

PRESS RELEASE

January 23, 2006

Hunger Strikers Close To Death

Sarah Baxter, Washington

DESPITE force feeding by the American military, several hunger strikers at Guantanamo Bay may be close to death, according to lawyers acting for the detainees.

The condition of two emaciated Yemeni hunger strikers who have been refusing solid food since August is causing particular concern. There are also fears for the life of a hospitalised Saudi prisoner.

The wife of a British resident and hunger striker, Shaker Aamer, visited the Commons last week to appeal to MPs for help. Aamer's wife, 31, who lives in London with her four children and has asked for her name to be withheld, said: "This is the time to do something. My husband is not going to last."

Aamer has been on hunger strike since November 2. Although he has lost weight, he is stronger than some other prisoners taking part in the protest at their detention without trial.

According to a report to be released tomorrow by the prisoners' rights group Reprieve, the Yemenis, identified as Abu Bakah al-Shamrani and Abu Anas, are said by detainees to be gravely weak. Shamrani weighs only 70lb (5 stone).

Reprieve claims Camp Echo, which is comprised of isolation cells, has been turned into a "force feeding institution" away from other prisoners and its gravel path paved with concrete so the hunger strikers can be moved around in wheelchairs.

The military said last week the number of hunger strikers had declined to 22 after a peak at Christmas and that 17 were being fed by "tube".

Lieutenant-Colonel Jeremy Martin, spokesman for Joint Task Force Guantanamo, declined to give the number of detainees in hospital and said the hunger strikers were "malnourished" but "clinically stable". He denied their lives were at imminent risk.

The US law firm Paul Weiss, which represents three Saudi detainees, has received increasingly alarming weekly medical reports about the condition of one of them, who is in the camp hospital.

On a trip to Guantanamo last month, Paul Weiss's lawyers were prevented from visiting the hospital and told their clients did not wish to see them. "We are concerned they may be in a life-threatening condition," said one of the lawyers, Jana Ramsay. "They are normally glad to see us."

The prisoners being force fed have a permanent tube in the nose, which descends to the stomach and is attached to another tube for feeding. If they do not rip it out, the US military say they are consenting to be fed even if the tube was inserted under duress.

Aamer was visited this month by his lawyer, Clive Stafford Smith, legal director of Reprieve. In "obvious pain", he pulled his tube out of his nose so it could be examined. According to Stafford Smith, it was 43in long and was stained red from having been in Aamer's stomach.

Aamer has vowed to continue his hunger strike until he is given a fair trial or released. He said in a statement: "The British government refuses to help me. What is the use of my wife being British?" He said he held the British government as well as the Americans "responsible for my death".

Stafford Smith said the "inevitable spectre of a Muslim prisoner dying on Guantanamo soil will cause greater outrage than even the desecration of the Koran".

<http://www.cageprisoners.com/articles.php?id=11839>

SOURCE: The Times

30 Gitmo Prisoners Near Death

Ann Wright

This weekend I am a juror on the Commission evaluating whether the Bush administration has committed war crimes and crimes against humanity.

Today, Barbara Olshansky, the lead attorney for the Center for Constitutional Rights and one of the persons most knowledgeable about conditions in Guantanamo Prison, told us that over 250 people are on a hunger strike. 30 have been on the hunger strike since August and have been force fed through nose tubes since then.

These 30 are about to die according to Olshansky. CCR has been trying to get the US military to allow phone calls from relatives in the last days of the prisoners. CCR is also trying to arrange for appropriate burial -- most are Muslims and the US military is of course in a quandry on where to bury them and how quickly.

<http://www.cageprisoners.com/articles.php?id=11835>

SOURCE: Uruknet.info

January 26, 2006

Guantanamo Bay Lawyers Visiting Prisoners

LAWYERS for the three remaining Bahraini detainees at Guantanamo Bay begin a three-day visit to the notorious prison facility today.

The New York-based Dorsey and Whitney legal team, headed by Joshua Colangelo-Bryan, is hoping to see their clients Salah Abdul Rasool Al Blooshi, Juma Al Dossary and Essa Al Murbati.

Mr Colangelo-Bryan previously expressed serious concern about the health of the trio - in particular Al Murbati, who is believed to be still in the prison hospital for hunger strikes he is said to have begun last summer, and Mr Al Dossary, who was in a wheelchair during the lawyer's previous visit on October 15 and has tried to kill himself 10 times according to the US military.

Both are thought to be taking part in the current hunger strike at the prison, but it is not known whether Mr Al Blooshi is also participating.

The lawyers are expected to return to New York on January 30.

<http://www.cageprisoners.com/articles.php?id=11907>

SOURCE: Gulf Daily News

France: Judge Bruguière—Utilising Anti-Terrorism As A Political Instrument

By Antoine Lerougetel

On January 9, Nizar Sassi was released from jail on the orders of Judge Jean-Louis Bruguière. The young Frenchman,

indicted for no crime, had been detained by the American authorities for two-and-a-half years and a further one-and-a-half years by the French.

He is one of seven French nationals returned to France from the US detention centre in Guantánamo Bay, Cuba. He was captured in Afghanistan at the end of 2001. The Americans handed him over to the French authorities on July 26, 2004, along with fellow detainees Imad Acheb Kamouni, Mourad Benchellali and Brahim Yadel.

Imad was also released without charges, in July 2005, after a year in one of Bruguière's jails. The month before, the two men's defence lawyers had launched a judicial inquiry into their arbitrary arrest.

Khaled Ben Moustapha and Ridouane Khalid, returned to France on March 7, were tried and sentenced to prison terms. Four French former Guantánamo prisoners remain in jail awaiting trial.

Le Monde reported January 13, "The lawyers acting for the prisoners have contested the legality of the procedures dealing with the activities of the seven men because of the use by the investigating judges—judges d'instruction—of information obtained in Guantánamo entirely outside legal processes." The implication is that Bruguière and his team accept uncritically whatever "evidence" is given them from the American authorities, some of it obtained through torture.

Arbitrary powers of arrest and detention

The Bush administration set up Camp X-Ray at Guantánamo on January 11, 2002 in order to hold people captured in Afghanistan outside the constraints of US law and basic human rights. The French anti-terrorist apparatus also operates with arbitrary powers of arrest and detention. According to Le Monde, December 23: "At present, 99 persons suspected of Islamic activities are being detained in French prisons." The report does not say how long they have been there. Added to these are 39 people presently serving jail sentences for terrorist offences.

French anti-terrorist judges hold and sentence suspects, unconcerned by the right of habeas corpus and normal standards of evidence. These powers have enabled the use of anti-terrorism measures as a means of social and political control and an instrument of foreign policy.

Bruguière has been at the head of the French state's anti-terror apparatus since 1986. His team of five investigating judges have the great powers of arrest and detention pending trial enjoyed by all French juges d'instruction. In 1998, 40 percent of all prisoners in French jails were awaiting trial.

Gaullist interior minister Charles Pasqua's 1986 law concentrated the investigation, pursuit and judgement of cases relating to terrorism in Paris. It set up Bruguière's special 14th Section of the Paris Prosecutor's Office to which all anti-terrorist cases in France or concerning French people abroad must be referred. In the 20 years of its existence the court has been endowed with further powers by successive French governments. Minister of the Interior Nicolas Sarkozy's anti-terrorist bill, passed on December 22 last year, represents a major strengthening and broadening of these powers. (See "France: Anti-terrorism legislation tramples on civil liberties")

In 1996 a new article in the French criminal code defined as an "act of terrorism" the "participation in a structured group or in a conspiracy with the view to the preparation of one or several material facts" of terrorist acts enumerated in the criminal code. The penalty for this crime of criminal association—association de malfaiteurs—10 years under the 1996 criminal code, has been doubled under Sarkozy's new law. The Constitutional Council ruled in 1996 that the "automatic" connection between "assistance to an illegal alien" and presumed involvement in terrorist activities was a breach of the Constitution. It did not, however, censure a provision according to which persons assisting an illegal alien on humanitarian grounds face the same punishment as professional smuggler organisations acting for the purposes of monetary gain.

The comprehensive report on the activities of the 14th Section and Judge Bruguière drawn up in 1999 by international jurists for the International Federation of Human Rights (IFHR) and the French League of Human Rights (LHR) details the practices inherent in this criminal association of conspiracy law:

- * Judges tend to resort to speculation regarding the suspects' "moral" approval of the general objectives of a presumed criminal or terrorist activity.
- * Incidental contacts with prime suspects are considered proof of "participation" (guilt by association).
- * A suspect's failure to "cooperate" with the investigators, e.g., by incriminating co-defendants, is regarded as evidence of his or her support for the targeted organisation.
- * Long, arbitrary pre-trial detention is used as a means of obtaining confessions of questionable value.

The purpose of the law, the IFHR report explains, is clear: "The investigating and the prosecuting authorities—the judicial police, the examining judge and the public prosecutor—are under no obligation whatsoever to link the alleged participation to any execution of a terrorist act or even a verifiable plan of such an execution."

The human rights site "Fortress Europe?—Circular Letter" (FECL) (March 1999) points out: "The problem of proof is inherent in the objective of criminalization of 'participation'... Its very purpose is to provide law enforcement and judicial authorities with an instrument allowing them to strike not only at the perpetrators of specific criminal or terrorist acts, but, above all at an indistinct 'milieu' of possible supporters and sympathisers, whose common feature precisely consists in their not having committed any serious offence."

The FECL warns that a plan proposing that all member states of the European Union would commit themselves to making "participation in a criminal association" a criminal offence—a direct translation of association de malfaiteurs—was approved by the EU governments in June 1997 at the Amsterdam summit.

The Chalabi case

The Algerian military coup d'état, supported by the French government, annulled the 1991 Algerian parliamentary elections won by the Islamic Salvation Front (FIS). The army coup was opposed by many people of North African descent in France. Bomb attacks in France killing 13 people in 1995 were attributed to the anti-government Algerian Armed Islamic Group (GIA). Many think that Algerian army provocateurs were responsible. The GIA was heavily infiltrated by the Algerian army and it is known that many atrocities purportedly carried out by it in Algeria were the work of army undercover units. The attacks in France would have been designed to justify a crackdown on FIS sympathisers and other opponents of the military dictatorship.

From 1994 the police made highly publicised raids on the North African community. Mohammed Chalabi, a well-known gang leader from the southern suburbs of Paris, was arrested with 90 others. Sweeps in 1995 and 1996 netted other alleged members of the "Chalabi network." On August 31, 1998 a mass trial of 138 suspects took place in the Fleury-Mérogis prison gymnasium, converted into a court at the cost of 10 million francs.

The IFHR explains that despite the disadvantageous conditions for defence lawyers, largely deprived of access to prosecution documents, none were found guilty of terrorist acts but 87 were convicted of criminal association—association de malfaiteurs. Of these 87, 39 were given sentences of less than two years and the prime suspects received six- to eight-year sentences—below the 10-year maximum at that time. Fifty-one were found not guilty of criminal association and were released, in some cases after over three years in jail.

In terms of actually apprehending terrorists, the trial was a fiasco. It did, however, contribute to the stigmatisation of Muslim immigrants as possible terrorists, intimidating sections of the population, fuelling racism and increasing the alienation of young North Africans—thereby making some of them a prey for Islamic fundamentalist groups.

Bruguière's work facilitated French support for the Algerian military government's attempt to stifle opposition to its regime. Paul Labarigue, in an article on the French Réseau Voltaire site, quotes the minister of the interior, Jean-Louis Debré, saying on September 15, 1995: "The Algerian military security services wanted us to go on a wild goose chase to knock out people who were bothering them."

An account of the complicity between France and Algeria is given in *Françalgérie, crimes et mensonges d'état* (France/Algeria, state crimes and lies), written by Jean-Baptiste Rivoire and Louis Aggoun, reviewed in *Libération*, 12 July 1994.

A spectacular example of Bruguière using his arbitrary powers politically emerged last year. In a pre-recorded TV interview with Nicolas Sarkozy, in which the minister of the interior justified his proposed new anti-terrorist legislation, he referred to arrests being carried out that day—i.e., the day the show was broadcast five days later. Bruguière, as is his wont, had called in the media to cover his arrest of nine terrorist suspects, timed to coincide with the broadcast, in a transparent attempt to boost Sarkozy's drive towards a police state. The suspects were released without charge soon after.

Who is Bruguière?

Born in Tours in 1943 and scion of a family of magistrates going back 11 generations to the reign of Louis XIII, Bruguière began specialising in anti-terrorism in 1982 and took over the running of the 14th Section of the Paris Prosecutor's Office in 1986 to apply the first set of anti-terror laws drawn up by the right-wing Gaullist minister of the interior, Charles Pasqua. A series of bombings and terrorist acts by Action Directe, as well as Basque and Corsican groups, were the justification for the laws.

Bruguière is decorated with the Légion d'honneur and the National Order of Merit. Considered a world expert on anti-terrorism, he was invited by the Council of Europe in 2002 to take part in a debate on "The terrorist threat: genesis and development after 9/11." His speech at the Brookings Institution in Washington in May 2003 summarizes his thinking well. He bases his authority on 20 years of fighting terrorism and a role going well beyond that of the traditional conception of a judge, as supposedly independent of the political and executive arms of the state. He cited the "strong relationships and synergies between the various players in the struggle against terrorism, including the specialized magistrates, the relevant law enforcement agencies, the intelligence services, and the more classical institutional instruments of foreign policy such as the Ministry of Foreign Affairs and the Ministry of Defence."

He boasts of the superior knowledge of his intelligence network over that of the Americans in relation to the Iraq war: "The military victory in Iraq was a tremendous achievement. But that victory, while it rid the world of an oppressive and obnoxious regime, contributed little to the war on terrorism and may, in fact, have increased the risk of terrorist acts in both the United States and Europe.... This is because there was no link between the Iraqi regime and Al Qaeda, or Iraq and the wider Islamic threat.... The way the Iraq war was managed and presented to the public also increased the risk of terrorism."

Bruguière intimates that French intelligence contacts in the Arab world had been disrupted: "The international tensions created by the Iraqi crisis diverted the attention of political leaders and may have put at risk the system of international cooperation that is so vital for fighting terrorism."

He criticises the American emphasis on military means: "Other resources—diplomatic, intelligence, and legal—must be developed for that struggle. Such resources cannot be mustered by a single state but rather demand a multilateral response.... France is strongly committed to such a path."

Nebulous terrorist threat

Despite France's differences with Washington over Iraq, which it saw as an attempt to secure US hegemony over the Middle East to its detriment, Bruguière is still proud of his close collaboration with American intelligence services, which have often turned to him for help and advice.

In an extensive interview with *Politique Internationale* (11 March 2004), he speaks of a terrorist threat from an unstructured global network of groups whose numbers are "growing all the time... recruited from a population impregnated with jihadism and particularly sensitive to the crises which are devastating the Near East." He complains, "We have no identification typology.... We proceed along a shifting terrain the nature of which can only be identified after the event."

His interviewer exclaims, "Is it hopeless then?"

The judge catches himself and lauds the efficiency of the "excellent cooperation within Europe and on the international level ... which enables us to keep the risks down to a minimum." He says that the "jihadist fight is nourished by an irreducible, unthinking hatred of the United States."

Bruguière's depiction of a nebulous terrorist threat identifies broad layers of society as the potential enemy, not just Muslims but all those opposed to the militarism and colonialism of the imperialist powers and the accompanying destruction of living conditions and democratic rights. Hence the blanket surveillance of the entire population provided for by the new anti-terrorism law.

Despite passing references to political and social conditions out of which develop terrorist sympathies, Bruguière is not interested in the plight of those whose lives are being decimated by poverty, colonialism and war. In this he is fully in line with the law-and-order approach of Nicolas Sarkozy, would-be presidential candidate and chairman of the ruling UMP (Union for a Popular Movement). Bruguière, soon to retire as a judge, is standing in the legislative elections in 2007 as a UMP candidate.

<http://www.cageprisoners.com/articles.php?id=11892>

SOURCE: World Socialist Website

January 27, 2006

Yemen: Lifeline for Families of Guantanamo Bay Detainees.

Yemeni families of Guantanamo Bay detainees derive some comfort from letters sent by their detained relatives. They give their testimonials on the importance to stay in touch with their sons through the "Red Cross Messages".

Title: Lifeline for Families of Guantanamo Bay Detainees.

Date & location: TAIZ AND SANAA YEMEN. DECEMBER ,2005
NATURAL WITH ARABIC AND ENGLISH SPEECH

Duration: 9'58"

Produced by: Jon Bjorgvinsson, Virginie Miranda

Source: ICRC – Access all.

Reference: CR-F-00897-A

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For full details of the World feed, go to the EBU website and/or see below for timings and technical specification:

<http://www.eurovision.net/net/content/icrc.php>

For broadcast tapes and information on footage: Virginie Miranda, ICRC, Geneva, [e-mail](#)

SHOWS:

TAIZ, YEMEN (RECENT) (ICRC - ACCESS ALL)

00:00 VARIOUS OF TAIZ CITY IN YEMEN

00:08 VARIOUS OF TAIZ MARKET

00:30 YEMENI RED CRESCENT SOCIETY (YRCS) VOLUNTEER NAJIB SULTAN WALKING OUT OF YRCS BUILDINGS IN TAIZ

01:15 NAJIB SULTAN BRINGING THREE RED CROSS MESSAGES TO THE FAMILY (WHO WISH TO REMAIN ANONYMOUS) OF A DETAINEE BEING HELD AT GUANTANAMO BAY

01:34 MOTHER OF DETAINEE READING LETTER (RED CROSS MESSAGE) WITH HER SON

02:04 LETTER (RED CROSS MESSAGE)

02:53 MOTHER READING LETTER WITH HER YOUNGEST SON

02:09 (SOUNDBITE – 20") (Arabic) MOTHER OF THE DETAINEE AT GUANTANAMO BAY

SAYING:

"As far as the ICRC is concerned, my feeling when I receive a message is strong relief when the words in it are reassuring, and I cry when the message is sad. I pray to God for his liberation, for it to happen as soon as possible. I miss him very much."

02:37 (SOUNDBITE - 28") (Arabic) MOTHER OF DETAINEE AT GUANTANAMO BAY SAYING:

"I'm really sad that he's over there. Why does he live at Guantanamo Bay? That's why I'm so sad, and why I will be all my life. I am crying"

02:55 (SOUNDBITE - 18") (Arabic) MOTHER OF DETAINEE SAYING:

"My son lives there and I'm left here all by myself. That makes me sad."

03:01 (SOUNDBITE – 17") (Arabic) MOTHER OF DETAINEE SAYING:

"When the message is delayed, I get depressed, I can't handle it and God knows I go mad." HER SONS ADDS (English) "she will be crazy."

03:12 VARIOUS OF MOTHER OF DETAINEE SHOWING PICTURES OF HER FAMILY AND CHILDREN

TAIZ, YEMEN (RECENT) (ICRC - ACCESS ALL)

03:24 YEMENI RED CRESCENT SOCIETY (YRCS) VOLUNTEER NAJIB SULTAN IN TAIZZ STREETS, GREETES BASSAM NAGI BROTHER OF GUANTANAMO DETAINEE

03:40 (YRCS) VOLUNTEER NAJIB SULTAN BRINGS A RED CROSS MESSAGE TO NAGI HASSAN, FATHER OF GUANTANAMO DETAINEE

03:58 NAGI HASSAN READS LETTER (RED CROSS MESSAGE)

04:03 (SOUNDBITE – 15') (Arabic) NAGI HASSAN FATHER OF DETAINEE SAYING

"It's the ICRC that brings us the letters. It's the ICRC that makes it possible for the detainees to write to their families."

04:19 (SOUNDBITE – 23') (Arabic) NAGI HASSAN FATHER OF DETAINEE SAYING
"What I want more than anything is to see my son again. Nothing could make me happier."
"As long as there are lawyers and human rights organizations, I know my son will return."

04:42 (SOUNDBITE – 29') (Arabic) YEMENI RED CRESCENT SOCIETY (YRCS) VOLUNTEER NAJIB SULTAN SAYING
"I like the work I do. It's very important to find out what has happened to the people who have gone missing. It's a big responsibility."
"Red Cross messages bring some hope to the families. These messages are the only way for the detainees and their families to keep in touch. We appreciate the work being done by the ICRC and the Red Crescent. It is important to pay attention to the hopes and wishes of the families."

05:12 (SOUNDBITE – 20') (Arabic) YEMENI RED CRESCENT SOCIETY (YRCS) VOLUNTEER NAJIB SULTAN SAYING
"It's very hard on them. They're devout people who live simple lives and have strong family ties. When someone goes missing, the strain is almost unbearable. Social ties are very important."

05:35 KARIM ALI AL-HAJ BROTHER OF GUANTANAMO DETAINEE COMING BACK FROM SCHOOL

05:43 KARIM SITS WITH HIS FATHER ABDUL ALI AL-HAJ

05:51 VARIOUS KARIM AND ABDUL WRITING A RED CROSS MESSAGE

06:24 (SOUNDBITE – 17") (Arabic) KARIM ALI AL-HAJ BROTHER OF DETAINEE SAYING

"International humanitarian law is very important, it is now being taught in schools. Foreigners (ICRC delegates) have come to talk to us about this law, which helps the families of detainees."

06:34 (SOUNDBITE – 18") (Arabic) ABDUL ALI AL-HAJ FATHER OF DETAINEE SAYING
"If we didn't have any news, if the ICRC hadn't brought us any messages, his mother and brothers would have gone mad. We wouldn't even have known where he was for the past four years."

06:52 (SOUNDBITE – 8") (Arabic) ABDUL ALI AL-HAJ FATHER OF DETAINEE SAYING
"The ICRC does a great job delivering the letters. But some letters never make it and we'd like to know why. Some letters never reach us and we'd like to know the reason why."

07:01 (SOUNDBITE – 8") (Arabic) ABDUL ALI AL-HAJ FATHER OF DETAINEE SAYING

"When there is no letter, his mother and his brothers worry – we all worry, we fear he has been killed."

07:09 (SOUNDBITE – 24") (Arabic) ABDUL ALI AL-HAJ FATHER OF DETAINEE SAYING

"We're so happy when we get a letter – it's almost as if he were here with us, sitting next to his brother, talking to us in person. When we get a letter, we are filled with joy!"

07:32(SOUNDBITE – 7") (Arabic) ABDUL ALI AL-HAJ FATHER OF DETAINEE SAYING

It's as if he were not in that situation. It's a comfort to get his letters. To us, they mean everything."

07:39 (SOUNDBITE – 49") (English) VINCENT CASSARD, Head of unit, Central Tracing Agency, ICRC in GENEVA.

"Well two things I would say: I understand his frustration because I've seen it as well when I was working in Guantanamo. I've seen the same frustration with the detainees. And second, that we are putting many, many much efforts to reduce this delay because we understand it."

"We have a constraint which is that the messages have to go through censorship they have to be read by the authorities. It can only be family news that we bring and second we want to bring original documents to the families not photocopies, therefore it takes time sometimes to go to some remote areas."

"But we understand that it is extremely important even if tiny news, sad news or good news, it's the only way to maintain a lifeline with the families so it's one of our priorities."

08:28 TAIZ - BOYS HIGH SCHOOL.

VARIOUS SHOTS of EXPLORING HUMANITARIAN LAW PROGRAMME AT THE INTERNATIONAL HUMANITARIAN LAW CLUB CLASSES.

STUDENT PRESENTATION SHOWING POSTER SPEAKING ABOUT HENRY DUNANT

NATURAL SOUND:

"He was shocked by the carnage he saw at Solferino, where Italian and Austrian troops waged a fierce battle. On his return to Switzerland, he (Henry Dunant) wrote *A Memory of Solferino*, in which he made two proposals: first, that relief societies be set up in peacetime to assist the victims of armed conflicts and second, that international treaty law recognize and protect volunteer relief workers. "

NATURAL SOUND:

"...and the Red Crescent. As you can see, this simple tent represents both the Red Cross and Red Crescent

organizations."

NATURAL SOUND:

"...the transfer of archeological treasures from Iraq to other countries"

NATURAL SOUND:

"This shows the suffering of children in wartime. The pictures on the board shows the suffering of children in wartime. Many children have been killed, they have been massacred..."

NATURAL SOUND:

SHOWING CAR WITH RED CRESCENT EMBLEM

"These are aid workers. They help war victims."

08:52 VARIOUS OF KARIM ALI AL-HAJ BROTHER OF GUANTANAMO DETAINEE LISTENING TO INTERNATIONAL HUMANITARIAN LAW CLASS

09:36 MARKET STREETS IN SAANA

09:57 ENDS

STORY:

Letters from Yemeni men being detained by the US in Guantanamo Bay that are delivered by the International Committee of the Red Cross (ICRC) to the

detainees' families are the only contact that the families have with their detained relatives.

The families say these messages play an important role in a context where very little is known about the detainees' legal status or the conditions under which they are held. The families say that the messages are the only proof that their detained loved ones are still alive as Abdul Ali Al-Haj father of a detainee says;

"We're so happy when we get a letter – it's almost as if he were here with us, sitting next to his brother, talking to us in person. When we get a letter, we are filled with joy!" ICRC delegates and volunteers from the Yemeni Red Crescent visit the families of detainees upon receipt of a message, and deliver it to the family. The occasion is always an intensely emotional one. "My feeling when I receive a message, is strong relief when the words in it are reassuring, and I cry when the message is sad. I pray to God for his liberation, for it to happen as soon as possible. I miss him very much", says one detainee's mother who wished to remain anonymous. The mother called for the release of her son from the U.S. detention camp.

"I'm really sad that he's over there. Why does he live at Guantanamo Bay? That's why I'm so sad, and why I will be all my life," she said.

Besides providing emotional relief for the families, however, these messages give very little indication of what the detainees endure in Guantanamo. They allow detainees to reassure their families that they are still alive and well, but give no details of their daily existence, because the letters are subject to stringent censorship by the U.S. authorities. These messages are censored. It is not unusual, wherever you go in the world, in a prison, the authorities will censor what goes in and comes out. It's important that the letters are limited to strictly personal, family related content, and they cannot be used to pass on political messages, or messages related to conflict situations.

For the ICRC, the question of the legal status of the persons detained by the US at Bagram in Afghanistan and at Guantanamo Bay, as well as the legal framework applicable to them remains unresolved. For many detainees at Guantanamo Bay nearly four years have passed since their arrest. The ICRC has always maintained that those detainees remaining at Guantanamo Bay should either be charged and tried, released, or be placed within a legal framework that governs their continued detention. The ICRC believes that the uncertainty about their fate has added to the mental and emotional strain experienced by many detainees at Guantanamo Bay.

When asked if it was important that the family stay in touch with their son, father Abdul Ali Al-Haj says: "If we didn't have any news, if the ICRC hadn't brought us any messages, his mother and brothers would have gone mad. We wouldn't even have known where he was for the past four years."

For most detainees and their families, Red Cross messages are an important means of maintaining regular contact and alleviating feelings of isolation and uncertainty over their future. Red Cross messages are intended for the exchange of personal and family news and are censored by the US authorities. This corresponds to standard worldwide practice wherever the ICRC visits places of detention.

The ICRC has been visiting detainees held at Guantanamo Bay, Cuba since January 2002. There are currently about 500 detainees from roughly 40 countries. As of early December 2005, the ICRC has facilitated the exchange of nearly 20,800 Red Cross messages between the detainees and their families in more than 30 countries.

The role of the ICRC, as an independent and neutral humanitarian organisation with a mandate conferred on it by states, is to regularly assess the conditions of detention, the treatment of detainees and respect of their fundamental judicial guarantees. The ICRC offers observations and makes recommendations for improvements - where appropriate - in the course of its ongoing confidential dialogue with the relevant authorities. Concerning Bagram, Guantanamo Bay and Charleston, the responsibility for ensuring that detainees are treated in accordance with international humanitarian law and other applicable bodies of law lies with the US authorities.

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About the Footage: Virginie Miranda, ICRC Geneva, tel. ++41 22 730 25 11 or ++41 79 251 93 14

Information on the transmission available from Eurovision Control Center in Geneva, Tel: ++41 22 717 27 90

<http://www.cageprisoners.com/articles.php?id=11910>

SOURCE: ICRC.org

Defending the Guantanamo Detainees

As historic trials were being planned for some of the hundreds of Guantanamo detainees captured in the Afghanistan war and elsewhere, Professor Susan N. Herman brought an extraordinary forum to the Law School in March. It featured three distinguished attorneys, including the chief defense counsel for the alleged "enemy combatants," who will be prosecuted in the first U.S. military tribunals since World War II.

Professor Herman developed the forum, "Defending the Guantanamo Detainees," as part of her timely seminar, Terrorism and Civil Liberties. The speakers were Air Force Colonel Will A. Gunn, Chief Defense Counsel for the Department of Defense, Office of Military Commissions, along with two other prominent attorneys who were strongly critical of the tribunals: Eugene Fidell, president of the National Institute of Military Justice and a partner in the Washington, D.C. firm of Feldesman Tucker Leifer Fiddell LLP; and Gerald Shargel, a criminal defense attorney and Brooklyn Law School's Practitioner in Residence this academic year.

Col. Gunn began by noting that he had harbored some doubts when first faced with the prospect of becoming chief counsel. His clients, he knew, would be among the most despised in the nation's history. His friends asked, how can you do it? How can you defend the enemy? He ultimately accepted the position in January 2003, he said, motivated by a commitment to duty, personal values, and the importance of these historic trials being perceived as "legitimate, full and fair."

All the speakers agreed that America's commitment to justice will be measured by how the military commissions, as they are formally called, are conducted. However, both Mr. Fidell and Mr. Shargel asserted that the commissions are a radical departure from American military and civil jurisprudence, and are so flawed as to be fundamentally unfair. Among some of the most serious concerns that they raised with respect to the commissions included:

- giving the military sole authority to appoint the judges, prosecutors and defense counsel and the authority to decide which appeals are heard;
- permitting the government to monitor conversations between attorneys and clients;
- denying counsel access to evidence due to national security concerns;
- admitting hearsay and unsworn statements as evidence;
- limiting press and public access to the proceedings;
- curtailing the defense lawyers' ability to speak publicly;
- detaining defendants, even after acquittal; and
- imposing death sentences with no outside review.

Mr. Fiddell called the commissions: "A museum piece from legal history come to life," comparing them to Roosevelt's 1942 tribunals for German saboteurs, which were widely criticized at the time. "Think of all the legal history since then --- the Geneva Convention, the Uniform Code of Military Justice, and the body of law that evolved from it...The legal climate has evolved substantially. You must be at least skeptical of a document rooted in 1942."

"Is this a genuine adjudicatory process? Will it foster public confidence in the results?" he asked. Concerned most by the lack of meaningful appellate review, he said, "Without that, you have a profoundly flawed institution."

For his part, Mr. Shargel called the commissions "a mockery of the American system of justice...the antithesis of our civil system." He pointed out that the U.S. itself had complained when an American, Lori Berenson, was recently tried by a secret Peruvian military tribunal, demanding that there be a public trial. Even the war crimes tribunals at Nuremberg were filmed and transcripts published in the New York Times, he said. At the Guantanamo proceedings he pointed out, there will be no audio, video or photos allowed. "You can't have the wholesale sacrifice of basic trial rights and rules of constitutional procedure...This is a national disgrace."

The speakers noted that several human rights, criminal law and even military law groups have filed suit in protest. The National Association of Criminal Defense Lawyers has gone as far as calling for lawyers to boycott the

proceedings, although the speakers did not support that decision. "The highest service you can render is defending those most disfavored by the government," Mr. Fidell said.

Col. Gunn said that the early draft of the commission rules had problems, some of which had been ameliorated by changes made since then. He expressed confidence in his team of JAGs, attorneys in the Judge Advocate General's Corps, praising their impressive litigation skills and dedication. They will "zealously, vigorously and effectively represent the individuals, and hold true to the obligations of defense attorneys. They will raise all types of defenses, and will not be constrained in their willingness to fight." In fact, some of these attorneys have already filed a brief in the Supreme Court contending that the process contemplated in Guantanamo is inadequate as compared to civilian court trials.

"The proceedings at their essence are about legitimacy," Col. Gunn continued. "To win the war against terror, the nation has to use all that is in its power. That includes its military might, and reliance on the rule of law. The commissions will be a test to see if we hold firm to our values when the system is challenged."

<http://www.cageprisoners.com/articles.php?id=11917>

SOURCE: Brooklaw.edu

January 28, 2006

Interview with Joshua Colangelo Bryan



On January 18, 2006, I had the privilege of speaking with Joshua Colangelo Bryan, an attorney with the New York office of the law firm of Dorsey and Whitney, and counsel to three currently detained inmates of the American detention facility at Camp Delta, Guantanamo Bay, Cuba, Juma Al Dossari, Salah Abdul Rasool Al Blooshi and Essa Al Murbati, all nationals of Bahrain. Three of Mr. Colangelo Bryan's clients have previously been released from American custody at Guantanamo Bay. The remaining three are in less than ideal condition; Al-Dossari attempted suicide during a meeting with Mr. Colangelo-Bryan (as alluded to in [my interview with Baher Azmy](#)) and Al Murbati is involved in the hunger strike by a number of detainees. The following are my interview notes as reviewed and, as necessary, corrected by Mr. Colangelo Bryan.

The Talking Dog: *As is my custom, I start with this question. Where were you on September 11, 2001?*

Joshua Colangelo Bryan: I was in Gračanica, Kosovo, working for the United Nations Mission to Kosovo. I learned of the events of September 11th later in the day, at the office in Pristina, where other people pointed it out, and I saw it on television, probably on CNN.

The Talking Dog: *Are you from the New York area?*

Joshua Colangelo Bryan: Born and raised in Manhattan... the events of 9-11 were very personal to me.

The Talking Dog: *Do you know where your clients were, and to the extent not classified or privileged, can you tell me?*

Joshua Colangelo Bryan: A couple of my clients were in Bahrain. A couple were in the Pakistan/Afghanistan border area, [working with refugees there from the Afghan civil war](#); they had been there a couple of months as of September 11th.

The Talking Dog: *How did you-- and your law firm-- come to represent the Bahrainian detainees specifically?*

Joshua Colangelo Bryan: After the [Rasul](#) case, the [Center for Constitutional Rights](#) asked Dorsey & Whitney if it would take on a case for the Guantanamo Bay detainees. At that time, a number of the families of detainees were

seeking representation. One of those groups was from Bahrain. I personally had a couple of years working with and applying international human rights law and international criminal law in the Balkans, which was useful experience.

The Talking Dog: *I recently read of an effort spearheaded by you to obtain representation for previously unrepresented Bahraini (and perhaps other) detainees before enactment of the [Graham-Levin-Kyl Amendment](#). Were those efforts successful? Do you know, as of the time the President signed the bill into law, how many detainees did not have active cases, and would, under Senator Levin's reckoning at least, be completely without a habeas corpus remedy?*

Joshua Colangelo Bryan: There are no unrepresented Bahrainians [at Guantanamo]. There were six Bahraini detainees at Guantanamo Bay, three of whom have been transferred home to Bahrain. Before Graham Levin passed, the Center for Constitutional Rights brought an action on behalf of all unidentified detainees for whom no action was pending, so all detainees now have a pending action.

The Talking Dog: *I've read a number of accounts of your client [Juma Al-Dossari making a suicide attempt during a conference he had with you](#); in brief, if you could tell me how it has effected later meetings you have had with Mr. Al-Dossari (extra precautions, for example, or anything else that comes to mind)?*

Joshua Colangelo Bryan: I met with Juma three weeks after the suicide attempt. The meeting was in the naval hospital at Guantanamo. The military did not want to bring him to Camp Echo [where attorney client meetings are held] after the prior incident.

The Talking Dog: *I've recently read that Mr. Al-Dossari tried to tear open a wound in his right arm (which, for whatever reason, the Government has decided is not a suicide attempt) and transferred to the Naval Hospital at Guantanamo Bay. You had filed court papers with Judge Reggie Walton, and I understand Judge Walton ordered the Government to produce an Affidavit as to the conditions of Mr. Al-Dossari's confinement. Did the Government submit it, have you seen it, and has anything changed? Can you tell me what the difference is between Delta Camp One, Delta Camp Five, and just how many separate "camps" there are within the X-Ray, Delta and other apparatus there, and what you understand the differences are? What is the condition (as far as you know) of your other clients still held? Are your clients participating in the hunger strike?*

Joshua Colangelo Bryan: Yes, I later learned that Juma tried to open the wound in his right open. The Government has characterized it as a suicide attempt. I have not met him since that event. The Government did send me a letter advising of this, but otherwise, the government provides no information whatsoever as to the condition of detainees. In this case, they sent a two sentence letter stating that Juma reopened the wound. The Government was ordered to produce an affidavit with the details of Juma's conditions of confinement by Judge Walton. They have produced an affidavit, but at its essence it is hopelessly vague, without solid representations as to the extent, for example, of the isolation or solitary confinement at Camp One, which we believe is certainly a contributing factor to Juma's deteriorating condition. As to the "layout" of detention facilities at Guantanamo Bay, Camp Delta consists of Camps 1,2,3 and 4, Camp 5 is an entirely separate prison, and Camp 6 is a "long term" facility still under construction. Camp 4 is the most "liberal" facility, where there are, for example, more exercise privileges allowed, for prisoners who are perceived as lower security risks. I'm not aware of any distinctions between Camps 1 through 3. Camp 5 is a maximum security facility with individual cells where the prisoners can't see out; this is where Al-Dossari had been held for over 1 ½ years. One of my clients– Al-Blooshi– is in Camp 4, as a "low security risk." The allegations against him are weaker than against many prisoners who have been released. Al-Murbati is now in the detainee hospital, [on a hunger strike](#). I did not meet him the last time I went to Guantanamo for, I was told, logistical reasons. Hopefully, I will see him the next time I go down.

The Talking Dog: *I understand that at various times, the government releases some kind of letter or statement to you as the condition of Mr. Al-Dossari and your other clients; in discussions with your clients (again, to the extent not privileged or classified), is the government's descriptions accurate, or inaccurate, in the view of your client, and to the extent you have otherwise been able to confirm on your own?*

Joshua Colangelo Bryan: No explanation is ever given by the Government; the 2-sentence letter on Juma opening his wound was a rare exception.

The Talking Dog: *Am I correct that some of your clients have been released (at the behest and request of the Bahrainian government) but three (Juma Al Dossari, Salah Abdul Rasool Al Blooshi and Essa Al Murbati) are still detained at Guantanamo Bay?*

Joshua Colangelo Bryan: Again, no explanation is ever given as to why prisoners are held, or prisoners are released. We have urged the Bahraini government to demand that its citizens be returned to Bahrain, and certainly we have been trying to generate publicity to encourage the Bahrainian government to do just that.

The Talking Dog: *[Judge Joyce Hens Green ruled](#) around a year ago that the entire Guantanamo detention process was illegal, for among other reasons, violating the third Geneva Convention. Naturally, the government appealed that ruling. I understand that the Geneva Convention aspect was addressed by [the D.C. Circuit in the Hamdan case](#), and the Supreme Court has, for the moment, [accepted review in Hamdan](#). What is the status of remaining issues associated with the appeal of Judge Green's decision, and specifically, how it relates to your clients, and I take it this is all held up by Graham Levin?*

Joshua Colangelo Bryan: An appeal is still pending in the D.C. Circuit. It has been fully argued and briefed for months. The Graham Levin issue has created another subject for further briefing. By its own terms, Graham Levin does not apply to these cases, which have been pending for years. Even if, as the Government argues, it did, it would be unconstitutional for violating the suspension clause. Likely, if the *Hamdan* case addresses the Graham Levin issues, they will have bearing on our case.

The Talking Dog: *I understand that [Mr. Al-Dossari recently released a detailed testimony of his abuse, both in custody in Afghanistan and later in Cuba, that you provided to Amnesty International](#). I take it that even this statement had to be vetted by the United States government (for secret codes, I suppose!) before you could release it, correct? I understand the same applies to your own notes; I understand that in one case at least, the government lost your notes in transit from Cuba to Virginia; was a suit filed or other action taken over that? Mr. Al-Dossari's testimonial is pretty graphic [including allegations of a number of beatings, application of electric shocks, starvation, sleep deprivation and other abuses]. Can you characterize any other abuse that you're aware of that he did not document?*

Joshua Colangelo Bryan: I fought quite a bit to have that statement cleared, and ultimately, despite Government opposition, it was cleared in large measure. Some portions of some pages have been redacted as classified. Juma did not write this in front of me. It is a 20 page, single spaced handwritten document. He was allowed to keep it and give it to me. Interestingly, prisoners have been permitted to keep "attorney client" communication documents, though materials have been taken if shown to another prisoner on the theory that they are no longer privileged; so much for the joint defense privilege. The government did indeed lose my notes. What happened was some motion practice that appears to have somehow gotten lost between Judge Green and Judge Walton demanding that the Government reimburse us for the costs of another trip to Guantanamo— around \$5,000— including transportation, translators and so forth— for what amounts to its own error. There is no resolution on that motion. As to additional details, Juma obviously didn't discuss details we have learned from governmental personnel about the conditions of his confinement, as he doesn't know what we have discovered in that manner.

The Talking Dog: *I understand that the only evidence the government purports to have by way of "a charge" against Mr. Al-Dossari is that he was "present at Tora Bora". Has the government ever expanded or provided more detail for its statement of charges-- whether in classified form or public form? Are you aware of any further charges against him? I understand that there were reports out of the Buffalo Evening News a number of years ago that Mr. Al-Dossari was a reputed Al Qaeda recruiter who may have approached the defendants in the "Lackawanna Six" case. Has the government made any reference to that as far as a basis to detain Mr. Al-Dossari? Has any effort been made to obtain evidence from Mr. Al-Dossari with respect to that Lackawanna Six case, or any other legal action?*

Joshua Colangelo Bryan: The [Combatant Status Review Tribunal \(CSRT\)](#) expressly found that there was no evidence to support this Lackawanna Six connection, and it was expressly not a basis for his continued detention. An interview with at least one of the Lackawanna Six in prison revealed that that defendant had never so much as met Mr. Al-Dossari. I understand that he was also questioned at Guantanamo about this.

The Talking Dog: *Do you know what the charges or allegations of the Government are with respect to your other clients still detained? What are they? What were the charges against the clients who were released? Was there any rationale, rhyme or reason or explanation given for why some were released, and some still held?*

Joshua Colangelo Bryan: Again, other than the limited (if any) explanations given by the CSRT, there is absolutely no explanation ever given of why anyone is detained, or why anyone is released.

The Talking Dog: *Do you know who [Abdullah Mesud](#) is (leading a guerrilla movement in Pakistan)? Are you aware of allegations that Mahmoud Habib trained AQ in hand to hand combat? Any explanation for why he gets released, and your other clients get released, but Al-Dossari, Al-Blooshi and Al-Murbati are not? Do you think this is a fundamental problem with the arbitrariness of the whole process? Any way we can convince the public that it is the arbitrariness- and not the release- that is the problem?*

Joshua Colangelo Bryan: Well, how does one reconcile the detention of my clients on the thinnest of accusations, while releasing an Australian who allegedly trained Al Qaeda terrorists including the 9-11 hijackers in martial arts and hand to hand combat—

The Talking Dog: *You're referring to Mahmoud Habib... who was released just ahead of proceedings in an action [complaining of his side trip to Egypt for "extraordinary rendition" where he alleges he was tortured](#)...*

Joshua Colangelo Bryan: Exactly... Or a number of British prisoners who were released because Tony Blair insisted that it was politically necessary for him that they be released, a similar situation that has occurred with other European governments. By contrast, very few prisoners from Arab countries have been released. I am familiar with Abdullah Mesud in passing and from reading about him— but the fact that he is released, and my clients continue to be held just shows that there is no rhyme or reason to the system that has been set up.

The Talking Dog: *Anything else that I should have asked you, or that my readers, the American public, the Bahraini public, or anyone else needs to know about your representations, or anything else?*

Joshua Colangelo Bryan: We should all know that by our military's own admissions, there are innocent men at Guantanamo Bay, and they have been horrifically abused. Not only is this legally and ethically disastrous, it is bad strategically, and ultimately, politically counterproductive.

The Talking Dog: *I'm sure I join all of my readers in saying thank you for that most informative interview.*

<http://www.cageprisoners.com/articles.php?id=11934>

SOURCE: The Talking Dog Blog

Govt Agrees To Fund Hicks' Lawyer Travel

The federal government has agreed to fund a trip by terrorist suspect David Hicks' Australian lawyer to visit his client in Guantanamo Bay, after initially refusing aid.

David McLeod said he would depart Australia on Sunday to visit Hicks and his American legal team after being told on Friday of the change of heart.

"I'm pleased that the secretary of the Attorney-General's Department has changed his view on the matter," Mr McLeod told AAP.

The visit will allow Mr McLeod and Hicks' American lawyers to meet with their client together ahead of some key court dates in the US and the UK.

The 30-year-old Muslim convert from Adelaide has been held for nearly four years in US military detention at Guantanamo Bay in Cuba, charged with conspiracy to commit war crimes, attempted murder and aiding and abetting the enemy.

He was captured with Taliban forces in Afghanistan in December 2001.

Hicks' recent quest for British citizenship, which would allow him to escape a pending US military hearing, was initially turned down.

<http://www.cageprisoners.com/articles.php?id=11940>

SOURCE: The Age

McCain Still Concerned About Guantanamo

By PAISLEY DODDS

Associated Press Writer

DAVOS, Switzerland (AP) - Sen. John McCain said Friday that interrogation techniques at the U.S. prison camp in Guantanamo Bay are still of concern, and the prisoners held there should have their cases processed after spending up to four years in detention without charge.

The remote prison camp in eastern Cuba, where some 500 men accused of links to Afghanistan's ousted Taliban regime or al-Qaida are held, crept into debates at the World Economic Forum on Friday. Only a handful of the prisoners have been charged.

``What I was concerned about and continue to be concerned about is interrogation methods," McCain, R-Ariz., told The Associated Press on the sidelines of the forum.

``Now, if they want to keep them in Guantanamo or Des Moines, Iowa, that's not a critical issue to me. What is critical is that we adhere to treaties that we are signatories to and observe basic human rights and obey the law that we just passed concerning cruel and inhumane and degrading treatment."

McCain was the chief sponsor of a bill that President Bush signed last month banning cruel, inhuman and degrading treatment of foreign detainees.

The former Vietnam War POW called for more congressional involvement concerning Guantanamo and said the prisoners' cases should be processed and heard.

``All human beings, no matter how evil they are, have the right to some kind of adjudication ... There should be some kind of system set up so their cases can be decided," he said.

Sen. John Sununu, R-N.H., said the U.S. Congress would be diligent in ensuring that human rights were protected at Guantanamo.

``I think everyone understands that it has served an important purposes in dealing with enemy combatants," he told AP. ``But everyone also hopes and believes that we'll reach a point where the progress in our effort to combat terrorism makes it unnecessary."

The U.S. government has classified the men ``enemy combatants," a designation that does not afford them the same legal protections as under the Geneva Conventions. Many have little contact with lawyers or the outside world.

FBI documents sent to The Associated Press in 2003 showed cases of prisoner abuse shortly after the camp opened in January 2001. Additional documents showed other cases as the detention mission grew, specifically with the use of female guards and interrogators using aggressive and sexually charged techniques with the detainees, most of whom are Muslim.

Maj. Gen. Geoffrey D. Miller, who ran the Guantanamo camp from October 2002 to March 2004 and has been linked to the abuse scandal, is declining to answer questions in two courts-martial cases involving the use of dogs during interrogations at the camp.

Former Presidents Clinton and Carter have called for the prison camp to be closed, and British Prime Minister Tony Blair has called the prison an ``anomaly."

Afghanistan President Hamid Karzai, however, said Friday that the camp would cease to be on his country's radar once the 100 or so Afghan prisoners were returned.

``When the Afghans leave that facility, it's none of our business what happens there," Karzai said at a news conference at the forum.

He said he expected a facility to house the Afghan prisoners to be completed within two years.

Many of them are expected to be held at Kabul's Policharki Prison, where seven Taliban rebels escaped Sunday. Six months earlier, four al-Qaida members, including a top lieutenant of Osama bin Laden in Southeast Asia, broke out of a jail at Bagram, the U.S. military's headquarters north of Kabul.

The prison, which is undergoing rehabilitation for the transfer, was once the scene of summary executions under former regimes, including the hard-line Taliban.

<http://www.cageprisoners.com/articles.php?id=11935>

SOURCE: The Guardian