who walked out of the presentation after we had been kicked out.

In 1968 hundreds of people occupied Columbia University to protest its links with the war in Vietnam. The university administration called in the police by cover of night to evict the hundreds of students and staff with massive violence. A student at the time recalled the sight of police beating and evicting protestors. "At that point I realized the administration of this university is the enemy. They're part of the military-industrial complex. These people are not supporters of learning. They are not my friends." Ditto Auckland University, 2006. Or as folk singer Ethan Millar puts it,

"It's been said before and I'll say it once more, let's bring the war home
And battle the forces of greed and injustice wherever they may roam
No more will we stand idly by
While they ravage the earth and hurl flame from the sky"

For more information on Halliburton see www.halliburtonwatch.org and www.corpwatch.org Download Ethan Millar on www.riotfolk.org

<http://www.cageprisoners.com/articles.php?id=14039>

SOURCE: Zmag.org

May 24, 2006

Habib Loses Defamation Case, Faces Hefty Legal Bill

Former Guantanamo Bay inmate Mamdouh Habib could be facing a hefty legal bill after losing a defamation action against a Sydney tabloid newspaper.

A NSW Supreme Court jury today took just half an hour to find The Daily Telegraph had not implied he was a welfare cheat.

Mr Habib was ordered to pay court costs in his failed action, the amount of which will be determined at a hearing next week.

He had sued Rupert Murdoch's Nationwide News over an article published in The Daily Telegraph in August last year.

Headlined "A stretch but Habib wants his pension", the page five article said Mr Habib was seeking Centrelink disability payments, despite the fact he was able to participate in the Sydney City to Surf run.

Mr Habib's barrister Clive Evatt argued the article contained two defamatory imputations.

"The effect of the article was to suggest that he attempted to deceive Centrelink to seek a disabled pension when he was not disabled and that he was the sort of person who would try to live off Australia's taxpayers," Mr Evatt told the court yesterday.

This caused his client to be "shunned, avoided, despised", he said.

"It suggests that Mamdouh Habib has offended the moral code of the community and has probably engaged in criminal or, certainly, wrongful activities," Mr Evatt said.

"The ordinary reader would just read this and think, what a scoundrel, what a crime."

But after deliberating for only half an hour today, the four-man jury found the article did not convey either of the imputations.

Mr Habib and his wife Maha sat quietly in the back of the court while the jury read its verdict.

Outside the court, the disappointed couple said they would take further action.

"The matter is not over yet," Mr Habib told reporters.

His lawyer Peter Erman said they hoped to discuss the case next week with Justice David Kirby, who had presided over the case.

Mr Habib was captured in Pakistan in late 2001 and detained by US authorities for more than three years as a suspected terrorist, but was never charged.

He claims he was taken to Egypt and tortured between November 2001 and February 2002 before being moved to the US military prison at Guantanamo Bay, Cuba.

Mr Habib returned to Australia in January 2005 after the Australian government gave a guarantee to the US that ASIO, the Australian Federal Police and NSW police would monitor his activities.

According to the Daily Telegraph article, Mr Habib sought Centrelink disability payments soon after returning to Australia, citing clinical depression.

But the government agency refused, saying it had been paying his family a pension since 1999 when Mr Habib quit his job as a small-business owner and started receiving \$470 a fortnight in benefit payments.

In a separate defamation case in February, a jury found that Nationwide News had defamed Mr Habib over articles published in The Daily Telegraph and The Weekend Australian in 2002 and 2005 that implied he was a liar.

<http://www.cageprisoners.com/articles.php?id=14079>

SOURCE: The Age

US Denies Torture of Detainees at Guantanamo

**By David Gollust
Washington**

The United States Tuesday rejected charges by Amnesty International of torture at the U.S. detention facility at Guantanamo Bay, Cuba. It also chided the London-based rights group for failing to assist in the war crimes prosecution of Saddam Hussein.

The Bush administration is again denying charges of mistreatment of detainees at Guantanamo Bay, while reiterating its desire to close the controversial facility as soon as it is practical.

The comments came in response to Amnesty International's annual report released Tuesday which faulted world powers, particularly the United States, for allegedly setting aside human rights concerns in pursuing the war against terrorism.

At a news briefing, State Department Spokesman Sean McCormack rejected Amnesty charges that the indefinite detention of terrorism suspects at Guantanamo amounted to cruel and inhuman treatment, or that torture was practiced there.

McCormack reiterated the United States does not want to be the world's jailer and hopes to eventually close the Guantanamo facility, but said critics provide no answers about what should be done with the detainees: "At some point in the future, would we all like to see Guantanamo Bay closed down? Absolutely. But at the moment, there are dangerous people being held in Guantanamo Bay. These are people that were picked up on battlefields, planning for, engaged in various acts of terrorism around the world. These are individuals who pose a threat potentially not only to American citizens, but citizens from Europe as well as around the world," he said.

Nearly 500 detainees, most of them suspected al-Qaida and Taleban members taken prisoner during the U.S.-led invasion of Afghanistan, remain at the Cuba facility.

McCormack said the United States is bearing a burden for others in detaining would-be terrorists. He said it is trying to repatriate those it can under agreements with various countries guaranteeing that those freed will not be mistreated or be allowed to return to terror activity.

The Bush administration has said in the past it welcomed the scrutiny of human rights groups. But officials at the White House and State Department expressed irritation over the Amnesty report, the second of its kind in less than a week accusing the United States of abuses at Guantanamo and elsewhere.

McCormack quipped that Amnesty International seems good at press releases, but has done nothing to support the new Iraqi government in its prosecution of Saddam Hussein, whose regime was one of the worse human rights abusers of modern times. "In the years of Saddam Hussein's rule, Amnesty International was at the forefront of bringing to light human rights abuses that were perpetrated by that regime, terrible, terrible things. They did great work in that regard. But when it came time to put Saddam Hussein on trial, which is happening right now, they're absent. They've done zero, zip, nothing, to assist in those efforts," he said.

McCormack said Amnesty could have offered to help Saddam trial prosecutors with information from its data base on Iraqi rights abuses.

The trial of the former Iraqi dictator has been largely underwritten by the United States, with some help from European governments and non-governmental groups.

<http://www.cageprisoners.com/articles.php?id=14071>

SOURCE: VOAnews.com

MPs Plan Visit To Prisoners in Guantanamo

AN influential committee of MPs is seeking to visit prisoners in Guantanamo Bay in Cuba.

Foreign Office Minister Kim Howells said he agreed that there needed to be a "greater understanding" of how the facility operated. The Government's position remained that it would be better if the base was closed.

He said: "I fully agree that there needs to be a greater understanding of how Guantanamo operates. A visit, say by the Foreign Affairs Committee of this House, would clearly help to achieve this.

"I understand that the Foreign Affairs Committee is already in touch with the US administration about visiting the detention facility at Guantanamo Bay."

Dr Howells added: "Our position is clear and consistent. It would be better if Guantanamo were closed. We shall do what we can to bring that about but members should recognise that this is not an easy task and that balancing security and liberty never has been easy.

He was responding to former Labour minister Keith Vaz, who said UK MPs should visit the complex. "If this is not possible, you should consider arranging for a visit by the Attorney General to assess the conditions of the detainees," he urged the minister.

<http://www.cageprisoners.com/articles.php?id=14069>

SOURCE: The Scotsman

Two Guantanamo Detainees Overdose, Recovering

By **DAVID MCFADDEN**
ASSOCIATED PRESS WRITER

SAN JUAN, Puerto Rico -- Two detainees who took overdoses of an anti-anxiety medication they hoarded at Guantanamo Bay prison are recovering, a U.S. military official said Tuesday.

"Both are speaking, moving their extremities," U.S. Navy Cmdr. Robert Durand said during a phone interview from the U.S. naval base in southeastern Cuba.

The men, who Durand said were not among the 10 detainees at Guantanamo Bay who have been charged with crimes, were found unconscious in separate cells on the same day prisoners wielding makeshift weapons fought with guards in one of the most serious clashes ever reported at the detention center.

The first man was discovered unconscious in his single-occupancy cell Thursday after he failed to show up for morning prayers and the other was found hours later as the guards searched the prison for contraband prescription medicine, U.S. military officials said.

Durand said that neither of the men was prescribed anti-anxiety medication.

When asked about the Thursday clash, which military officials described as a coordinated attack by 10 men, Durand said that guards "managed to get the situation under control with minimal injuries" after they were lured into a medium security, communal-living unit by a "staged" suicide attempt.

The incident left six prisoners wounded and the commanding officer of the facility told reporters that the attack was evidence of the "dangerous nature" of the detainees.

Guantanamo officials said there have been 41 suicide attempts by 25 detainees and no deaths since the U.S. began taking prisoners to the base in January 2002. Defense lawyers contend the number of suicide attempts is higher.

<http://www.cageprisoners.com/articles.php?id=14068>

SOURCE: Seattle Post Intelligencer

Guantanamo, Target of World Criticism, Seems Set for Long Life

May 23 (Bloomberg) -- They're settling in for the long haul at the U.S. military prison at Guantanamo Bay, Cuba.

Even as U.S. officials including President George W. Bush say they want to close it, work is almost finished on a \$30 million state-of-the-art detention facility. More than 3,000 additional books are on their way to the library to help the 480 captured "enemy combatants" in the war on terrorism endure what may be an indefinite stay.

"We will stay here and do our mission and do it well until we no longer have a mission," U.S. Army Brigadier General Edward Leacock, the deputy commander of the detention operation, said in an interview this month at his headquarters on the 45-square-mile naval base the U.S. has leased from Cuba since 1903.

Guantanamo presents the Bush administration with a military and legal quandary. The war-crimes trials the military plans to hold for some detainees may be halted by the U.S. Supreme Court, while the release of other prisoners is being stymied by concern that they may be tortured by their governments or resume terrorist activities.

"No one would like to shut down Guantanamo more than this administration," Secretary of State Condoleezza Rice said on NBC's "Meet the Press" on May 21. The problem, she said, is what to do with the hundreds of dangerous people there who were caught on the battlefield, who are known to have connections, who regularly say that, if they're released, they're going to go back to killing Americans."

Lightning Rod

Guantanamo has been a lightning rod for controversy since it opened in January 2002 to hold those described by Defense Secretary Donald Rumsfeld as the "worst of the worst." Called a "gulag" by Amnesty International, the human-rights organization, the camp has been criticized for holding detainees under inhumane conditions outside the protections of U.S. law and the Geneva Conventions governing the treatment of prisoners of war.

Last week, the United Nations called for Guantanamo to be closed, following similar appeals by the U.K.'s attorney general, Peter Goldsmith, and German Chancellor Angela Merkel.

Leacock said he has no desire to keep the camp open either. "My goal, and the U.S. policy, is to hold no one here any longer than we have to," he said.

Procedures are in place to trim the detainee population, Leacock said. Of the 750 prisoners who have been held at Guantanamo, he said more than 250 have been released to their countries of origin, and 140 others may be in coming months.

Military Tribunals

Of the more than 300 detainees who will remain, 10 have so far been charged with war crimes by a military tribunal, and about "two dozen others" will be similarly tried, he said.

The tribunals, in which the prosecutors, defense attorneys and juries are military officers, may be stopped before the first is even completed. The Supreme Court is scheduled to rule in June on the legality of the tribunals, which were established by Bush's executive order in the wake of the Sept. 11 attacks and have been challenged by legal and human-rights groups.

It's the detainees who haven't been charged with crimes, about 300, who may pose the greatest legal and logistical problems to eventually closing the camp. They are subject to an annual review by a military panel known as the Administrative Review Board that assesses whether to continue holding them based on two criteria: their intelligence value and the threat they pose.

Some of these detainees may never be charged, yet may remain in detention for a long time, said Captain Tom Quinn, the U.S. Navy officer in charge of the review boards.

High Threat

"There are some folks who have a threat value that's so high or an intelligence value that's so high that even though they didn't commit a war crime, we cannot afford to take the risk to let them go," Quinn said.

Leacock said "about 15" of the detainees who have been released "have gone back to the fight," including "one who won't be coming back because he was shot and killed on the battlefield."

Guantanamo officials say conditions have improved vastly since the opening of the first detention facility, Camp X-Ray, in 2002. That unit -- which achieved worldwide notoriety for images of its open-air cages and bound detainees kneeling in dust -- was only open for four months.

Critics have focused on the interrogation techniques authorized by the Bush administration, some of which were banned by the Detainee Treatment Act of 2005 sponsored by Senator John McCain, an Arizona Republican and former prisoner of war in Vietnam.

`Cruel Treatment'

Alberto Mora, a former U.S. Navy general counsel who in 2004 fought to prevent the government from adopting aggressive interrogation techniques, said yesterday that ``cruel treatment" was used at Guantanamo.

The ``inescapable truth is that, no matter how circumscribed these policies were or how short their duration, or how few the victims, for as long as these policies were in effect our government had adopted what only can be labeled as a policy of cruelty," Mora said in a speech accepting the Profile in Courage award from the John F. Kennedy Library Foundation in Boston.

Since the closing of Camp X-Ray, Guantanamo detainees, who range in age from 20 to 71, have been dispersed in a network of five facilities called Camp Delta, where they are held according to their degree of cooperation with interrogators and ``compliance" with camp rules.

Camp Five, which houses about 100 of those deemed ``high- value," least ``compliant" and most dangerous, is a concrete structure modeled on a maximum-security facility in Peru, Indiana. Detainees are held in single cells, allowed no interaction with each other and given only short, solitary exercise periods. The \$30 million structure scheduled for completion this summer, a medium-security facility, will be Camp Six.

Camp Four

The largest group of inmates, more than a third of the total, is housed in Camp Four, which features 10-bed dormitory- style rooms. These inmates are allowed to roam the camp at will, eat together and have free access to library books.

Camp officials say most of the detainees, who come from 40 countries and speak dozens of languages, have learned English through speaking to the guards and reading. The Harry Potter books, they say, are the most-requested volumes from the library.

Officials say the guards take particular pains to show respect for detainees' religious practices, particularly since allegations of mishandling of the Koran were published by Newsweek magazine last year, setting off deadly riots in Pakistan and elsewhere in the Muslim world. The call to prayer is broadcast throughout the camp five times a day and arrows pointing toward Mecca are painted on bunks and on the ground.

Detainee Threats

Despite the improvements, two guards at Camp Delta -- who declined to give their names for fear of retribution against them or their families by the captives -- said the detainees frequently threatened them, spat at them or pelted them with feces or urine.

So far, there have been 23 suicide attempts at Guantanamo. Three detainees have been on hunger strikes for up to 250 days and are being force-fed through tubes.

Last week, 10 inmates in Camp Four clashed with guards who intervened to prevent a ``ruse" suicide attempt in the most violent uprising yet at the detention facility, according to Navy Rear Admiral Harry B. Harris. Prisoners used light fixtures, fan blades and pieces of metal to attack 10 guards who entered a communal cell to stop a detainee who appeared to be preparing to hang himself using bed sheets, Harris told reporters on a conference call.

No detainees have been sent to Guantanamo since 2004, and Leacock and other military officials said it is unlikely any new inmates will be sent there because permanent prisons have been erected in Afghanistan and Iraq. On May 8, Bush said on German television that he would ``like to close the camp and put the prisoners on trial."

For now, Leacock says, his orders are to keep the camp up and running. ``When the president orders me to put the `Closed' sign on the door, I will put it up," he said.

<http://www.cageprisoners.com/articles.php?id=14065>

SOURCE: Bloomberg.com

Report 2006: Address by Irene Khan, Amnesty Secretary General

Report 2006: Address by Irene Khan, Secretary General, Press conference, Foreign Press Association, London

Covering 150 countries from Afghanistan to Zimbabwe, Amnesty International Report 2006 is a commentary on the state of the world's human rights. It covers a range of issues and the responsibilities of governments - big and small - armed groups and business. But the overarching message that comes through is that:

Powerful governments are playing a dangerous game with human rights.

Those with power and influence – the US, European Union members, China and Russia – have been either complicit or compromised by human rights violations in 2005 at home and abroad.

Governments continued to sacrifice principles in the name of “the war on terror”.

A year ago, almost to the day, here in this room, on behalf of Amnesty International (AI), I called for Guantánamo prison camp to be closed. What was then AI's lone voice has now become a large and influential chorus, including opinion leaders in the US, religious figures, key governments and UN entities, including the UN Committee against Torture. The US Administration reacted strongly to our call, but in a recent interview on German TV, even President Bush said that he “would very much like to close Guantánamo and put the prisoners on trial”. We in AI strongly urge him to do that or to release them immediately.

A year is a long time in politics – but it is an even longer time if you happen to be a prisoner without charge, trial, or prospect of release in Guantánamo. Some 460 people of around 40 different nationalities remain in Guantánamo. Their desperation is evident in the large numbers of suicide attempts, in one case more than 12 times, and hunger strikes. Last Friday's incident of the attack on prison guards was yet another sign of the desperate situation. Guantánamo is a pressure cooker waiting to explode.

Guantánamo is only the tip of the iceberg of a large network of detention centres in Iraq, Afghanistan and secret locations around the world where the US and its allies are holding thousands of prisoners without charge or trial. Last week the UN Committee against Torture asked the US delegation whether the US maintains secret detention centres, the delegate responded: “No comment”.

Duplicity and double speak have become the hallmark of the war on terror.

Senior US officials – including Secretary of State Condoleezza Rice and President George Bush – gave assurances that the US does not practice torture. Yet, our research over the past year has shown evidence of widespread torture and ill treatment in the US-controlled detention centres. Our research also shows that the CIA has forcibly transferred prisoners to countries where they have been tortured. The IT industry outsources software development to India – the US outsources torture to countries like Morocco, Egypt, Jordan and Syria.

A new aspect of the “war on terror” in 2005 was the concrete evidence that European governments are partners in crime of the US in rendering or transferring prisoners forcibly to countries where they have been tortured. At least seven European countries have been implicated in the rendition of fourteen individuals – but so far only one country (Italy) has opened criminal prosecution against the CIA.

Public outrage has forced accountability, with investigations by the European Parliament, the Council of Europe and some national institutions, into renditions and US-run secret prisons.

Public institutions refused to undermine the prohibition on torture. The UK House of Lords rejected the argument of the government that it is lawful to introduce evidence in court proceedings that has been extracted as a result of torture by foreign agents abroad.

The US Senate adopted a law prohibiting the torture and ill treatment of prisoners in US custody anywhere in the world.

Sadly, instead of accepting and welcoming the efforts of courts and legislatures to reinstate respect for human rights, some governments found new ways to deny or dodge their international obligations

Bending to Republican pressure President Bush signed the bill prohibiting torture, but attached a statement effectively reserving the right of the executive to bypass the provision on national security grounds.

The UK professed to uphold the prohibition against torture but then, negotiated diplomatic assurances from countries that have a record of torture so that it could freely return people, including persons who had been tortured there previously. Lebanon, Jordan, Libya, Egypt, Algeria are all countries with which the UK has obtained or is in the process of obtaining such guarantees.

The position in international law is clear. Nothing can justify torture and ill treatment. Just as we must condemn terrorist attacks on civilians in the strongest possible terms, we must resist claims by governments that terror can be fought with torture. Such claims are misleading, dangerous and simply wrong – you cannot extinguish a fire with petrol.

When the US government ignores the absolute prohibition on torture and fails to investigate abuses by its soldiers, when the European governments bury their collective heads in the sand and refuse to question their own record on renditions, racism or refugees, they damage their ability to champion human rights elsewhere in the world.

Not every human rights abuse can be attributed to the war on terror but there is no doubt that it has given a new lease of life to old fashioned repression in some parts of the world. In 2005 it provided an effective smoke screen for governments in the Middle East and North Africa to carry on with arbitrary detention, torture, unfair trial, suppression of political dissent, ethnic persecution, for instance of Kurds and religious minorities. These governments today do with greater confidence what they did in the past with fear of criticism. The war on terror has seen the rehabilitation of Libya, formerly considered a terrorist state, with the US re-establishing diplomatic ties, and the UK negotiating diplomatic assurances. On Sunday a Swiss Amnesty member in Tunisia was expelled, and yesterday a Tunisian member was arrested and then released – just two cases among many of harassment of human rights defenders.

But the real cost of the war on terror has not only been in the curtailment of civil liberties but in the lives and livelihoods of the poor.

2005 saw the biggest ever mobilization of civil society and public support to eradicate poverty. But in response, the UN Summit showed governments miserably failing to match promise to performance on the Millennium Development Goals. In the aftermath of Hurricane Katrina and riots in France, 2005 was also a year which showed the glaring disparity, discrimination and alienation in the heart of richest countries of the world.

Women's human rights have been another hidden casualty of the war on terror. March 2005 marked the 10th anniversary of the Beijing Platform of Action for Women – but rather than building on the progress, it was spent resisting the backlash from conservative forces who have gained new lease of life in the current security environment. War on terror gets attention – the war on women goes unnoticed, with hundreds of women, for instance, in Mexico and Guatemala being killed with impunity; or 25% of women globally facing sexual abuse at the hands of their partner.

At a time of unprecedented globalization, with barriers to goods and capital being dismantled, 2005 saw the building of borders against refugees and migrants. Ignoring the economic exploitation of illegal migrants, governments focussed instead on building borders – whether against Burmese workers in Thailand, or African migrants in the Spanish enclaves of Ceuta and Melilla, and now in the US.

The security agenda of the powerful and privileged hijacked the energy and attention of the world from serious human rights crises.

Social development was not the only casualty. The forgotten conflicts in Africa, Asia and the Middle East took their toll. Israel and the Occupied Territories also slipped off the international agenda in 2005, deepening the distress and despair of Palestinians and the fear of Israelis.

Powerful governments squandered their resources and spend their capacity in pursuit of military and security strategies that reaped a bloody harvest.

The score card of continued conflict and mounting human rights abuses are there for all to see in Afghanistan and Iraq.

The failure to investigate or prosecute abuses committed by their own soldiers or private security contractors undermined the claims by the Multi National Forces (MNF) that they were restoring the rule of law in the country. The current strategies of the Iraqi government and the MNF are clearly not working. When the powerful are too arrogant to review and reassess their strategies the heaviest price is paid by the poor and the powerless: in this case ordinary Iraqi women, men and children.

Governments, collectively and individually, paralysed international institutions and squandered resources and capacity in misguided military and security strategies.

Darfur was the saddest case in point in 2005. Two million people have been displaced, over 200,000 have died, thousands have been raped and the atrocities continue unabated. Intermittent attention and feeble action by the United Nations and the African Union fell pathetically short of what was needed in Darfur. China and Russia paralysed the UN Security Council to protect their oil interests and arms trade with Khartoum. The US was keen but its capacity was sapped by Iraq, and its moral authority tarnished by the war on terror.

In a year in which the UN spent much of its time discussing reform and membership of the UN Security Council, it failed to give attention to the performance of two key members – China and Russia – who have consistently allowed their narrow political and economic interests to prevail over human rights and responsibilities domestically and internationally.

Russia's behaviour sent a strong message on human rights to its close neighbours. Its hostility to its own human rights defenders did not go unnoticed by other states with similar desires to clamp down on civil society. Russia supported Uzbekistan when it refused to allow an independent investigation into the Andizhan killings. Russia's own approach to Chechnya was based on impunity for the abuses committed by its own security forces.

China's rise as a global economic power places upon it greater responsibility in international relations. But China continued to show little concern for human rights at home or abroad, entering into economic partnerships with some of the most repressive regimes around the world, and continuing to restrict human rights at home.

2005 has been a year of contradictions – with signs of hope wrestling against failed promises and failures of leadership.

The overall number of conflicts worldwide has been decreasing, thanks to international conflict management, prevention and peace-building initiatives, giving hope to millions of people in countries like Angola, Liberia and Sierra Leone.

In Nepal, resistance by human rights defenders, journalists and political leaders, on the one hand, and firm pressure from allies abroad on the other, forced the King to hand power back to Parliament.

Despite the shortcomings of national judicial systems, the fight against impunity continues to gain new strength with steps being taken to bring Augusto Pinochet, Alberto Fujimori and Charles Taylor to justice. The International Criminal Court (ICC) issued its first indictments against leaders of armed groups in northern Uganda and the Democratic Republic of Congo.

The much discredited UN human rights machinery was overhauled and a new Human Rights Council has been established.

And in 2005 we saw an extraordinary display of solidarity and resistance across borders of human rights activists and ordinary people. From indigenous groups rallying in Latin America, to women asserting their rights in Asia, to mass demonstrations of migrants in US cities, the human rights idea – and the world-wide movement of people that drives it forward – is more powerful and stronger than ever.

More and more, governments are being called to account: before legislatures, in courts and other public forums. Lines, however fragile, are being drawn. Voices are being raised. This offers hope for a more principled approach to human rights and security in the future. In the long-term, this growth of civil society and mass action bodes well for the protection of human rights. There is real potential here for change.

As we look forward to 2006 it is clear that there are both opportunities and risks – through our campaigns we are putting four challenges.

First, Guantánamo must close. President Bush should keep his word. His credibility will be held hostage until he ends this shameful symbol of US abuse of power. The US and its allies must disclose the names and locations of all others held in secret detention – the detainees should be prosecuted or released.

Second, small arms are the real weapons of mass destruction. They fuel conflict, poverty and human rights abuses worldwide. The UN Review Conference this June is an opportunity for governments to agree to an Arms Trade Treaty. We call on all governments to support it.

Third, the new UN Human Rights Council machinery will meet for the first time next month. It must not be tainted with old power games. It must insist on equal standards by all governments, whether in Darfur or Guantánamo, Chechnya or China.

Finally, the killings, rape and displacement in Darfur must stop. The Darfour Peace Agreement contains strong human rights provisions that offer a way ahead, if properly implemented. But for it to work, the UN Security Council must

urgently deploy UN peacekeepers, and must not allow itself to be manipulated by the government of Sudan. Pending their deployment, the African Union monitors must be supported by the international community to carry out their work. There is a particular responsibility on the Arab states to encourage Sudan to concede to the UN operation. Arab leaders do a disservice to themselves and their people when they use solidarity as a shield to avoid their human rights responsibilities.

More than ever the world needs countries with power and influence to behave with responsibility and respect for human rights. Governments must stop playing games with human rights.

<http://www.cageprisoners.com/articles.php?id=14063>

SOURCE: Amnesty International

Driven To Suicide By U.S. Torturers

Detainees at the Guantánamo prison camp
By Nicole Colson

AS THE United Nations (UN) called for the U.S. prison camp in Guantánamo Bay, Cuba, to be closed, the horrific toll that indefinite detention is exacting on prisoners became even clearer.

On May 18, up to four desperate inmates were driven to try to commit suicide, overdosing on hoarded anti-depressants.

The same day, inmates in another section of the prison camp attempted to prevent guards from interfering with a detainee who was attempting to hang himself. A group of about 10 detainees reportedly confronted guards from the so-called "Extreme Reaction Force" who were trying to prevent the suicide attempt.

The detainees reportedly used improvised weapons made from fan blades, metal sheeting and closed-circuit television cameras that had been ripped from the walls--.

The guards retaliated with batons and shields, doused inmates with pepper spray, fired rubber bullets from shotguns, and used at least one "sponge grenade"--a piece of metal or plastic covered in a spongy material that is designed to incapacitate crowds by inflicting "blunt trauma."

It was "probably the most violent outbreak" in the camp's four-year history, claimed Rear Admiral Harry Harris, the U.S. commander of the detention center.

According to Harris, the hanging attempt was no more than a ruse to lure guards into an attack. "These are dangerous men and determined jihadists," he said.

But a new UN report makes it clear that indefinite detention at Guantánamo, along with the brutal conditions prisoners are subjected to, has led many of the prisoners to take increasingly desperate action to end their lives.

The report--authored by the UN Committee on Torture, which is made up of 10 independent human rights experts--criticized interrogation techniques employed by the U.S. at Guantánamo, as well as the Bush administration's practice of using secret prisons around the globe to house an undisclosed number of "terrorist" suspects and shipping prisoners to countries that allow torture for interrogation.

According to the report, the U.S. use of interrogation techniques like "water boarding" (a form of mock drowning in which a detainee is strapped to a board and held under water), as well as the use of sexual humiliation and dogs to frighten prisoners, constitutes inhumane treatment and possibly torture, and is a clear violation of international law.

The U.S. "should cease to detain any person at Guantánamo Bay and close this detention facility, permit access by the detainees to judicial process or release them as soon as possible," reads the UN report.

The Bush administration claims that it wants to shut down Guantánamo--but can't, in part because it fears detainees might be "mistreated" by other countries. "We work almost daily with governments to try to get people returned to their native lands if their governments will take them and give assurances that they are both not going to be mistreated and that they're going to be watched and monitored so that they can't commit crimes again," claimed Secretary of State Condoleezza Rice on Fox News Sunday.

But the findings of the UN Committee on Torture show that it is the U.S. that subjects prisoners to routine mistreatment. As Joshua Colangelo-Bryan, an attorney for a detainee from Bahrain who has repeatedly tried to kill himself, told the Associated Press, "Under these circumstances, it's hardly surprising that people become desperate and hopeless enough to attempt suicide."

<http://www.cageprisoners.com/articles.php?id=14062>

SOURCE: Socialist Worker Online

Guantanamo's Orange Jumpsuit Justice

By JOANNE MARINER

International criticism of the Guantanamo Bay detention facility has been growing in strength over the course of the year, but it reached a crescendo this month. In the past two weeks alone, the U.N. Committee Against Torture, the U.K. attorney general, and a prominent Australian high court judge have all called for Guantanamo to close.

Even President George Bush himself, in an interview on German public television, admitted for the first time that he would like to shut down the facility.

Bush undercut his remarks, however, by stating that the U.S. Supreme Court first had to decide whether the detainees there should be brought before civilian courts or military commissions. And this past Sunday, Secretary of State Condoleezza Rice echoed his comments, while adding further caveats. She said that the U.S. would be "delighted" to close Guantanamo, but claimed that the government was obliged to keep it open until alternative measures could be taken to control the people held there.

The fact that the Administration is even discussing Guantanamo's closure represents progress. But in terms of taking steps to remedy the problem, there is still far to go.

Prosecute the Guilty

President Bush's statements on German television were important in several respects. First, they were an implicit acknowledgment that Guantanamo has been a failure. With even the British complaining about the facility, that much was already pretty clear.

Second, and equally important, they were the first time that Bush indicated that the detainees should face trial, rather than be held in indefinite detention. This was a step forward, but one that Rice seemed unwilling to endorse.

In *Hamdan v. Rumsfeld*, a case currently before the Supreme Court, the justices will be ruling upon the legality of the military commissions established by the Bush Administration to try some of the detainees at Guantanamo. A ruling in the case is expected in June. But even in advance of that ruling, the Administration is free to remedy Guantanamo's problems.

But Only a Minority Are Slated for Prosecution

President Bush's remarks at least suggested that the Guantanamo detainees should get a trial -- whether in civilian courts or military commissions. Yet, to date, the Administration has indicated that only a fraction of the detainees will be prosecuted.

Only ten of the 460 detainees now held at Guantanamo have been charged before military commissions. The chief prosecutor, Air Force Col. Morris Davis, said a few weeks ago that charges were expected soon against about two dozen others. Administration officials have said in the past that they expect up to 70 to 80 detainees to be charged.

Hundreds more detainees are apparently not slated for prosecution. Instead, they are being held in indefinite detention on the basis of secret evidence that they have no way to effectively challenge.

Prosecution and Coercion

Although Secretary Rice labeled the Guantanamo detainees "dangerous people," the label means little without meaningful evidence to support it. And it is via the trial process that evidence is tested and found to be meaningful.

Guantanamo's problems have, however, complicated the possibility of future trials. Among the abuses that led to Guantanamo's notorious international reputation was the physical mistreatment of detainees. At least sixty detainees have made credible allegations of serious abuse at Guantanamo, as documented in a recent joint report by several human rights groups, including Human Rights Watch.

One detainee, Mohammed al-Qahtani, was reportedly subjected to weeks of sleep deprivation, isolation and sexual humiliation in late 2002 and early 2003. A review of al-Qahtani's interrogation log suggests that the techniques used during al-Qahtani's interrogation were so abusive that they amounted to torture. Another detainee, Mohamedou Slahi, has made similar allegations about abuse during interrogation.

The coercive interrogation techniques practiced at Guantanamo will no doubt hinder the trial process. When a confession is coerced from a criminal suspect, it can be difficult to prove, as due process requires, that his later prosecution is not based on the fruits of that coercion.

Guantanamo as Spectacle

Guantanamo has become a counterproductive spectacle. In Turkey, just yesterday, a man convicted of links to Al Qaeda tried to put on a courtroom show by wearing an orange jumpsuit similar to those used at Guantanamo. By exhibiting what is now an international symbol of injustice, he ridiculed the court and expressed disdain for its proceedings.

American justice was - and should be -- the envy of the world. Guantanamo is an anomaly that should not be allowed to stand.

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

Joanne Mariner is a New York-based human rights attorney. Her previous columns on Guantanamo may be found in the FindLaw archive.

<http://www.cageprisoners.com/articles.php?id=14088>

SOURCE: Findlaw.com

May 25, 2006

Bennett Backs Guantanamo Prison

**By Thomas Burr
The Salt Lake Tribune**

WASHINGTON - Fresh from a tour of the Guantanamo Bay detention center, Sen. Bob Bennett said the prison is an essential tool in the fight against terrorism and is not the horrible place human rights groups have labeled it.

The Utah Republican, joined by Rep. Dennis Cardoza, D-Calif., and two members of the European Union parliament, spent five hours at the detention center on Monday and all defended the military's operation at the prison, which houses 465 detainees alleged to have ties to terrorist activities.

"The focus was on how well run the facility was how humane it was, how it was done in the spirit of the Geneva Conventions, even though it's not covered by that," Bennett told reporters Tuesday "The take away I had was how dangerous these people are. How essential it is that they be held."

The Guantanamo Bay visit comes on top of calls to shutter the facility by several groups, including Amnesty International and the United Nations Committee Against Torture. The latter group charges that in addition to holding people indefinitely without filing criminal charges, the prison using interrogation techniques amounting to torture and shipping inmates to other countries where they are tortured.

The committee urged closure of the facility and releasing prisoners or charging them in the court system.

That report followed a call earlier this month by British Attorney General Peter Goldsmith to close the facility. He called it an "unacceptable" symbol of injustice.

Bennett disputed the U.N. report, saying the panel hadn't visited the facility and that military officials showed them that Guantanamo is "in fact a model facility."

"They talked about how the prisoners showed up almost always undernourished," Bennett said. "Now one of their health problems is that they are tending toward obesity . . . They talked about the medical care that they received." And, he added, they mentioned that the detainees' favorite book from the library is "Harry Potter."

Bennett's group did not speak with any of the detainees, he said, but did eat the same food as those held at the prison.

Asked whether the camp should be closed, Bennett agreed it should, but did not want to give a time frame.

"Obviously, Guantanamo should be closed at some point," Bennett said. "The question is when and the argument is should we set a timetable now and say 'all right let's work toward that timetable and be through,' which I think some of our European friends are saying, or should we say these are the conditions under which it would be closed and we should be working toward those." Bennett said he supported the latter.

Secretary of State Condoleezza Rice told Fox News Sunday that "everybody wants to close down Guantanamo" but the question is what would happen to the detainees with ties to al Qaeda who might return to fight against the United States.

"We don't want to be the world's jailer," Rice said. "We will be delighted when we can close down Guantanamo."

Amnesty International, in a report released Tuesday, took the United States to task for Guantanamo Bay, charging that inmates had been verbally and physically abused during a hunger strike last year and had been denied evidence of why they are being held.

<http://www.cageprisoners.com/articles.php?id=14101>

SOURCE: The Salt Lake Tribune

Bin Laden Says Guantanamo Prisoners Have Nothing to Do with Al-Qaeda Operation

By JASPER MORTIMER

Associated Press Writer

CAIRO, Egypt (AP) –

In an audio tape posted on the Internet late Tuesday, a speaker claiming to be Bin Laden said that neither Zacarias Moussaoui (pronounced zakariya mousawi) - the only person convicted in the United States for the Sept. 11 attacks - nor anyone held at Guantanamo had anything to do with the al-Qaeda operation.

"I am the one in charge of the 19 brothers and I never assigned brother Zacarias to be with them in that mission," he said, referring to the 19 men who hijacked the four aircraft used in the Sept. 11, 2001, attacks.

Two counterterrorism officials in Washington, who spoke on condition of anonymity, said U.S. intelligence is aware of the bin Laden message. One of the officials said there is no reason to doubt its authenticity.

Moussaoui, a 37-year-old Frenchman and admitted al-Qaeda member, was sentenced to life in prison earlier this month after a jury in the United States ruled that he was responsible for at least one death on Sept. 11.

On the tape, bin Laden said to Americans: "Since Zacarias Moussaoui was still learning how to fly, he wasn't No. 20 in the group, as your government has claimed."

Bin Laden said Moussaoui's confession of involvement in Sept. 11 was "void," and the result of pressure during imprisonment.

"Brother Moussaoui was arrested two weeks before the events, and if he had known something - even very little - about the Sept. 11 group, we would have informed the leader of the operation, Mohammad Atta, and the others ... to leave America before being discovered," bin Laden said.

Bin Laden also said that none of the hundreds of terror suspects held at the U.S. prison at Guantanamo Bay, Cuba, was involved in the Sept. 11 attacks - and said most had no ties to al-Qaeda.

"Our brothers in Guantanamo ... have no connection whatsoever to the events of Sept. 11," he said, claiming they were jailed to justify the cost of the "war on terror."

But he did say two of the detainees were linked to the Sept. 11 attacks. "All the prisoners to date have no connection to the Sept. 11 events or knew anything about them, except for two of the brothers," bin Laden said. But he did not provide names or elaborate further.

The audio message, which is less than five minutes long, was transmitted with a still photo of bin Laden.

In a tape aired on Arab television in March, Bin Laden denounced the United States and Europe for cutting off funds to the Hamas-led Palestinian government, accusing them of leading a "Zionist" war on Islam, and urged followers to fight any U.N. peacekeeping force in Sudan.

In January, Bin Laden said in an audiotape that al-Qaida was preparing new attacks in the United States but offered a truce - though his lieutenant Ayman al-Zawahiri later issued a video saying Washington had refused to take the offer.

Associated Press Writer Maamoun Youssef in Cairo contributed to this report.

<http://www.cageprisoners.com/articles.php?id=14099>

SOURCE: AlJazeera.info

UK MEPs Divided on Guantanamo

MEPs returning from a visit to Guantanamo Bay have called for the detention centre to be closed, despite better-than-expected prisoner conditions.

Four MEPs, including Labour's Arlene McCarthy and the Conservatives' James Elles, received a tour of the notorious prison camp on Monday.

After the visit, three of the parliamentarians called for the camp to be closed, although Elles warned that closure "could make the war on terrorism worse".

The visit was part of a US effort to "help broaden understanding of the detention operations at Guantanamo" according to the Pentagon and came just days after a prisoner revolt.

Returning from Cuba, North West MEP McCarthy said she believed the prison camp, where al Qaeda suspects are held, should be shut down.

She told the Manchester Evening News saying Guantanamo was "not the answer" to the terrorist threat facing America and it was "not acceptable" to hold people for years without putting them on trial.

Her calls for closure were echoed by the two German MEPs who took part in the tour.

But Elles took a more moderate stance.

"Of course it is desirable in the long-term that the detention centre is closed but it is even more desirable that there is an end to the war on terror," he stated.

"Having visited Guantanamo, I now feel that if you close this detention centre, what is going to happen to these dangerous people?

"If they are released it is probably going to make the war on terror worse, rather than better."

He went on to say that Europeans "do not fully appreciate that America is waging a global war on terror".

According to the delegates, prison conditions were above expectations.

"From the limited access we were given we were able to confirm that conditions for the prisoners were better than reported," McCarthy stated.

The visit came ahead of a the prime minister's trip to Washington this week where Guantanamo is expected to be discussed with President Bush following Tony Blair's own call for the closure of the camp.

Attorney general Lord Goldsmith has also spoken out against the detention centre.

Yet despite international criticism, a US u-turn does not appear to be on the agenda.

"We had no reason to believe that closure is imminent," said McCarthy.

<http://www.cageprisoners.com/articles.php?id=14097>

SOURCE: Epolitix.com

CCR Presses CIA for New Torture Documents

Attorneys Representing Guantánamo Detainees File Court Papers Demanding Acknowledgment of CIA Torture Documents

Center for Constitutional Rights is also Challenging CIA in Federal Court for Domestic Spying

NEW YORK - May 24 - Today attorneys representing Guantánamo detainees at the Center for Constitutional Rights (CCR) announced that they will continue pressing the Central Intelligence Agency (CIA) to acknowledge the existence of documents relating to torture by U.S. officials, including an alleged Presidential Directive authorizing the CIA to establish new detention facilities abroad. In a brief filed on Monday, CCR counters the Bush Administration's assertion that it does not need to confirm or deny their existence, much less release them.

"We are asking for information that the government is required by law to provide, but the Bush Administration is refusing to even acknowledge these torture documents exist, let alone release them. This is another effort to exempt the CIA from legal limits -- from judicial review to congressional oversight - it's an affront to U.S. law and the torture ban that Congress recently passed," said Gitanjali Gutierrez, a CCR staff attorney who represents detainees who have experienced harsh interrogation and torture.

According to CCR's filing, the two documents in question are a Department of Justice memorandum "specifying permissible interrogation methods" and a Presidential Directive "granting the CIA authority to establish detention facilities outside the United States." CCR is arguing that U.S. law requires the CIA, at a minimum, to acknowledge the existence of the documents. According to CCR, the CIA's argument that mere acknowledgment of the documents would reveal intelligence methods is belied by the fact that government officials have previously publicly discussed the CIA's role in detentions and interrogations. The brief also notes the documents could play a "potentially pivotal role" in current debates about U.S. treatment of detainees around the world and the proper conduct and oversight of the CIA.

The brief was filed late last night against the CIA on behalf of CCR, the American Civil Liberties Union, Physicians for Human Rights, Veterans for Common Sense and Veterans for Peace, and oral arguments for the case are scheduled for June 12. A similar Freedom of Information Act lawsuit filed by these organizations resulted in the release of all the names of detainees in Guantánamo Bay, after years of delay by the U.S. government.

CCR has also filed successful FOIA cases that led to the release of many prisoner abuse documents from the FBI and the DOD.

<http://www.cageprisoners.com/articles.php?id=14095>

SOURCE: Common Dreams.org

May 26, 2006

ICRC Representatives Visit Azerbaijani Guantanamo Detainee Polad Sirajov

The International Committee of the Red Cross representatives visited Azerbaijani detainee Polad Sirajov, who is held in the US Guantanamo detention camp in Cuba.

The ICRC office in Baku told APA the objective of the visit was not only to meet Sirajov but to familiarize with living conditions in the prison as they often do.

"The ICRC representatives also visited Polad Sirajov in one of the meetings," the Office reports.

Spokesman of ICRC office in Baku Gulnaz Guliyeva said that Sirajov's family has many times applied to ICRC for getting in touch with him and finally, the family can exchange letters with Sirajov by means of the organization. "We have special and reliable line-"Red Cross Messages" to organize the families staying in touch with the detainees. Polad's family is now staying in touch with him through this line.

Azerbaijani citizen Polad Sirajov received higher education in Turkey. He is economist and translator. As his family says, he worked in Russia for a short period of time and now he is being held in Guantanamo prison facing the charge of having links with international terrorist organizations. According to regular reports, his family and human rights defenders to media, Sirajov is being treated in a rehabilitation center of the prison. He is also reported to have officially appealed to the prison authorities for his extradition to Russia./APA/

<http://www.cageprisoners.com/articles.php?id=14115>

SOURCE: En.ap.az

Releasing Guantanamo Detainees Would Endanger World, U.S. Says

State Department legal adviser discusses human-rights concerns in webchat

**By Vince Crawley
Washington File Staff Writer**

Washington -- The U.S. detention center at Guantanamo Bay, Cuba, does not violate international law, and releasing detainees would allow dangerous combatants to target innocent civilians worldwide, the State Department's legal adviser told a global Internet audience during a May 25 webchat.

In many cases, enemy fighters captured on battlefields in Afghanistan have broken no American laws and could not be tried in civil courts, yet they continue to pose a severe wartime danger, said John B. Bellinger III, the senior legal adviser to Secretary of State Condoleezza Rice.

In the webchat, Bellinger stressed that it has been common practice throughout the history of warfare to hold enemy fighters in custody until hostilities end. Approximately 460 detainees were being held in Guantanamo as of May 18, the most recent date for which numbers were available, the Pentagon has said. Approximately 290 detainees have been released from Guantanamo -- either set free or turned over to the custody of another government.

Bellinger said the U.S. government "does not believe that any detainee at Guantanamo Bay has been subjected to torture." He did acknowledge isolated cases in which Americans have illegally abused people being held in U.S. custody, but he said those cases have been dealt with in the American legal system, with 89 service members convicted in courts-martial.

"We are aware that some critics have alleged that the detention of detainees for a long period without trial ... amounts to psychological torture," Bellinger said. "We do not agree. ... [I]n any armed conflict, the enemy combatants of the opposing side are held until the end of the conflict. It may be stressful, but that does not make it torture, and it does not mean that it is illegal."

Bellinger led a team of more than two-dozen senior U.S. officials to Geneva May 5-8 to present oral and written reports to the U.N. Committee Against Torture. The exhaustive U.S. presentation included more than 200 pages of written answers to questions that centered on the conduct of U.S. detention operations around the world. (See related article.)

In a State Department news conference May 19, Bellinger said the U.N. committee's report, issued that day, apparently ignored many of the documents submitted by U.S. officials. (See related article.)

"The U.N. Committee did call for the closure of Guantanamo Bay, because the Committee was concerned about the length of detention of the detainees," Bellinger said in the May 25 webchat.

"The U.S. Government believes that the United States is in an armed conflict with Al Qaida, and that in any armed conflict it is appropriate to hold detained combatants until the end of the conflict," Bellinger said.

"Holding enemy combatants until the end of the conflict does not constitute torture. This said, President Bush has said that he recognizes the concerns that have been raised about Guantanamo. He does not want to keep it open any longer than is necessary. However, there are many dangerous detainees in Guantanamo, who would pose a threat to the United States and other countries if they were released."

It is also important to note what the chairman of the U.N. Committee Against Torture, Fernando Mariño Menendez of Spain, said when the committee report was released, Bellinger said. "He said that the Committee had concerns, but its report should not be blown out of proportion, because the United States has a good record on human rights," Bellinger said.

Meeting with European journalists May 4 in Brussels, Belgium, Bellinger said the United States would welcome international suggestions on alternatives to the Guantanamo Bay facility. (See related article.)

In his webchat, he said he is not aware of any examples in the history of warfare where "a detaining power has given criminal trials to the combatants it has detained (unless of course the prisoners have also committed war crimes)." Instead, enemy fights have been held until the end of hostilities. "We are also not aware," he said, "of cases where the detaining power has simply released large numbers of enemy combatants during the course of the conflict."

Roughly 10 percent of the hundreds of individuals who have been released from Guantanamo "have returned to fighting us in Afghanistan," Bellinger said.

Some critics have called for criminal trials instead of indefinite detention for those being held at Guantanamo. But Bellinger said trials are not practical in many cases.

"We do not believe that the detainees are simply criminals who were captured by police and who must be given criminal trials," he said.

Many detainees were captured by U.S. or coalition forces in Afghanistan, and "in most cases they did not violate U.S. laws when they traveled from their home countries to train in acts of terrorism in Al Qaida training camps," Bellinger said. "But does the fact that they did not violate existing U.S. criminal laws mean that they did nothing wrong and should be released? We think not. We believe that they were combatants who were fighting us in an armed conflict."

Bellinger added, "The United States is absolutely committed to human rights, to the rule of law, and to compliance with our international law obligations, and we believe we are acting in compliance with our obligations in holding detainees in Guantanamo."

He also addressed concerns in Europe about reports of alleged secret CIA flights carrying detainees. The practice of transporting a detainee from one country to another is known as rendition. Bellinger said that the U.S. government "has for decades conducted renditions on infrequent occasions when necessary to bring terror suspects to justice in the United States or to return them to their home countries or other countries where they are wanted."

Alleged CIA flights have been widely reported in European media.

"The vast majority of allegations about renditions are simply untrue," Bellinger said. The U.S. government has "given serious consideration to attempting to deny the many allegations that are untrue," he said. "We have concluded, regretfully, that it is simply not appropriate or possible to deny every inaccurate allegation."

For additional information, see Detainee Issues.

The transcript of Bellinger's webchat is available on Webchat Station, along with information on recent and upcoming webchats sponsored by the State Department's Bureau of International Information Programs.

(The Washington File is a product of the Bureau of International Information Programs, U.S. Department of State. Web site: <http://usinfo.state.gov>)

<http://www.cageprisoners.com/articles.php?id=14112>

SOURCE: Washington File

General Urged Use of Dogs at Abu Ghraib: Witness

By Stuart Grudgings

FORT MEADE, Maryland (Reuters) - The former commander of the U.S. military prison at Guantanamo Bay urged the use of dogs to the "maximum extent possible" to control detainees at Iraq's Abu Ghraib prison, but did not order their use in interrogations, a witness said on Thursday.

The testimony came on the fourth day of the military trial of army dog handler Sgt. Santos Cardona, who is accused of taking part in abuse of detainees at the Iraqi prison that the U.S. government blames on rogue low-ranking soldiers.

Defense attorneys are trying to prove that Cardona, who faces 16 years in prison if convicted on all charges, and other soldiers were acting on orders from their superiors.

U.S. Army Maj. Gen. Geoffrey Miller, former head of the Guantanamo Bay prison in Cuba, was sent to Iraq to try to improve information gathering as the insurgency intensified after the March 2003 invasion.

Ten soldiers have so far been convicted of abusing prisoners, including sexual humiliation and the use of snarling, unmuzzled dogs in late 2003 and early 2004 after Miller arrived.

"All I can recall is him encouraging using them (dogs) to the maximum extent possible," retired Lt. Col. Jerry Phillabaum, who was in command of Abu Ghraib before September 2003, told the court in a military base in Maryland.

"I don't recall him saying anything about interrogations."

Despite evidence of pressure from above to extract more information from prisoners, there are few signs that senior army leaders or administration officials will be charged with condoning the abuse. The U.S. government was severely embarrassed when photographs showing prisoners being abused and sexually humiliated by U.S. military personnel were leaked in 2004.

Miller, the highest ranking officer to testify in the scandal, said on Wednesday he never suggested using military dogs in interrogations of Iraqi prisoners, undercutting Cardona's defense. Cardona is charged with dereliction of duty and assaulting and threatening Iraqi detainees with his Belgian shepherd dog.

Prosecutors say Cardona and another dog handler, Sgt. Michael Smith, who was convicted on similar charges in March and sentenced to 179 days in prison, were "corrupt cops" who terrified prisoners into urinating and defecating on themselves.

Capt. Carolyn Wood, who was an intelligence officer at Abu Ghraib, testified there were clear rules against the use of unmuzzled dogs handed down in a memo from Lt. Gen. Ricardo Sanchez, the commander of U.S. forces in Iraq, and which were signed by all personnel at the prison.

"Using an unmuzzled dog goes against the CG's (commanding general's) policy," she said, when asked if she would have approved the use of dogs against detainees.

<http://www.cageprisoners.com/articles.php?id=14110>

SOURCE: Reuters

Status Quo Gitmo

"We don't want to be the world's jailer," insists Secretary of State Condoleezza Rice. Really? The Bush Administration seems to be waking up to the realization that Guantánamo Bay shames the United States before the world. The President and the Secretary now portray themselves as hapless custodians caught between Al Qaeda operatives and a slowpoke Supreme Court. "I would like to close the camp and put the prisoners on trial," the President declared May 10. It's as if Bush, Rice and Defense Secretary Donald Rumsfeld had never promulgated, approved or defended Guantánamo's law-free zone over the past four years.

The clock seems to be running down on Guantánamo. Last year Amnesty International secretary general Irene Khan was widely derided for describing Gitmo as the gulag of our times, but now impatience emanates from the world's capitals and even from the confines of the prison itself. In London, Lord Goldsmith--attorney general for Bush's staunchest ally and no stranger to harsh antiterrorism legislation--adopts Khan's analysis, calling Gitmo a global symbol of injustice: "The existence of Guantánamo Bay remains unacceptable." In Geneva the UN Commission Against Torture calls on the United States to close Guantánamo and any other prisons whose secrecy and lawlessness facilitate waterboarding, short-shackling or other brutalities that place our nation in violation of the Convention Against Torture. (CIA nominee Michael Hayden refused to condemn waterboarding at his recent confirmation hearing.) And in Guantánamo itself recently, a wave of suicide attempts was followed by a skirmish between guards and prisoners who had improvised weapons from lighting fixtures and electric fans.

While the White House party line on Guantánamo shifts, the lies that justify it go on. Rice continues to maintain that Guantánamo is filled with dangerous war criminals and terrorists, whom she characterizes as "people who have vowed to kill more Americans if released." But the ranks of those released so far suggest otherwise: juveniles, low-level militia volunteers and the clearly innocent, sold to the Americans in Afghanistan as members of Al Qaeda by unscrupulous bounty hunters. On May 20 a Kuwaiti criminal court acquitted five former Guantánamo prisoners--released by the United States into Kuwaiti custody--of charges that they had collected money for Osama bin Laden.

What's more, the key facilitator of Guantánamo, Defense Secretary Rumsfeld, remains adamant. As Salon has reported, Rumsfeld has been far more involved with the abusive interrogation of detainees than was previously known. On February 18 he declared bluntly, "We shouldn't close Guantánamo." And even as Bush and Rice hint at ambivalence, Rumsfeld's Defense Department is finishing a \$30 million long-term detention center.

If Guantánamo has finally reached critical mass as a worldwide issue, it is because of two intertwined activist campaigns: courtroom litigation and social protest. It is hard to think of an issue since the waning of the civil rights movement that has brought together volunteer lawyers from white-shoe firms like Jenner & Block in Chicago and religious activists and radical witness-bearers like the members of Catholic Worker, who in December staged a pilgrimage to Cuba, to the camp's boundaries. Thanks to the lawyers, the Supreme Court is expected to rule within weeks in the Hamdan case on the constitutionality of Rumsfeld's military tribunals; thanks to the activists, look for protest and other actions nationwide on June 26, the UN's International Day in Support of Victims of Torture.

The Administration's phony attempts to backpedal rhetorically while maintaining Status Quo Gitmo will make matters worse. The suicides, cell-block battles and degrading treatment of prisoners--along with the moral degradation of our own military--can only intensify if the camp remains open. When Rice throws her hands in the air and asks, in essence, What do you expect us to do? there is only one answer: Shut it down.

<http://www.cageprisoners.com/articles.php?id=14105>

SOURCE: The Nation

How the Federal Courts Can Clean Up America's Extraterritorial Prisons -- Including Its Secret Prisons: Learning from the Courts' Experience With Jim Crow Criminal Courts

By AZIZ HUQ

Today, the executive branch detains non-citizens in extra-territorial facilities in Guantánamo Bay, at Bagram, Afghanistan, and in secret prisons around the world. Anti-torture treaties, contends the executive, do not apply there.

What is the Administration's rationale for its decision? Before the United Nations Committee Against Torture, the Administration offered a fine - but unpersuasive - distinction. It claimed anti-torture rules apply in territory under U.S. "jurisdiction" but not in territory under U.S. "control." Tellingly, most detention sites, including the CIA's "black sites" are under U.S. control - but, supposedly, not under its jurisdiction.

The idea that a U.S. prison abroad - doubtless maintained by an agreement, tacit or explicit, with the country that is the formal sovereign that it will not interfere - is not under U.S. jurisdiction, is deeply troubling.

Yet Congress is unlikely to intervene on this score any time soon. So far, it has adhered stubbornly to the path of least resistance: doing nothing to channel unfettered executive discretion. There is, however, historical precedent of a sort for the federal courts to do much more. As indeed they should.

History shows that a crisis can also prove an opportunity. Almost a century ago, federal courts faced another human rights catastrophe, in another field previously seen as immune to federal judicial scrutiny: state court criminal proceedings.

Yet the federal courts of that era asserted jurisdiction and protected rights. Today's courts should do the same with respect to all prisons run by the United States, here and abroad, secret and open. When rights violations in the name of the United States cross international lines, so too must the reach of the federal courts.

A Key Parallel: The Civil Rights Crisis in Southern Criminal Courts

Constitutional criminal procedure took root only in the 1920s, when the Supreme Court issued rulings overturning African-Americans' convictions on the ground that they were tainted by race prejudice or that they validated and excused racist violence.

In 1923, in *Moore v. Dempsey*, the Court invalidated a conviction because, as Justice Oliver Wendell Holmes put it, the five African-American defendants "were hurried to conviction under the pressure of a [white] mob without any regard for their rights and without according to them due process of law."

The Court's landmark decisions on coerced confessions in 1926 in *Brown v. Mississippi* and later, in 1940, in *Chambers v. Florida* also concerned African-American defendants facing Jim Crow justice. (The defendant in *Brown*, conceded state officials, had been beaten - but "not too much for a Negro.")

The Supreme Court rejected, on Equal Protection grounds, convictions when African-Americans were excluded from juries, as in 1935 in *Norris v. Alabama*. Moreover, the Court hinted at judicial protection of the right to counsel in the 1932 case of *Powell v. Alabama*. (It was not until forty-one years later, however, in 1963's *Gideon v. Wainwright*, that this glimpse took full form.)

In response to these problems, Southern politicians and Congress did ... nothing. This is hardly surprising. In addition to being in practice unprotected by the Constitution, African-Americans then were largely excluded from democratic processes. As John Hart Ely later argued, political process failure invited judicial intervention.

No wonder, then, that federal courts intervened. Using Due Process analysis, the Court found fatal errors in these criminal proceedings thanks to the racist prejudice and violence that infected southern justice systems.

In the end, rather than limiting itself to case-by-case adjudication under the Due Process Clause, the Court eventually fashioned new, nationally applicable, prophylactic rules - the exclusionary rule of *Mapp v. Ohio*, decided in 1961, and

Miranda v. Arizona's famous warnings. Such rules were vital means to stem the tide of constitutional violations by making sure rules were crystal clear before police acted.

In the same era, the Court also expanded the scope of federal supervision of state courts via habeas corpus jurisdiction. During Reconstruction, in 1867, Congress had authorized federal court review of state court criminal judgments. But that law initially saw scant use.

In 1952, however, the Supreme Court dramatically enlarged habeas jurisdiction in *Brown v. Allen* (another case involving exclusion of African-Americans from juries). *Brown* eased the burden on the Supreme Court, giving lower courts a role in policing compliance with new constitutional rules.

The guidance this earlier era proves for our day is clear: The unfamiliarity of an arena does not rob federal courts of their obligation to ensure that the government acts consistent with the values embodied in the Constitution.

History's Lesson: The Roberts Court Can Protect Rights When Our Government Violates Them

Currently, both the scope of constitutional rights, and the availability and nature of federal court remedies, for overseas detainees are issues that remain unsettled in the Supreme Court. But it is likely to be the Court, and only the Court, that will ever address them. That's because -- like the African-American plaintiffs in the 1930s wave of rights litigations -- these detainees fall outside the pale of politicians' concern. Today, that exclusion is due to nationality, and, perhaps, religion. But it's worth remembering that (misleading rhetoric to the contrary aside) the Bill of Rights largely protects "persons," not merely "citizens" - as do, of course, the relevant treaties. The Court has never applied the constitutional language mechanically. Had it done so, for example, the Fourteenth Amendment's equality promise would never have been enforced against the federal government.

The Court - and more broadly, the federal courts as whole -- now have a chance to do what the political branches, it seems, are afraid to do. In *Hamdan v. Rumsfeld* and the successor litigation to the Supreme Court's 2004 *Rasul v. Bush* ruling, federal courts are about to determine the scope of extra-territorial rights and remedies.

It would be Pollyannaish to presume the Roberts Court will follow earlier Courts' lead. Yet the articulation of new rules and remedies for a new crisis would be in keeping with the Court's finest traditions. It would be an important blow against radical ideologies that justify mindless prejudice and mass murder. One of the greatest rebuffs to prejudice is equal treatment under the law. One of the greatest rebuffs to violence is the law's ability to create order without resorting to it.

And if the Court falls short? Commentators and the public must not forget that eighty years ago, the Court reached out to prevent and regulate rights violations that amounted to torture with new rights and remedies. "Judicial activism," in other words, is an ideal toward which the Court must strive. Sometimes, as in the 1920s, activism is the minimum that is necessary to ensure that rights are respected: When rights are flagrantly violated, the courts must take strong action to protect them, or effectively abdicate their most central role.

Now, as Then, the World Is Watching

A final lesson from the Supreme Court's role in the 1920s and later, in the 1950s and 1960s, is also pertinent here. Legal scholar and historian Mary Dudziak argues that judicial responses to Jim Crow were "a Cold War imperative" in response to international condemnation of racist practices. In battling racism, courts placed a pivotal role shoring up America's Cold War reputation as freedom's defender.

With international condemnation of American practices at Guantánamo and elsewhere intensifying, and even staunch allies like Australia and Britain joining the chorus, intervention by the Court to reaffirm rights would shore up America's badly battered image around the globe. For how can we ask other nations to make common cause with us when we reserve the right to secretly torture our citizens, outside the reach of our courts and laws?

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<http://www.cageprisoners.com/articles.php?id=14107>

SOURCE: Findlaw.com

May 27, 2006

Guantanamo Detainees Return to Legal Limbo

(New York, May 26, 2006) The 15 Saudi detainees transferred from Guantanamo Bay to Saudi custody on May 18 are unlikely to receive a fair trial and are at risk of torture, Human Rights Watch said today. After being deprived of access to justice for years in U.S. military detention, they may face continued incarceration with no legal process in Saudi Arabia.

"The Saudi detainees have left Guantanamo but their legal rights are still at risk," said Joe Stork, deputy director at Human Rights Watch's Middle East and North Africa division. "The detainees certainly can't rely on the Saudi justice system to give them a fair day in court."

Human Rights Watch expressed concern that the treatment of several Guantanamo detainees previously transferred to Saudi Arabia — including detention without charge, solitary confinement, and denial of access to legal counsel — increased the likelihood that the 15 new detainees would be arbitrarily detained or mistreated. Saudi Arabia has a long and recent record of torture and its trials remain patently unfair.

Three prisoners transferred to Saudi Arabia from Guantanamo are still being held without trial in Riyadh's al-Ha'ir prison. Salih al-Awshan, Mish'al al-Harbi, and Khalid al-'Unaizi, who arrived on July 20, 2005, were placed in solitary confinement for more than five months, relatives told Human Rights Watch. The authorities have not brought charges or initiated legal proceedings against them, nor allowed them to appoint defense lawyers, in violation of Saudi and international law. Officials conduct "a few interrogations, every once in a while," a relative said. The authorities allow only close family members to visit the detainees once a month.

In other instances, former Guantanamo detainees have been convicted on legally questionable charges. Three detainees transferred into Saudi custody on May 16, 2003 were released some two years later. According to one of the former detainees, the Greater Riyadh Court in May 2005 sentenced Ibrahim al-'Umar, Fahad Abdullah Shabbati and Misha'il al-Shuddukhi, Ibrahim al-Sahli and Fawwaz al-Zahrani to six months in prison for "leaving the country without permission." The ruling came after a four-day closed trial without representation and the men were released for time served, the detainee told Human Rights Watch. As a condition of their release, Saudi authorities prevented them from speaking openly about their experiences in Guantanamo and their time in Saudi custody.

An official with the National Society for Human Rights in Saudi Arabia, which was established in March 2004, told Human Rights Watch that the society would monitor both the treatment of the 15 detainees and their right to a fair trial, in coordination with the Saudi Ministry of Interior. The society, whose officers include government officials, has not spoken out publicly against abuse or called for public officials to be held accountable. The official said the society would seek to visit the detainees after their medical exams and initial interrogations. An Interior Ministry official confirmed that the men are being held in al-Ha'ir prison.

Human Rights Watch met with former Saudi political prisoners in February 2006, who said that they had witnessed torture in al-Ha'ir prison in 2004 and 2005. One said he himself was tortured. Mistreatment included sleep deprivation, solitary confinement, beatings, and suspending prisoners in the air by handcuffing one hand high up to a cell wall for hours at a time.

Saudi authorities are reportedly holding Majid 'Affas al-Shammari, another detainee transferred from Guantanamo to Saudi custody in November 2005, in a prison in Hafr al-Batin, in the north of the country.

<http://www.cageprisoners.com/articles.php?id=14124>

SOURCE: Human Rights Watch via Reuters

The Gitmo-izer Testifies

The court-martial of Sgt. Santos Cardona, the 11th soldier to be prosecuted for crimes committed at Abu Ghraib prison in the fall of 2003, opened without much attention earlier this week in Fort Meade, Maryland. The sentencing of his fellow dog-handler, Sgt. Michael Smith, on similar charges, to only six months of prison, and the general lack of interest on the part of the Defense Department in handing out meaningful penalties to those involved in abuse, has led many to lose hope in seeing justice done.

Those of us who have been watching the slow wheels grind, however, had one reason to be interested: Gen. Geoffrey Miller, the former commander at Guantanamo Bay, who allegedly came to Iraq shortly before the worst abuses at Abu Ghraib occurred to "Gitmo-ize" detention and interrogation procedures, was forced to testify for the first time.

Human Rights First attorney Hina Shamsi has been observing the court and blogging each day's procedures and implications (anyone still arguing about the frivolity of the blogosphere may quietly slip out the back door now):

I admit I had half a hope that the prosecution would pick a different theme for this court martial than the "few bad apples on the Abu Ghraib night shift." After all, it has been more than two years since the Abu Ghraib scandal broke, and there's now little question that abuses were not limited, but widespread and involved hundreds of U.S. personnel: the preliminary results of a research project Human Rights First is doing with NYU's Center for Human Rights and Global Justice and Human Rights Watch found that over 600 U.S. military and civilian personnel have been implicated in credible allegations of abuse spread throughout Iraq (where the majority of alleged abuses took place outside Abu Ghraib), Afghanistan and at Guantanamo.

The strategy of the defense has been to attempt to prove that Cardona, like his fellow soldiers, operated in an environment of uncertainty, and that his superior officers had explicitly or implicitly condoned the misuse of military working dogs for interrogations. Shamsi, notes, however, that Miller's actual appearance on the stand was anti-climactic:

On cross examination by the prosecution, Miller said that any conversation he may have had while in Iraq on his assessment visit about the use of dogs would have concerned detention operations – detainee "custody and control"; not interrogation. He added that although he and his Guantanamo Staff Judge Advocate (a military lawyer) brought to Iraq authorization from the Secretary of Defense for specific interrogation techniques at Guantanamo, the authorization was a "baseline, a framework" for the lawyers at Abu Ghraib to develop their own rules, which would have to be approved by senior commanders.

In other words, Miller denied that he had specifically encouraged the misuse of dogs to intimidate prisoners during interrogations.

What, then, are we to make of yesterday's witness, Lt. Col. Jerry Philbaum, the former head of intelligence operations at Abu Ghraib, who testified yesterday? From the AP report:

Philbaum, a defense witness, said under cross-examination that Geoffrey Miller "encouraged the use of dogs as much as possible in the normal operations of the confinement operations."

This isn't a flat-out accusation of lying, but it does reveal fissures in the omerta of the chain of command.

--Ethan Heitner

<http://www.cageprisoners.com/articles.php?id=14128>

SOURCE: TomPaine.com

May 28, 2006

The Children of Guantanamo Bay

The 'IoS' reveals today that more than 60 of the detainees of the US camp were under 18 at the time of their capture, some as young as 14

By Severin Carrell

The notorious US detention camp in Guantanamo Bay has been hit by fresh allegations of human rights abuses, with claims that dozens of children were sent there - some as young as 14 years old.

Lawyers in London estimate that more than 60 detainees held at the terrorists' prison camp were boys under 18 when they were captured.

They include at least 10 detainees still held at the US base in Cuba who were 14 or 15 when they were seized - including child soldiers who were held in solitary confinement, repeatedly interrogated and allegedly tortured.

The disclosures threaten to plunge the Bush administration into a fresh row with Britain, its closest ally in the war on terror, only days after the Attorney General, Lord Goldsmith, repeated his demands for the closure of the detention facility. It was, he said, a "symbol of injustice".

Whitehall sources said the new allegations, from the London-based legal rights group Reprieve, directly contradicted the Bush administration's assurances to the UK that no juveniles had been held there. "We would take a very, very dim view if it transpires that there were actually minors there," said an official.

One child prisoner, Mohamed el Gharani, is accused of involvement in a 1998 al-Qa'ida plot in London led by the alleged al-Qa'ida leader in Europe, Abu Qatada. But he was 12 years old at the time and living with his parents in Saudi Arabia.

After being arrested in Karachi in October 2001, aged 14, he has spent several years in solitary confinement as an alleged al-Qa'ida-trained fighter.

One Canadian-born boy, Omar Khadr, was 15 when arrested in 2002 and has also been kept in solitary confinement. The son of a known al-Qa'ida commander, he is accused of killing a US soldier with a grenade in July 2002 and was placed top of the Bush administration's list of detainees facing prosecution.

"It would surely be really quite stupid to allow the world to think you have teenagers in orange jumpsuits and shackles, spending 23 hours a day locked up in a cage," a source added. "If it's true that young people have been held there, their cases should be dealt with as a priority."

British officials last night told the IoS that the UK had been assured that any juveniles would be held in a special facility for child detainees at Guantanamo called Camp Iguana. But the US admits only three inmates were ever treated as children - three young Afghans, one aged 13, who were released in 2004 after a furore over their detention.

The row will again focus attention on the Bush administration's repeated claims that normal rules of war and human rights conventions do not apply to "enemy combatants" who were al-Qa'ida or Taliban fighters and supporters. The US insists these fighters did not have the same legal status as soldiers in uniform.

Clive Stafford Smith, a legal director of Reprieve and lawyer for a number of detainees, said it broke every widely accepted legal convention on human rights to put children in the same prison as adults - including US law.

"There is nothing wrong with trying minors for crimes, if they have committed crimes. The problem is when you either hold minors without trial in shocking conditions, or try them before a military commission that, in the words of a prosecutor who refused to take part, is rigged," he said. "Even if these kids were involved in fighting - and Omar is the only one who the military pretends was - then there is a UN convention against the use of child soldiers. There is a general recognition in the civilised world that children should be treated differently from adults."

Because the detainees have been held in Cuba for four years, all the teenagers are now thought to have reached their 18th birthdays in Guantanamo Bay and some have since been released.

The latest figures emerged after the Department of Defense (DoD) in Washington was forced to release the first ever list of Guantanamo detainees earlier this month. Although lawyers say it is riddled with errors - getting numerous names and dates of birth wrong - they were able to confirm that 17 detainees on the list were under 18 when taken to the camp, and another seven were probably juveniles.

In addition, said Mr Stafford Smith, they had credible evidence from other detainees, lawyers and the International Red Cross that another 37 inmates were under 18 when they were seized. One detainee, an al-Jazeera journalist called Sami el Hajj, has identified 36 juveniles in Guantanamo.

A senior Pentagon spokesman, Lt Commander Jeffrey Gordon, insisted that no one now being held at Guantanamo was a juvenile and said the DoD also rejected arguments that normal criminal law was relevant to the Guantanamo detainees.

"There is no international standard concerning the age of an individual who engages in combat operations... Age is not a determining factor in detention. [of those] engaged in armed conflict against our forces or in support to those fighting against us."

<http://www.cageprisoners.com/articles.php?id=14130>

SOURCE: The Independent

Cindy Sheehan Calls For David Hicks' Release

Gerard Morel, Melbourne

At a lunchtime rally outside the Liberal Party's Victorian head office on May 26, US anti-war activist Cindy Sheehan and the Democrats' Senator Natasha Stott-Despoja called for an end to the US military's imprisonment of David Hicks.

The protest was organised by Civil Rights Defence, a campaign group committed to the repeal of the Howard government's police-state "anti-terrorism" laws.

Speaking for the CRD, Jeff Sparrow compared the massive media attention received by two Beaconsfield miners, who were imprisoned underground for two weeks, with that of Hicks, who has been imprisoned at the US naval base at Guantanamo Bay, Cuba, without trial for four-and-a-half years in conditions "you wouldn't keep your dog in".

Stott-Despoja reiterated the Democrats' opposition to Australia's participation in the US-led war in Iraq and the "anti-terrorism" laws.

Sheehan, who was in Melbourne for the May 27 Unity for Peace conference, linked John Howard to US President George Bush and British PM Tony Blair as "criminals" responsible for an illegal war. They are waging "a war of terror", rather than a "war on terror", she said.

CRD is organising a second solidarity bus trip to Barwon Prison in support of 23 other Muslim men imprisoned there without trial as "terror suspects". For more information, phone Gerard on 0407 856 628.

From Green Left Weekly

<http://www.cageprisoners.com/articles.php?id=14133>

SOURCE: Green Left

'I Received No Direction To Change Things'

BY CAROL ROSENBERG

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GUANTANAMO BAY NAVY BASE, Cuba -- For more than four years, across five Army and Marine commanders, the detention and interrogation center here has been fraught with challenges and controversies.

Enter Rear Adm. Harry B. Harris Jr., the first Navy commander, who took charge on March 31, he says, with no mandate for change.

And no special marching orders from Secretary of Defense Donald Rumsfeld, who designated the site in January 2002 as the "least worst" place for the Pentagon's first full-blown offshore detention center.

On May 18, Harris sat down for an hourlong interview with four reporters, who were visiting the base to report about the latest round of Military Commissions -- U.S. tribunals where, so far, 10 of the 465 or so captives face war-crimes charges.

As the one-star admiral spoke, two enemy combatants held at a portion of the prison called Camp Delta were unconscious, commanders said, after poisoning themselves with overdoses of other captives' prescription drugs they had apparently hoarded in the camps.

Within hours, U.S. soldiers foiled an ambush attempt by captives at a minimum-security barracks for cooperative detainees.

In between, with the suicide attempts not yet made public, the 28-year career naval officer discussed the enemy, the challenge and the controversies surrounding the Pentagon's premier detention center at the Navy base known as "Gitmo."

Here are some excerpts:

Q: When you came down here, were your orders more to change things or keep them the same?

Harris: My orders were to be the commander, to relieve [Army Maj. Gen.] Jay Hood as commander of the Joint Task Force. Military orders don't tell you whether to change things or whether to keep things the same. They simply say, "Go down there and report." And that's what I'm doing. I did not receive any guidance from the secretary of defense. I did not meet with the secretary of defense on this. I met the CNO [chief of naval operations]; he told me I was coming down here. But I received no direction to change things. I was just told to come down here and assume command.

Q: Have you heard from the secretary of defense since?

Harris: I have not spoken to the secretary of defense. Ever.

Q: Any theory on why?

Harris: I think the secretary is a busy man. I'm not sure that the secretary meets with one-star admirals and generals who go through a chain of command. I'm sure he meets with three- and four-stars. I would say he trusts his four-star generals to provide guidance to one-star admirals.

Q: Are you willing to characterize the best piece of intelligence to come out of this place since you got here?

Harris: Yes. I won't get into specifics. I would say that the character of the intelligence that comes out of here helps us specifically understand the processes and procedures that al Qaeda and Taliban use in or on the battlefield. . . . I believe we are getting some genuine stuff out of the detainees here that helps us in the global war on terrorism, us being Americans and our allies in the global war on terror.

Q: Do you see the ultimate goal of this operation here to bring the population down to zero at some point?

Harris: The president has said that he would like to see the facility closed. I think that's what he said. I'm not sure of the exact quote. I believe and I hope that we can in fact close this when the need for it no longer exists. And I say that today we have a need for Guantánamo and facilities like Guantánamo.

The folks that are here are enemy combatants, except for the four that are no longer enemy combatants. . . . We have recommended for either outright release or transfer . . . about 140. The State Department is aggressively working that piece with the countries and the remaining ones here are hardened enemy combatants and I think they have to be kept off the battlefield somewhere.

It's neither here nor there if Guantánamo is that place, but the fact is that a place has to be found. And right now, Guantánamo meets part of that need. And that's why we're here.

INTERROGATIONS

MUCH INFORMATION GLEANED IS 'OF VALUE'

Q: How do you address the broader international condemnation of the existence of Guantánamo?

Harris: It's an important question in a larger context of America's relationship with other countries. But it is not a question which is in my lane. I'm told to come down here and try to manage this facility. And I'm going to do it.

On a personal level, just me speaking, again I think this facility is important, I think we're doing the right job, and we're going to continue to try to do it in this way.

Q: I wonder if you can characterize the percentage of the detainee population still actively, on a fairly regular basis, undergoing interrogations?

Harris: It's about, around 25 percent of the population we are actively interrogating. Routinely interrogating. Interrogating on a regular basis.

Q: Does that mean, roughly, once a month, once a week, twice a week?

Harris: I would just say regularly . . . And that's a function as much of limited resources as anything else. If we had unlimited interrogators and translators, we would be interrogating more. But we have limited resources. We have to focus that the best way we can so we go after those detainees that had the largest intelligence value.

Q: If they haven't given it up in four years, what is the value or reliability of any information that is suddenly coming out after repeated, prolonged interrogations? Don't memories fail and doesn't evidence disappear?

Harris: Unless the earth moves, unless there's an earthquake or volcano or something like that, safe houses and caves and things like that are going to be in the relative same place four years ago as they are going to be today.

That's one instance of the information that continues to be of value. But more specifically the information that these folks are telling us, starting to tell us in some cases, deal with terrorist tactics, techniques and procedures: How money flows. How they flow between their countries and between their regions.

And that information is not perishable. Over the course of time we're getting more and more information that is of good use to the soldier on the ground in Iraq and Afghanistan. I disagree with the notion that, after four years, everything worth knowing is known. That is simply not true.

Q: I'm curious about the other 75 [percent]. Are they not interrogated at all?

Harris: They're not *not* interrogated at all. Something may come out of interrogation that we weren't expecting. We might get a request for information that we go back to our records and think that so-and-so will have that information. Or one of them may decide to tell us something.

You know we have detainees that tell us stuff all the time. We will then conduct an interrogation with him. But on a day-to-day basis we're concentrating on the 25 percent I spoke about, and not the 75 percent.

Q: Could there be people in there who haven't been interrogated in a year, six months?

Harris: Could be, yes.

Q: Are there?

Harris: I don't know. I would think there are.

Q: Does that 25 percent that are actively interrogated largely coincide with the 100 that you eventually expect to bring to the [U.S. war-crimes court called Military] Commissions?

Harris: There could be a correlation. It makes sense to me.

Some of these folks are quite frankly senior al Qaeda leadership and some are senior Taliban leaders. They might not be guilty of a war crime, but they are surely helpful in helping us understand how al Qaeda money flows, things like that. It's not a direct correlation; I wouldn't say if we think there might be 100 who committed war crimes, and we think there's 120 or so 125 or so that are high intelligence value, those are a match. I would say if there was a match, it's probably coincidental more than anything else.

Q: If the tribunals were to go away, and you see a continuing need to detain enemy combatants, how long would you be able to sleep peacefully . . . 5, 10, 20 years . . . as an American?

Harris: I think for the long haul. If we tell the truth about this place and the truth is told, reported, I think that most Americans will sleep soundly knowing that we are keeping dangerous men off the streets. . . . I truly believe that they are dangerous men intent on *jihad*.

IF A DEATH OCCURS

FIRST TASK: FIGURE OUT WHY THE PERSON DIED

Q: *What happens when someone dies at Camp Delta?*

Harris: That's a great question. We have thought about it quite a bit, not just me when I say we, I mean all of us here. . . . When that eventuality occurs, and there's every chance in a population of this size that that eventuality will ultimately occur at some point in time, we will conduct an autopsy because we want to understand why the person died.

Q: *Here?*

Harris: Most likely here. . . . I would like it to be here. But we have to bring a pathologist here. So that takes time. So we have that on call. We have a Muslim chaplain on call.

We have explored the requirements in the Islamic faith on burial. We know that the desire is to be buried within about six to eight hours during the day. But if there's uncertainty about the cause of death, then we are allowed then to delay that as long as we are forthwith with that.

So I believe we are on solid ground to delay the burial as long as we are forthwith with that intent to bury that person as soon as possible. And the reason we are delaying is to ascertain the cause of death.

And by that time, we should have a clear view on where the burial [would be]. I can't tell you today that the burial will be here in Guantánamo. I think it could be here. We have experts to tell us how the body is to be prepared, the direction, the side and all that. And we have the people that can conduct the ceremony. Certainly the chaplain that is on call would come to conduct the ceremony. And I believe we can do it here. But that decision has not been made.

Q: *Is that day near?*

Harris: I don't think so. I don't think it's any clearer yesterday or today. The population varies in age.

Q: *Is there anybody who is really, really ill?*

Harris: Really, really ill? Like you mean with some chronic disease? No. Not that I'm aware of. There are people with latent tuberculosis. There are people with heart conditions.

You know we had angioplasty here at some point in the recent past. There are diabetics and things like that. But I don't know of any imminent deaths. There are suicide attempts, as you know. And we have a great medical staff that acts aggressively and a very observant guard force.

That said, you know we have almost 500 detainees we've had here for four years.

Q: *Is there any option on the table that the body might be returned to a family?*

Harris: I would say it's an option on the table. But I can't place a likelihood on it. All options like that are on the table.

Q: *When we asked the doctor at the hospital the same question -- What happens if somebody dies of natural causes, what would you do? -- the first thing he said is that he would try to persuade the world that it was natural causes.*

Harris: My first thing is to figure out why the person died. . . . We're going to be subjected to a lot of questions, and rightfully so. Legitimate questions. Why did this person die? Did you have something to do with it? Was it of natural causes? And I believe, if it is of natural causes, we're still going to be criticized.

There will be people who believe that it wasn't due to natural causes. And so we have a mission set to tell the truth. . . . We should try to be as convincing of the truth as we can be. And if it turns out that we are not believed, then all we can do is stand on truth.

Q: Is there a part of the plan to bring in an observer for the autopsy, a pathologist, or the [International Committee of the Red Cross], I don't know?

Harris: I don't know either, but it's a good idea. And I believe that, if we can, we will.

Q: But that's not part of the planning now?

Harris: No. It's not part of the plan as I know it. But it's a great point and maybe we'll do it.

ASTROTURF FOR CAMP?

TRYING TO IMPROVE DETAINEES' LIVES

Q: You are putting AstroTurf in Camp 4, [the medium-security portion of the prison where up to 175 captives live in barracks]?

Harris: I have asked some folks to look at getting some AstroTurf.

Q: You're investing in infrastructure You don't see an end in sight?

Harris: What I'm investing in is, every day we're trying to make the life of the detainees better. Regardless of what the Supreme Court decision is, that doesn't affect, I mean the case before the Supreme Court is not about whether we should have Guantánamo as a detention facility. The case before the Supreme Court is whether we should be allowed to have war-crimes tribunals.

. . . So for that reason, yes, I've asked some folks to look at putting AstroTurf on some of the athletic fields in Camp 4. We've invested \$30 million in Camp 6. That's going to be finished on schedule.

SHAPING GITMO'S FUTURE

TWO-YEAR GOAL: FEWER DETAINEES, GUARDS

Q: What do you figure the detention operation will look like by the time you leave [your two-year post]?

Harris: I'm hopeful that the number of detainees here will be smaller than those we have today. By that I mean that those detainees who are earmarked for either release or transfer, I'm hopeful their countries will in fact take them.

So, . . . the number of detainees would be smaller. I hope therefore that the number of guard force that's required to manage those detainees would be smaller. So when I leave here in two years, I'd like to see [fewer] detainees and less military requirements to guard those detainees.

Q: Have you talked to a detainee?

Harris: I've only talked to one or two just in passing . . . maybe one just in walkabout. But I don't engage in long-term discussions or things like that.

Q: They know who you are?

Harris: They knew who I was, I believe, before I got here. For a while they were calling me "the new general." Now I think they know I'm an admiral.

Q: Have you read the Koran?

Harris: I have, as a matter of fact. I read it in one of the other excursions I had. I profess no expertise in it whatsoever.

NAVY'S ROLE

ARMY, MARINES CAN PUT MORE TROOPS IN MIDEAST

Q: It's getting mighty Navy around here. Everywhere you look it's kind of blue. Is that by design? By default? And what does that tell us?

Harris: It is by design in that the chief of naval operations has made a concerted effort to relieve the Army and Marine Corps of jobs where they can -- so they can then put more forces in Iraq and Afghanistan. To that extent, the Navy has taken a Joint Task Force in the Horn of Africa. That frees up Marines to do other things. The Army essentially had Gitmo. The CNO saw an opportunity to provide some relief for the Army, so he said, ``OK, we'll take the headquarters piece."

And I think all of that is a good thing. It's Navy continuing to step up to the plate.

EDITOR'S NOTE: Besides Carol Rosenberg of The Miami Herald, Sara Hussein of The Saudi Press Agency, Jane Sutton of Reuters and Carol J. Williams of The Los Angeles Times also asked questions.

<http://www.cageprisoners.com/articles.php?id=14135>

SOURCE: Miami Herald