

PRESS RELEASE

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Gitmo Guards 'Often Attacked By Detainees'

By JOHN SOLOMON Associated Press Writer

WASHINGTON — The prisoners held at Guantanamo Bay during the war on terror have attacked their military guards hundreds of times, turning broken toilet parts, utensils, radios and even a bloody lizard tail into makeshift weapons.

Pentagon incident reports reviewed by The Associated Press show Military Police guards are routinely head-butted, spat upon and doused by "cocktails" of feces, urine, vomit and sperm collected in meal cups by the prisoners.

They've been repeatedly grabbed, punched or assaulted by prisoners who reach through the small "bean holes" used to deliver food and blankets through cell doors, the reports say. Serious assaults requiring medical attention, however, are rare, the reports indicate.

The detainee "reached under the face mask of an IRF (Initial Reaction Force) team member's helmet and scratched his face, attempting to gouge his eyes," states a May 27, 2005, report on an effort to remove a recalcitrant prisoner from his cell.

"The IRF team member received scratches to his face and eye socket area," the report said.

Since its creation in early 2002, the U.S. detention camp on Cuba's coast has been a controversial symbol of the Bush administration's war on terror, bringing allegations of prisoner mistreatment, debates over civil rights and a landmark legal battle to win rights for the detainees.

At one point, more than 600 foreign men captured in the war on terror were kept there. Many have been released to their home countries, reducing the current population to about 450. Ten detainees have been accused of war crimes, but no one has been tried.

The Supreme Court has ruled that the men are entitled to lawyers and access to the courts and that the administration's original plan to give them justice through military tribunals was illegal.

Guards currently stationed at Guantanamo describe a tense atmosphere in which prisoners often orchestrate violence in hopes of unnerving their captors, especially with attacks using bodily fluids.

"I mean, seeing a human being act that way, it's terrifying. ... You are constantly watching before you take your next step to see if something is about to happen," Navy Senior Chief Petty Officer Mack D. Keen told AP in an interview from Guantanamo.

"You see little signs. They kind of show their hand every once in a while. They'll take their Quran and they'll cover it up," he said. "When you see a group of detainees taking their Quran and putting it away, you know something is about to happen."

Moazamm Begg, 38, a prisoner for more than two years at Guantanamo before being released to Great Britain, said he was suspicious of the Pentagon's description of incidents, especially allegations that Muslim men tore their Qurans or used sperm in attacks. The Pentagon continues to publicly question Begg's claim of innocence.

"This just doesn't make sense _ especially since for Muslims this would be something that was disgusting, something that just wouldn't be done," he said. He added that some detainees told him they had mixed toothpaste and spit in the cocktails to make it look like semen.

Begg, who has written a book and spoken frequently about his experience, said most incidents he witnessed were spontaneous reactions "when word spread" among prisoners that a guard had done something wrong.

"I rarely saw lone prisoners acting out on their own for no reason except if they had some sort of mental illness or if they were on medication," he said.

Nonetheless, the incident reports released under the Freedom of Information Act to a conservative legal group and reviewed by AP, provide a rare chronicle of events inside the prison from the guards' perspective.

Entire wings of prisoners were reported to become riotous after complaints emerged that guards mishandled a Quran or mistreated prisoners. On two occasions, however, prisoners themselves were reported to have destroyed their Muslim holy books, the reports state.

"Detainee residing in cell (redacted) block tore his Quran into small pieces," a guard reported in May 2003. A month later, a prisoner "did intentionally destroy his Quran and throw (it) out of his cell," another report stated.

The reports detail more than 440 incidents between guards and prisoners from December 2002 through summer 2005 that resulted in recommendations of discipline, an average of about three per week. The names of guards and prisoners as well as the final discipline were blacked out by the Pentagon.

Often, guards went weeks without reporting problems; other times incidents were bunched together during times of frustration and tension.

For instance, nearly a quarter of the incidents occurred in July 2005, the month dozens of detainees started an extended hunger strike.

Tensions likewise flared during Christmas week 2004, with inmates frequently spitting on guards. On Christmas Eve, a prisoner who was angry that he couldn't finish his meal was said to have used a plastic fork-spoon utensil _ called a spork _ to attack a guard collecting his tray.

"Detainee stabbed the MP guard ... in the hand with his spork from chow meal," the report said, adding the prisoner later "made a slicing motion across his neck" and vowed to kill the guard.

With many nearing five years in U.S. captivity, the prisoners "have a Ph.D. in being a detainee" and "know our procedures and they try to turn them against us and try to make us question what we are doing," said Army Lt. Col. Michael J. Nicolucci, the prison's executive officer.

"They'll take the smallest things, be it a piece of rust," he said. "They told us they are going to take that piece of rust and they are going for the jugular, they are going for the eye. They know what our vulnerabilities are, anatomically speaking."

Meal plates, shower flip-flops, cleaning brushes and other items deemed harmless in civilian life also are commonly turned into weapons, the reports said. For instance:

_"Detainee in cell (redacted) grabbed the radio from an MP and then threw the radio at the MP. The detainee then threw rocks at the MP," a Dec. 23, 2003, incident report stated.

_"A detainee "reached out of his bean hole and attacked MP (name redacted) with a piece of metal foot pad from toilet striking him on the left hip area," a July 15, 2005, report said.

_"Detainee broke off the top of his sink, subsequently broke out the window then began throwing the sink and pieces of pipes at the Block Guard," a March 25, 2005, report said.

One of the most unusual incidents detailed in the four-inch stack of incident reports occurred when a detainee in the prison recreation yard assaulted a guard with a bloody tail torn from a lizard.

The detainee "caught the iguana by the tail at which time the tail detached," the May 2005 report described. When the guard turned to talk to a commanding officer, "he felt something strike him in the lower right back" and then "saw the tail on the ground at his feet and blood was in the same area of his uniform." The detainee said he was "just playing."

Nicolucci said one of the most serious incidents occurred this May, too recent to be recorded in the Pentagon's released reports. A prisoner staged an apparent suicide attempt while his inmates slicked the floors with human waste, seeking to overpower guards when they slipped, he said.

"We provide fans in order to keep them cool," Nicolucci recalled. "And they were using the basket, or the grate of the fan as a shield, the blades as machetes, the pole as a battering ram."

That disturbance was turned back in a few minutes with some guards and prisoners sustaining minor injuries, he said.

The Landmark Legal Foundation, a conservative legal group that fought to force the Pentagon to release the reports under the Freedom of Information Act, said it hopes the information brings balance to the Guantanamo debate.

"Lawyers for the detainees have done a great job painting their clients as innocent victims of U.S. abuse when the fact is that these detainees, as a group, are barbaric and extremely dangerous," Landmark President Mark Levin said. "They are using their terrorist training on the battlefield to abuse our guards and manipulate our Congress and our court system."

Though all detainees are foreigners, many are clearly Americanized when it comes to their insults and gestures. Male guards are frequently derided as "donkeys" while female guards are routinely called "bitches" or harassed by references to their breasts or genitalia, the reports said.

In all, nearly a quarter of incidents involved female guards, the reports show.

"They absolutely target female guards," Nicolucci said. "They have a lot of cultural biases about females, and we let them know in our culture that females do everything males do in a professional job environment, and we just hold firm."

James A. Gondles Jr., executive director of the American Correctional Association that sets standards for U.S. prisons, said much behavior inside Guantanamo mirrors that of civilian prisons though the attacks with bodily fluids seem more numerous.

"It happens from time to time at facilities here, but it seems the majority of ... assaults at Gitmo were either spitting, or bodily fluids being thrown on the guards," said Gondles, who has visited Guantanamo twice at the Pentagon's invitation and reviewed the reports at AP's request.

The bodily fluid attacks are so numerous that guards now frequently wear specialized shields to protect their faces.

The incident reports show waves of orchestrated behavior.

For instance, prisoners repeatedly grabbed their guards' whistles over a five-day period in June 2004. In July 2005, guards reported several instances of rock throwing, spitting and flip-flop hitting. Rocks were hidden under shower mats, the reports said.

The incident reports also are noteworthy for information that is missing. With redacted names, it is impossible to tell whether bad behavior is widespread or the work of a few repeat offenders. Likewise, the documents don't tell whether certain guards are prone to confrontation.

Prisoners' hunger strikes, suicide attempts and threats to injure themselves aren't considered disciplinary matters and thus aren't recorded in the incident reports. Yet the Pentagon acknowledges there have been scores of such incidents.

Sen. John McCain, R-Ariz., a prisoner of war during Vietnam, said the treatment of the guards has been overshadowed by the legal and political debates surrounding the detainees, but he has been impressed with the guards' professionalism.

"Our personnel there have perhaps the most difficult task you can have in the military outside of being in a combat zone. ... These are bad guys and some of the most hardened of hardened criminals. And some I think will need to be kept permanently," he said.

McCain said the detainees' behavior and the likelihood of permanent confinement only hastens the need for the administration and Congress to finalize detention and trial policies consistent with the Supreme Court's direction.

While Washington addresses those questions, the guards look to stay one step ahead of the detainees.

"Yes, you do get upset but you get somebody to take your place," Keen said in explaining how he survives the tensions of the cell block. "You go outside. You walk it off and you come back and (say) I want to be back in the fight."

Journalists Release Guantanamo Bay Report

Ashfaq Yusufzai

PESHAWAR, Jul 31 (IPS) - Two Afghan journalists, who spent three years in the infamous United States military prison camp in Guantanamo Bay, Cuba, have released a new chronicle on life in the now famous iron cages.

Their 453-page volume in the Pashto language is even more graphic than the one released recently by Mullah Abdul Salam Zaef, Taliban's former ambassador to Pakistan who was handed over to the U.S. military, shortly after it invaded Afghanistan and ousted the fundamentalist regime in 2001.

Titled 'Da Guantanamo Maatai Zawlanai' (Broken Chains of Guantanamo), the volume describes the extreme physical and mental torture to which the inmates -- mostly suspected Taliban and their allies who were picked up from Afghanistan or Pakistan -- were subjected to.

Muslim Dost, 45, and his co-author and brother Badar-uz-Zaman, 37, told IPS during an interview on the weekend that they saw evidence of female inmates in Guantanamo. "We saw forms filled in by female inmates at the office of the investigators."

One of the forms, left lying around carelessly on a table by U.S. military investigators, had apparently been filled in by a woman from Lahore, in the Punjab province of Pakistan, and it showed that she was pregnant, they said.

Dost and Zaman, both journalists, were exonerated by a military tribunal at Guantanamo and released on Apr. 22, 2005. They were originally picked up by Pakistan's military Inter Services Intelligence (ISI) on Nov. 17, 2001 from the Speena Warai village on the outskirts of Peshawar and were taken to a detention centre in Bagaram Air Base, before being flown to Guantanamo.

"We used to publish Arabic, Pashto and Urdu monthlies. Some of the articles in them had angered the ISI, which handed us over to the U.S. forces, handcuffed and blindfolded. We didn't have any connection with the Taliban, but the ISI wanted to settle scores with us," said Dost, who migrated to Pakistan with his entire family 24 years ago from his native Kot district in Jalalabad, Afghanistan.

Like Mullah Zaef, the brothers lay blame for many unjustifiable detentions at Guantanamo on the shadowy ISI, which, they said, went about picking up innocent citizens to show cooperation with the U.S. military and also to claim large bounties.

"A father was taking his ailing son to hospital in Quetta, Balochistan, when he was caught by police and asked to pay a bribe for his release. He refused to pay and ended up at Guantanamo with his son. After two years, the son had so transformed that he was talking in English and was unable to recognize his father," they said.

Only ten of those ever held at Guantanamo, since its establishment in January 2002, have been formally charged. An investigation conducted, earlier this year by the Seton Hall University in New Jersey showed that 55 percent of prisoners are not alleged to have committed any hostile acts against the U.S., and 40 percent had no affiliation with al-Qaeda.

Military documents, cited by the university, suggested that only eight percent of prisoners were alleged to have been fighting on behalf of any Islamist group, and that 86 percent were captured and handed over to the U.S. military by the Northern Alliance in Afghanistan that opposed the Taliban or by Pakistani authorities.

Photographs in the new book were mainly sourced from members of the U.S. forces who took pictures to be sold clandestinely to the media. "We were happy to be photographed. We knew that photos were the only thing that could inform the world community about our ordeal," Zaman told IPS.

"The ISI people, which thoroughly searched our house took away valuables including precious gemstones, worth 300,000 US dollars," Dost said.

"We had not committed any war crime but had exercised our basic right of writing about the ISI's wrongdoings what was fact for which we paid a huge price," said Zaman.

A father of nine, Dost says he received his first letter from his family after 11 months through ICRC. "A total of 24 letters, out of hundreds sent by the family, reached us with most of its contents deleted by the U.S. forces in an effort to make us worry."

"The shortest period between letters from the family was two months. Most of the letters took more than four months to reach us," he added.

"Among the prisoners were real brothers, fathers and sons, who were kept in 180 sq cm iron cages. Sometimes, the cages would be placed close enough to enable conversation," said Dost.

"Water was plentiful for drinking and ablutions, but supplies were cut when we protested on some matters. We were made to perform congregational prayers while caged," said Zaman. "Trimming our beards and eyebrows, making us strip and desecrating the Holy Quran were other matters that angered us."

Their testimony corroborates what former envoy Zaeef recorded in his 156-page 'Da Guantanamo Anzoor' (The Picture of Guantanamo). "So harsh was the torture and treatment that prisoners even prayed for death rather than be in detention," Zaeef, wrote. "Their oppression can never be forgiven."

Zaman said that food was served to the detainees were deficient. Sleep deprivation was another way in which the inmates were constantly harassed, he recalled.

After inspecting the camp in June 2004, the International Committee of the Red Cross issued a confidential report -- which found its way to the New York Times in November 2004 -- in which the inspectors accused the U.S. military of using "humiliating acts, solitary confinement, temperature extremes, use of forced positions" against the prisoners.

To be translated into English soon, 'Broken Chains of Guantanamo' is priced at 3.3 dollars and has 64 pictures showing some of the trauma the prisoners were subjected to.

"We have fully naked pictures of the POWs, but decided not to include them in the book to avoid hurting further the sentiments of Muslims," the brothers said.

"We had no link with the outside world. The U.S. army would give us information that they thought would make us worry. They informed us, for example, that Saddam Hussain had been captured," Dost said.

The brothers said that, in general, Spanish-speaking members of the U.S. army were kinder to the prisoners but they were transferred when the authorities felt they had a "soft corner for us".

"From the cages, the POWs would spit at the U.S. army men who seemed to be extremely fearful. They would allow us to write, but would give us only refills fearing that we would hit them with them with pens," said Dost, who still fears being whisked away by the ISI.

Many governments, including U.S. allies, and human rights groups have criticised the indefinite detentions and the prisoners' lack of legal rights at Guantanamo.

While the The Pentagon insists the detainees are treated humanely, international concern concern increased after three prisoners hanged themselves recently. "If three detainees had hanged themselves many others had gone on hunger strikes and were alive only through painful force-feeding," Dost said.

What he regrets most is that he was not allowed to carry back with him literary pieces he penned during his incarceration. He had translated the Holy Quran and 25,000 poetic couplets.

"We were allowed to bring only a fraction of this literary work. Those poetic pieces were written under a certain ambience, which is precious to poets. Pieces I wrote on Islamic jurisprudence and Pashto grammar were also confiscated," he says.

The brothers said a French journalist has offered to translate their book into French. "But we intend to translate it into English, Urdu and Arabic first."

Following a U.S. Supreme Court ruling that the Guantanamo Bay military tribunals had no legal status, the administration of President George W. Bush announced on Jul. 11 that all detainees in U.S. military custody would be entitled to protections under the Geneva Conventions (END/2006)

<http://www.cageprisoners.com/articles.php?id=15539>

SOURCE: IPSNews.net

General Who Ran Guantanamo Bay Retires

By Josh White
Washington Post Staff Writer

Maj. Gen. Geoffrey D. Miller, a central figure in the debate over the treatment of detainees in Iraq and at Guantanamo Bay, Cuba, retired from the Army yesterday amid ongoing congressional concern about his role in policies that allegedly led to abuse by U.S. service members.

Miller chose to retire without seeking promotion and a third star, in large part because his legacy has been tarnished by allegations of abuse at Iraq's Abu Ghraib prison and the U.S. detention facility at Guantanamo Bay, according to military officials and congressional sources. Miller had hoped to retire in February, but his departure was delayed because members of the Senate Armed Services Committee wanted to question him while he was still in uniform about his role in implementing harsh interrogation techniques at the two prisons.

Miller was allowed to retire only after he assured members of the Senate panel in writing that he would make himself available to testify if called. Congressional sources from both political parties said yesterday that they were not satisfied with several investigations into Miller's actions while he was commander at Guantanamo Bay and are still skeptical of his truthfulness in Senate testimony after the Abu Ghraib abuse surfaced in spring 2004.

A senior Pentagon official said yesterday that Miller is a "casualty of the Abu Ghraib abuse," comparing him to Lt. Gen. Ricardo S. Sanchez, who also was not promoted because senior leaders feared that a public confirmation hearing would go badly in light of the allegations.

Military commanders twice have cleared Miller of wrongdoing -- once after investigators suggested he be reprimanded for failing to properly oversee the interrogation of a high-value detainee at Guantanamo Bay who was abused, and once after the Army's inspector general determined he had testified truthfully to the Senate.

Gen. Richard A. Cody, Army vice chief of staff, said yesterday that Miller has had "a very, very distinguished career" and is regarded within the military as an effective leader. Cody said he has reviewed the reports and that the investigation was handled appropriately.

Cody presented Miller with the Distinguished Service Medal, a top honor for general officers, at a retirement ceremony yesterday in the Pentagon's Hall of Heroes.

While the top officer at Guantanamo Bay in 2002 and 2003, Miller implemented and oversaw a number of harsh interrogation tactics that included the use of dogs to frighten Arab detainees, and stripping captives naked and shackling them in stress positions to force them to talk. Such tactics later were used in Iraq, shortly after Miller and a team of experts visited in 2003 to help obtain more information during interrogations.

Miller has said he did not authorize interrogation techniques in Iraq. But according to slides he presented to Pentagon officials upon his return, he used his Guantanamo Bay experience as a baseline for suggestions such as having military police who guarded the detainees set the conditions for more fruitful interrogations. Weeks later, military police soldiers at Abu Ghraib took pictures of themselves using harsh and demeaning tactics similar to those at Guantanamo Bay.

Harvey Volzer, a civilian defense lawyer who represented a military dog handler convicted of intimidating a detainee, said he believes that Miller has become a scapegoat for abusive policies developed at a higher level.

"I think they're looking for a place to stop, and Major General Miller may be that convenient place to stop. They're hoping the Senate will be satisfied with Miller's head," Volzer said.

A bipartisan group of senators from the Armed Services Committee has asked for a hearing to examine Miller's conduct and the results of the Army inspector general's investigation as it relates to Miller's previous testimony. Sens. Carl M. Levin (D-Mich.), Jack Reed (D-R.I.) and Lindsey O. Graham (R-S.C.) wrote in a letter on June 29 that they believe "the Army appears to be protecting MG Miller from being held accountable for his actions."

Sen. John W. Warner (R-Va.), the committee's chairman, wrote to the secretary of the Army on July 24 requesting interrogation plans, answers to written questions from top officials and additional interviews. He also wrote that he will schedule a hearing in which Miller will testify.

In a letter received by the Armed Services Committee on July 20 and obtained by The Washington Post, Miller wrote that he is prepared to testify under oath.

"Even though I am retiring from active duty, I assure you that if requested, I will appear voluntarily before and cooperate with the Senate Armed Services Committee," Miller wrote.

<http://www.cageprisoners.com/articles.php?id=15538>

SOURCE: Washington Post

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White House Proposal Would Expand Authority of Military Courts

By R. Jeffrey Smith
Washington Post Staff Writer

A draft Bush administration plan for special military courts seeks to expand the reach and authority of such "commissions" to include trials, for the first time, of people who are not members of al-Qaeda or the Taliban and are not directly involved in acts of international terrorism, according to officials familiar with the proposal.

The plan, which would replace a military trial system ruled illegal by the Supreme Court in June, would also allow the secretary of defense to add crimes at will to those under the military court's jurisdiction. The two provisions would be likely to put more individuals than previously expected before military juries, officials and independent experts said.

The draft proposed legislation, set to be discussed at two Senate hearings today, is controversial inside and outside the administration because defendants would be denied many protections guaranteed by the civilian and traditional military criminal justice systems.

Under the proposed procedures, defendants would lack rights to confront accusers, exclude hearsay accusations, or bar evidence obtained through rough or coercive interrogations. They would not be guaranteed a public or speedy trial and would lack the right to choose their military counsel, who in turn would not be guaranteed equal access to evidence held by prosecutors.

Detainees would also not be guaranteed the right to be present at their own trials, if their absence is deemed necessary to protect national security or individuals.

An early draft of the new measure prepared by civilian political appointees and leaked to the media last week has been modified in response to criticism from uniformed military lawyers. But the provisions allowing a future expansion of the courts to cover new crimes and more prisoners were retained, according to government officials familiar with the deliberations.

The military lawyers received the draft after the rest of the government had agreed on it. They have argued in recent days for retaining some routine protections for defendants that the political appointees sought to jettison, an administration official said.

They objected in particular to the provision allowing defendants to be tried in absentia, said the official, who spoke on the condition of anonymity because he was not authorized to describe the deliberations. Another source in contact with top military lawyers said, "Their initial impression is that the draft was unacceptable and sloppy." The source added that "it did not have enough due-process rights" and could further tarnish America's image.

The military lawyers nonetheless supported extending the jurisdiction of the commissions to cover those accused of joining or associating with terrorist groups engaged in anti-U.S. hostilities, and of committing or aiding hostile acts by such groups, whether or not they are part of al-Qaeda, two U.S. officials said.

That language gives the commissions broader reach than anticipated in a November 2001 executive order from President Bush that focused only on members of al-Qaeda, those who commit international terrorist acts and those who harbor such individuals.

Some independent experts say the new procedures diverge inappropriately from existing criminal procedures and provide no more protections than the ones struck down by the Supreme Court as inadequate. John D. Hutson, the Navy's top uniformed lawyer from 1997 to 2000, said the rules would evidently allow the government to tell a prisoner: "We know you're guilty. We can't tell you why, but there's a guy, we can't tell you who, who told us something. We can't tell you what, but you're guilty."

Bruce Fein, an associate deputy attorney general during the Reagan administration, said after reviewing the leaked draft that "the theme of the government seems to be 'They are guilty anyway, and therefore due process can be slighted.'" With these procedures, Fein said, "there is a real danger of getting a wrong verdict" that would let a lower-echelon detainee "rot for 30 years" at Guantanamo Bay because of evidence contrived by personal enemies.

But Kris Kobach, a senior Justice Department lawyer in Bush's first term who now teaches at the University of Missouri at Kansas City, said he believes that the draft strikes an appropriate balance between "a fundamentally fair trial" and "the ability to protect the effectiveness of U.S. military and intelligence assets."

Administration officials have said that the exceptional trial procedures are warranted because the fight against terrorism requires heavy reliance on classified information or on evidence obtained from a defendant's collaborators, which cannot be shared with the accused. The draft legislation cites the goal of ensuring fair treatment without unduly diverting military personnel from wartime assignments to present evidence in trials.

The provisions are closely modeled on earlier plans for military commissions, which the Supreme Court ruled illegal two months ago in a case brought by Salim Ahmed Hamdan, a Yemeni imprisoned in the U.S. military prison at Guantanamo Bay, Cuba. "It is not evident why the danger posed by international terrorism, considerable though it is, should require, in the case of Hamdan, any variance from the courts-martial rules," the court's majority decision held.

No one at Guantanamo has been tried to date, though some prisoners have been there since early 2002.

John Yoo, a former Justice Department lawyer who helped draft the earlier plan, said Bush administration officials essentially "took DOD regulations" for the trials "and turned them into a statute for Congress to pass." He said the drafters were obviously "trying to return the law to where it was before Hamdan" by writing language into the draft that challenges key aspects of the court's decision.

"Basically, this is trying to overrule the Hamdan case," said Neal K. Katyal, a Georgetown University law professor who was Hamdan's lead attorney.

The plan calls for commissions of five military officers appointed by the defense secretary to try defendants for any of 25 listed crimes. It gives the secretary the unilateral right to "specify other violations of the laws of war that may be tried by military commission." The secretary would be empowered to prescribe detailed procedures for carrying out the trials, including "modes of proof" and the use of hearsay evidence.

Unlike the international war crimes tribunals for Rwanda and the former Yugoslavia, the commissions could rely on hearsay as the basis for a conviction. Unlike routine military courts-martial, in which prosecutors must overcome several hurdles to use such evidence, the draft legislation would put the burden on the defense team to block its use.

The admission of hearsay is a serious problem, said Tom Malinowski, director of the Washington office of Human Rights Watch, because defendants might not know if it was gained through torture and would have difficulty challenging it on that basis. Nothing in the draft law prohibits using evidence obtained through cruel, inhumane and degrading treatment that falls short of torture, Malinowski said.

The U.S. official countered that a military judge "would look hard" at the origins of such evidence and that defendants would have to count on "the trustworthiness of the system."

To secure a death penalty under the draft legislation, at least five jurors must agree, two fewer than under the administration's earlier plan. Courts-martial and federal civilian trials require that 12 jurors agree.

<http://www.cageprisoners.com/articles.php?id=15556>

SOURCE: Washington Post

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'Thousands of Documents' for Habib Case

THE Federal Government might have to track down thousands of documents – many of them classified – to defend a damages action brought by former Guantanamo Bay detainee Mamdouh Habib, the Federal Court has been told.

Mr Habib alleges Australian officials were complicit in his arrest in Pakistan in October and 2001 and failed to help when he complained of being tortured Pakistani and Egypt.

He was arrested by Pakistani police following the September 11 terrorist attacks in the United States and accused of training with al-Qaeda.

He alleges he was tortured in Islamabad by unnamed agents before being flown to Egypt where he was again tortured by Egyptian officials.

He was held in Guantanamo Bay without charge for three years before being released in January last year.

Lawyers acting on behalf of the Government told a directions hearing in Canberra today the Habib case was "very complex" and addressing some claims would require finding "huge numbers of documents scattered throughout the world".

But Federal Court judge, Justice Rodney Madgwick told government lawyer Andrew Berger such problems should not stand in the way of a fair trial.

"The interests of justice count for something ... the interests of justice and the interests of national security can be reconciled," Justice Madgwick said.

The Commonwealth is attempting to strike out claims made by Mr Habib before they can get to trial.

Mr Habib won the right earlier this year to have his case against the government transferred from the High Court to the Federal Court.

Justice Madgwick said Mr Habib's lawyers should redraft their statement of claim ahead of another hearing in November.

<http://www.cageprisoners.com/articles.php?id=15570>

SOURCE: The Australian

Give Hicks a Fair Go, Says Ex-G-G

FORMER Governor-General Bill Hayden accuses the Howard Government of being a servile accomplice to the US's inhumane treatment of Australian Guantanamo Bay detainee David Hicks.

And the former federal Labor leader has challenged Prime Minister John Howard to get Hicks a "fair go".

Adelaide-born Hicks, who turned 31 today, has been detained since shortly after he was captured allegedly fighting with the Taliban in Afghanistan in the immediate aftermath of the September 11, 2001, attacks in the US.

The former Adelaide resident is facing trial on charges of conspiracy to commit war crimes, attempted murder and aiding the enemy.

Mr Hayden said today the circumstances of Hicks' detention were intolerable "to any person who faithfully embraces the rule of law as the keystone of a free, democratic society".

"In so many important respects those principles have been crudely violated by the US administration while the Australian government has been a servile accomplice to this shoddy conduct," Mr Hayden wrote in an article for today's Courier Mail newspaper.

"Hicks has been rotting in prison since 2001. He was only charged with offences in June 2004, a flagrant violation of proper processes.

"Much of his time has been spent in solitary confinement in a tiny cell, one small window, a steel door and release for exercise two hours a day.

"That is cruel and inhumane treatment which will almost certainly leave him with serious personality damage.

"His complaints of torture have been scornfully dismissed by government spokesmen – quite unjustifiable when the International Red Cross has declared that the US military was treating prisoners at Guantanamo Bay in a manner 'tantamount to torture'."

Mr Hayden, also a former foreign minister, said the Howard Government had been "silly" in dismally failing an Australian citizen.

"I don't know Hicks personally but he deserves justice, as all Australians do when in trouble, but our government has announced that Hicks will be left to whatever fate the US serves up to him and, presumably, for however long that may take.

"How about a fair go for Hicks, Prime Minister?"

<http://www.cageprisoners.com/articles.php?id=15569>

SOURCE: News.com.au

Senator Balks at Draft Terror Suspect Tribunal Plan

CAPITOL HILL Lawmakers are again questioning a Bush administration proposal for prosecuting suspected terrorists.

After being presented with an early draft of new efforts to try Guantanamo inmates, a key senator says lawmakers need more say in determining the tribunal procedures.

At a Senate Judiciary hearing, chairman Arlen Specter says he'd oppose any legislation that lets the defense secretary have the final word in what crimes qualify for military tribunals.

The Supreme Court sent the administration back to the drawing board with a June ruling that the Pentagon's tribunal system wasn't authorized by Congress and falls short of constitutional and international standards.

<http://www.cageprisoners.com/articles.php?id=15567>

SOURCE: Kron4.com

White House Seeks New Foreign Detainee Trials

By Vicki Allen

WASHINGTON, Aug 2 (Reuters) - The Bush administration on Wednesday said it would be willing to use much of the military justice code to try foreign terrorism suspects, but Democrats said its plan still fell short of meeting the U.S. Supreme Court's demands for fair trials.

Attorney General Alberto Gonzales said the administration was still drafting its plan, but that it would propose trying enemy combatants based on military court martial procedures -- although with a number of key changes.

Those include admitting hearsay evidence, limiting rights against self-incrimination before a trial, and limiting defendants' access to classified information.

Gonzales also told the Senate Armed Services Committee the the administration's current thinking was to allow testimony obtained by coercion if it was reliable and useful.

Sen. Carl Levin of Michigan, the committee's top Democrat, said those provisions would leave the new trial system vulnerable to another rebuke by the Supreme Court, which in June struck down the system of tribunals that President George W. Bush established following the Sept. 11 attacks.

Admitting coerced testimony could allow interrogation techniques such as "water-boarding" to simulate drowning, use of intimidating military dogs and other methods that top military lawyers have said are inconsistent with the Geneva Conventions and U.S. military rules, Levin said.

Gonzales offered the administration's plan as Congress crafts a process to try terrorism suspects, who are mostly held in prison at the U.S. Navy base in Guantanamo Bay, Cuba.

DEFINE 'INHUMANE,' SAYS GONZALEZ

The court said Bush's tribunals lacked congressional authorization and did not meet U.S. military or international justice standards.

That system would have allowed defendants to be barred from their own trials, limited their access to evidence, and allowed testimony from interrogations that critics said amounted to torture.

In a testy exchange, Arizona Republican Sen. John McCain, who was tortured as a war prisoner in Vietnam, asked whether testimony obtained by illegal or inhumane means could be used.

After a long pause, Gonzales said that would depend on how inhumane was defined. He argued that the Geneva Convention's prohibition on "outrages upon personal dignity, in particular, humiliating and degrading treatment" was too vague and needed to be defined by Congress.

Gonzales said Congress should provide a list of offenses that would constitute crimes under the Geneva Convention's requirement for humane treatment of prisoners. He said that would clarify rules for U.S. interrogators, who would be subject to felony charges for violations.

Human rights advocates contend the White House wants to more narrowly define and weaken the humane treatment standard.

Gonzales said the administration had no intention of using the proposed military commission system to try U.S. citizens or prisoners of war.

He said the proposal calls for having at least five members on commissions instead of three in the system the court rejected, and death penalty cases would require a unanimous vote. It also would have a military appeals process, and convicted detainees could appeal to the Washington, D.C., Circuit.

<http://www.cageprisoners.com/articles.php?id=15564>

SOURCE: Reuters

Get Me Home or Let Me Die

By **KANWAL TARIQ HAMEED**

GET me home or let me die, is the latest heart-rending message from Bahraini Guantanamo Bay detainee Juma Al Dossary.

"I cannot bear this life anymore," 32-year-old Juma Al Dossary says in a letter to his lawyer Joshua Colangelo-Bryan, dated July 12.

"Please tell my government that if they do not take me within a month, I swear they will be receiving my remains.

"I have no need to live the life that I live now, death will be a relief from this torment.

"This attitude is not mine alone, but is held by many detainees here.

"I have learned that there are more than 30 who are ready to die, just as the first three did (a reference to earlier apparent suicides).

"The number is increasing due to the mistreatment and torture.

"I am not sure if I will be seeing you next month (a reference to a lawyer's visit planned for this month) or not, because I do not want to go on living this life that I live now."

"Death is the most precious wish I have now."

Al Dossary, who calls himself the "prisoner of deprivation" in his letter, has tried to kill himself 13 times according to the US military.

He says prison conditions have become worse since three detainees Saudis Mani Al Utaybi,30, and Yasser Al Zahrani, 21, and Yemeni Ali Abdullah Ahmed, 28 died in apparent suicides on June 10.

"Please do something for me - the conditions now are extremely difficult and everyday the conditions get worse here," he told his lawyer.

"We move from bad to worse.

"Our lives have become an unbearable hell due to horrible treatment by soldiers, physicians, the medical staff, and the psychiatrists.

"They exert on us the most horrible, the most terrible forms of psychological pressure and religious persecution.

"Lately, they started to harass us when we are observing our religious rites, stripping us of some of our clothes and many other bad things.

"We now just wish to die quickly to be relieved of our suffering, misery, humiliation, deprivation and persecution."

Soldiers at the prison camp in Cuba are contributing to the low morale of inmates by treating them in a "despicable manner," he claims.

"Some soldiers have gone so far as to treat us in the most despicable manner, including sleep deprivation, harassment and many more things ... they have taken away all our belongings.

"One soldier said 'if you want to commit suicide, let me know so I can get you some strong poison'.

"They curse us all the time with insolent, ugly curses."

In the closing paragraphs, Al Dossary pleads with his lawyer to visit him and collect his last will and testament.

"I am living in hell, in misery, in distress," he says. "What an unhappy life - I think it is time to die. Death has drawn near.

"Please hurry up to Cuba. Come as soon as you can so I can give you my last will and testament to my family."

The three Bahrainis currently incarcerated at Guantanamo Bay are Mr Al Dossary, Isa Abdulla Al Murbati, 41, and Salah Abdulrasool Al Blooshi, 24.

The New York based firm Dorsey and Whitney lawyers representing the three are Mr Colangelo-Bryan, Christopher Karagheuzhoff and Mark Sullivan.

Mr Colangelo-Bryan and maybe one other lawyer are due to visit the detainees on August 14. Three other Bahraini detainees, Abdulla Majid Al Nuaimi, Adel Kamel Hajee and Shaikh Salman bin Ebrahim Al Khalifa, were released without charge last November, after being held for nearly four years.

Hopes for the release of the remaining three were raised last month by an international wire agency report, which quoted an anonymous US diplomat as saying an agreement had been reached and that first could be home within weeks. There has been no further news and neither US nor Bahraini officials have been prepared to comment.

<http://www.cageprisoners.com/articles.php?id=15563>

SOURCE: Gulf Daily News

August 04, 2006

I Admire Hicks' Dad, Says Beazley

FEDERAL Opposition Leader Kim Beazley has said he admires the father of Australian terrorist suspect David Hicks.

He was commenting on Terry Hicks' nomination for Australian Father of the Year - by ACT Chief Minister Jon Stanhope.

"I don't want to particularly comment on the David Hicks case except to say ... he ought to be tried properly in the United States, he ought to be tried by a US civil procedure, a proper procedure (and) if he has a case to answer that is where he should answer it," Mr Beazley said in Darwin.

"But I have to admire his dad.

"You don't often see a dad work so hard for his kid, he's a man full of love."

Adelaide-born David Hicks, 30, has been held by US authorities at the Guantanamo Bay detention centre in Cuba since he was captured with Taliban forces in Afghanistan in late 2001.

The Father of the Year will be announced in September.

<http://www.cageprisoners.com/articles.php?id=15584>

SOURCE: News.com.au

Hicks Tribunal May Not Be Fair: Lawyer

Lawyers for Australian terror suspect David Hicks say a new system of military tribunals for non-US inmates at Guantanamo Bay would not guarantee their client a fair trial.

The Bush administration is proposing a new system based on a court martial after the US Supreme Court ruled in June that the previous military commissions were unlawful.

But Hicks' Adelaide-based lawyer David McLeod has told Fairfax newspapers the new system would allow hearsay evidence and limit rights against self-incrimination before a trial.

Defendants would also have restricted access to classified information.

The Australian government would also be forced to reject the system because it had made a commitment to only back a new trial system that met the demands of the US Supreme Court, he said.

<http://www.cageprisoners.com/articles.php?id=15581>

SOURCE: Sydney Morning Herald

Congress Urged To Define "War Crimes" Under Geneva Conventions

Senate hearings focus on detainee treatment in War on Terror

By Michelle Austein
Washington File Staff Writer

Washington -- Administration officials and armed forces personnel asked Congress to define clearly U.S. law with respect to terrorism. They made the request during a hearing before the Senate Judiciary Committee August 2.

"We believe that the standards applicable to the crimes of terrorists, as well as those governing the treatment of detainees by United States personnel in the war on terror, should be certain and that those standards should be defined clearly by U.S. law, consistent with our international obligations," said Acting Assistant Attorney General Steven Bradbury.

"The United States has never before applied Common Article 3 in the context of an armed conflict with international terrorists," Bradbury said. "We are now faced with the task of determining the best way to do just that."

On June 29, the U.S. Supreme Court said military commissions to try Guantanamo detainees were unconstitutional because they violated Article 3 of the Geneva Conventions. (See related article.)

Many of those who testified stated the need for Congress to clarify Common Article 3's application. The article prohibits "outrages upon personal dignity, in particular humiliating and degrading treatment," a statement that Bradbury and others who testified said is vague.

Later in the day, U.S. Attorney General Alberto R. Gonzales testified before the Senate Armed Services Committee that Congress should set forth a "definite and clear list of offenses serious enough to be considered 'war crimes' punishable as violations of Common Article 3." Gonzales also expressed concern about detainees' ability to challenge their detention or trial.

Any legislation enacted by Congress "should make it clear that the detainees may not challenge their detention or trial before a final judgment of a military commission or a final order of a Combatant Status Review Tribunal," Gonzales said.

Defining the terms of Common Article 3 is important because a section of the U.S. War Crimes Act of 1996 makes any violation of the article a felony offense, Bradbury said.

One way to ensure that the laws are understandable is for Congress to create a definite and clear list of serious offenses that will be considered war crimes, and therefore punishable by the War Crimes Act, Bradbury said.

Congress' decisions will "have potentially very significant impacts on how this nation and its ability to prosecute the war on terrorism will go," said General Richard Myers, former chairman of the Joint Chiefs of Staff, and "also on our troops who are on the front lines of this war."

Transcripts of the testimonies are available on the Senate Judiciary Committee Web site.

Gonzales' prepared statement (PDF, 11 pages) is available on the Senate Armed Services Committee Web site.

<http://www.cageprisoners.com/articles.php?id=15578>

SOURCE: USinfo.state.gov

August 05, 2006

Terry Hicks Deserves Father Award Nomination: Stanhope

ACT Chief Minister Jon Stanhope has rejected criticism of his nomination of Terry Hicks, the father of Guantanamo Bay detainee David Hicks, for the Father of the Year award.

Federal Attorney-General Philip Ruddock says Mr Stanhope is trying to politicise the awards.

Mr Stanhope has denied the claims, and says he was simply trying to acknowledge the work of a father supporting his son under difficult circumstances.

"I've nominated a person who I believe should be seriously considered as the Father of the Year," he said.

"To suggest that by nominating someone whose son is held in custody politicises an award, is essentially to suggest that only fathers of model sons should be considered."

Mr Stanhope says he has never compared Terry Hicks to Steve Waugh or the Prime Minister in regard to nominating him for the Father of the Year award.

Mr Stanhope says the media has misconstrued his nomination in which he only listed previous recipients of the award.

"To show the enduring and unconditional love and the grace that Terry Hicks has shown in supporting his son, I think is wonderful," he said.

"I think Terry Hicks is an inspiration to all fathers and to all parents and should be seriously considered for Father of the Year."

<http://www.cageprisoners.com/articles.php?id=15597>

SOURCE: ABC.net.au

Sydney Confronts 'Barbarism' of Guantanamo

By Kathy Marks in Sydney

The Australian government would prefer the world to forget about David Hicks, an Adelaide man detained at Guantanamo Bay. That is unlikely to happen, with the opening of a theatrical work highlighting his plight at the Sydney Opera House.

Honour Bound, by a leading Australian director, Nigel Jamieson, was created in conjunction with Mr Hicks' father, Terry, and stepmother, Bev. Terry Hicks has won admiration for the quiet, steadfast way in which he has campaigned for justice for his son.

David Hicks, a 30-year-old Muslim convert and former kangaroo skinner, was captured while fighting with the Taliban in Afghanistan in late 2001. A US military tribunal has charged him with aiding the enemy, attempted murder, and conspiracy to attack civilians. However, he has not broken any Australian law, and many regard him as a foolish man caught in the wrong place at the wrong time.

The show will prove a severe embarrassment for Australia, which alone among Western governments has made no effort to bring its nationals home from the Cuban enclave. It appears to have washed its hands of Mr Hicks, who has been held without trial for nearly five years, much of that in solitary confinement.

The multimedia show - named after the words above the Guantanamo Bay gates, Honour Bound to Protect Freedom - combines dance, sound, video, and aerial acrobatics.

Six performers wearing orange jumpsuits hurl themselves around inside a metal cage, in an evocation of physical distress and disorientation. Mr Jamieson told the Sydney Morning Herald that he visualised Mr Hicks as a "human figure spinning and turning in a void". The faces of Mr Hicks' parents are projected on to a back wall. The audience

hears - or sees, in text flashed across the stage - excerpts from the UN declaration on human rights, Mr Hicks' letters home, Pentagon documents, news footage and the testimony of former detainees. Interviews with Terry and Bev Hicks are also played.

The work is expected to tour internationally, and may be staged in Britain. Mr Jamieson denied that its purpose was to defend Mr Hicks. He told The Australian newspaper: "The principal theme is if you remove safeguards such as the Geneva Conventions, what occurs? What does that mean on a human level, and what kind of barbarism does that unleash?"

Mr Hicks' supporters say that, irrespective of whether he is dangerous or harmless, he deserves a fair trial. In June, 76 of Australia's top lawyers and judges signed an open letter to the Prime Minister, John Howard, urging him to act to secure Mr Hicks' rights under international law.

Mr Howard has continued to defend the tribunal system, even after it was lambasted by Lord Goldsmith, the British Attorney General. "We make our own minds up about these things," he said.

<http://www.cageprisoners.com/articles.php?id=15594>

SOURCE: The Independent

Detainees Face A Long Time in Guantanamo

The top law official in the US has held out the prospect of detainees being held indefinitely in Guantanamo Bay.

Attorney-General Alberto Gonzales made the suggestion as deep divisions emerged in how the country should handle inmates such as Australian David Hicks.

On Wednesday, Mr Gonzales said that the administration would propose trying those it called enemy combatants in military courts martial that had a number of key changes.

Those included admitting hearsay evidence, limiting rights against self-incrimination before a trial and limiting defendants' access to classified information.

Evidence obtained under duress also would be allowed unless a military judge considered it unreliable, he said.

"We can detain any combatants for the duration of the hostilities," Mr Gonzales told the Senate armed services committee.

"If we choose to try them, that's great. If we don't choose to try them, we can continue to hold them."

About 450 prisoners are being held at the US naval base at Guantanamo Bay, Cuba.

The changes proposed by Mr Gonzales fall short of what the Democrats said would meet US Supreme Court demands for fair trials.

Senator Carl Levin, the committee's top Democrat, said the changes would leave the new trial system vulnerable to another rebuke by the court.

Last month, the court declared that President George Bush's administration had overstepped its authority in forming military commissions to try Guantanamo Bay detainees.

The hearing also exposed rifts between the military's top uniformed lawyers and Government officials who drew up the new trial rules.

The rules have not been formally announced because the administration has not been able to persuade military lawyers to accept them, even after two meetings with Mr Gonzales.

<http://www.cageprisoners.com/articles.php?id=15592>

SOURCE: Thewest.com.au