

Guantanamo: the level of hell Dante forgot

Human Rights

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By Haider Ghaznavi

America is the only country that went from barbarism to decadence without civilization in between.

— Oscar Wilde

“IN Camp X-Ray, my cage was right next to a kennel housing an Alsatian dog. He had a wooden house with airconditioning and green grass to exercise on. I said to the guards, ‘I want his rights,’ and they replied, ‘That dog is member of the US army.’” This is Jamal al-Harith’s painful recollection of his time at Guantanamo Bay, as narrated by him to the Daily Mirror.

Released in March this year, al-Harith is one of four British men, former inmates at Guantanamo, currently suing the US government for torture and human rights violations. The other three are Shafiq Rasul, Asif Iqbal and Rhuheh Ahmed. They filed the suit in Washington DC. It names American Defence Secretary Donald Rumsfeld and chairman of the Joint Chiefs of Staff General Richard Myers, among others, as defendants. The suit is backed by the New York based Centre for Constitutional Rights and it is filed under the Alien Tort Claims Act, Geneva Conventions and the Religious Freedom Restoration Act.

The plaintiffs allege that they were arbitrarily detained and underwent harrowing torture and abuse; indeed the treatment meted out to them by the American forces was in contravention of all conventions on military conduct, the treatment of prisoners of war and universal human rights in general to which the US has been a very enthusiastic signatory. This leaves the Americans in no position to speak of Geneva Conventions, or any other convention for that matter, when speaking of the rights that are due to their servicemen taken prisoner.

While they seek damages, their primary aim is to hold the defendants accountable for illegal torture and detention without charge. In August, Ahmed, Rasul and Iqbal submitted a 115-page dossier cataloguing appalling details of their torture, including

years al-Harith and three of his fellow British prisoners were sent home to Britain. As is the case with almost all the prisoners incarcerated at Guantanamo, Jamal al-Harith is presumed to be innocent of any crime.

It is quite interesting to know how these detainees were held. Jamal, a thirty-seven year father of three children and a convert to Islam, was on a visit to Pakistan to learn more about Islam when he decided to travel to Turkey by road. An accidental detour landed him at the Afghan border where he was arbitrarily arrested by American forces in October 2001, and shipped to Guantanamo Bay.

Moazzam Begg, 36, is a British citizen of Pakistani origin and is incarcerated in Guantanamo Bay since January 2002. He was visiting Lahore when he was kidnapped by Pakistani intelligence acting on the orders of American intelligence personnel stationed in Pakistan. Subsequently, he was handed over to the Americans who sent him to be jailed and interrogated in one of their bases in Afghanistan. Without being charged or told what he was being held for, they sent him to Guantanamo and he is still languishing there. By means of an accident, one of his letters to his family got past the American military censorship of prisoners’ mail unchecked.

In his letter, he describes the kind of interviews he has had to endure. “During several interviews, particularly in Afghanistan, I was subjected to pernicious threats of torture,

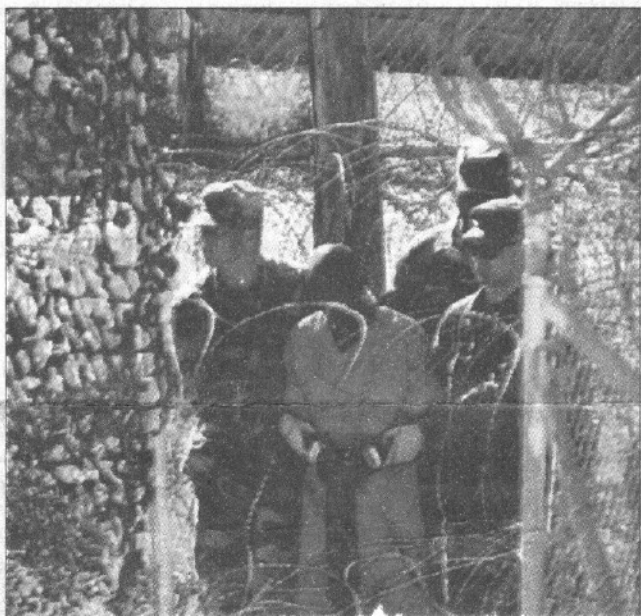
ment’s stance on torture, the White House has released a document which includes a memo written by Bush that states, “I have the authority to suspend Geneva [conventions]...I reserve the right to exercise this authority in this or future conflicts.”

In response to this unashamed and arrogant flouting of international (and American) law, Neil Durkin of Amnesty International clarified that the UN convention against torture leaves no doubt regarding its prohibition of the methods employed by American agencies and the military, “No state may decide it is no longer bound by the provisions of the convention, no matter what the circumstance ... The arbitrary use of new ‘legal advice’ to say the US is not bound by the convention threatens to undermine the very credibility of international human rights law.”

Today, there are around 549 detainees from around 40 countries at Guantanamo Bay, held incommunicado without charge or recourse to due process and legal representation. This kind of cavalier disregard for human rights is not only a flagrant breach of international law but a serious blow to all the laws pertaining to the protection of freedom, justice and peace in the world which civil society has taken hundreds of years to establish; indeed, the foundation of these laws and regulations goes as far back as the Habeas Corpus.

Last year, investigative journalist James Meek spent months speaking to former inmates, lawyers as well as Pentagon warlords to build a solid picture of life on the base as well as the legal limbo regarding the status of this Kafkaesque system of justice reminiscent of Nazi concentration camps. According to Meek, unlike regular prisons, detainees at Guantanamo are being held indefinitely without charge.

The inhuman conditions of their existence are another matter altogether. In an article published in *The Guardian* in December last year, Meek wrote that “By focusing on physical conditions, there is a risk of miss-



but not limited to being beaten, stripped and shackled and deprived of their right to practise their faith freely. The authorities stand accused of mocking the prisoner's faith by means including throwing their copies of the Quran into toi-



ing the unique aspect of Guantanamo — the arbitrary, unprecedented and unfair way in which President Bush and his administration have confined hundreds of people without either any idea how long they are to be locked up, or any

lets and torturing them to pronounce blasphemous remarks about Islam. Furthermore, they were made to consume unidentified drugs by forced injections.

Jamal al-Harith too gave shocking details about the kind of barbaric torture he experienced at the hands of camp authorities, in flagrant disregard of international law. Incarcerated in small cages open to the elements with no protection from vermin that ran loose around the base, the prisoners were living in conditions worse than animals.

While physical torture was a daily routine, there was a lot of psychological torture as well, employed by interrogators to 'break' the prisoners and force them into false confessions. For instance, prostitutes were forced upon the extremely religious, very old and very young. Completely naked, the American whores forced bounded prisoners watch them touch their own bodies and commit other lewd acts, sometimes even smearing their own menstrual blood on the prisoners' faces.

Being chained to a metal ring on the floor during lengthy interrogations was a routine, "you would be chained up on the floor with your hands and feet actually bound together. One of my friends told me he was kept like that for 15 hours once." The food given to prisoners had an expiry date of over ten years and the water was filthy. In Camp X-Ray the water was yellow and in Delta it was black — the colour of Coca-Cola. Al-Harith adds that "you would be punished for anything, for instance, for having six packets of salt in your cell rather than five, for hanging your towel through the cage if it wasn't wet, even for having your spoon and things lined up in the wrong order."

What was particularly alarming was the kind of medical experiments carried out on inmates. Al-Harith says of the fruit: "[it] had been frozen and pounded with chemicals. An apple might look red but there was waxy stuff all over it and inside it would be black and brown." This was in addition to the many forced injections and oral medications that were forcefully administered to prisoners.

Jamal al-Harith, however, is among those fortunate who have been released. Since he is a British, his government lobbied hard with the Americans to release the detainees and after nearly three

actual vindictive torture and death threats — amongst other coercively employed interrogation techniques. No legal counsel was ever made available."

The interviews were conducted in an environment of "generated fear, resonant with terrifying screams of fellow detainees facing similar methods. In this atmosphere of severe antipathy towards detainees was the compounded use of racially and religiously prejudiced taunts. This culminated, in my opinion, with the deaths of two fellow detainees, at the hands of US military personnel, to which I myself was partially a witness."

Despite such leaks of information, the US government does not deem it necessary to give any explanations nor any assurances that such treatment, which amounts to war crimes, will be discontinued. Rather, the US Department of Justice legislated the use of torture and advised the CIA as well as the Department of Defence to use it as a means of extracting information that could be useful to the American government.

In a memo drafted by the department's office of legal counsel in August 2002, which was leaked in June this year, the department advises that the level of pain inflicted in torture meted out to detainees in the control of the CIA and the US Military must be excruciating and "equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death." Furthermore, it went so far as to suggest means of evading legal prosecution for war crimes by stating that "necessity and self-defence could provide justifications that would eliminate any criminal liability" in the event that an interrogator faces a lawsuit for employing these draconian measures.

Moreover, the same memo was the legal basis for a Pentagon briefing drawn up by Pentagon lawyers that stated that laws prohibiting the use of torture by American forces "do not apply to the conduct of US personnel" at Guantanamo. This 'ruling' was in response to Donald Rumsfeld's orders for clarification regarding the legal and policy issues related to the treatment of prisoners at Guantanamo Bay.

In order to disabuse optimists about any lingering doubts they may have regarding the govern-

way to plead their case...It is this which causes the greatest mental torment to the prisoners and their families.

"Unlike the rapists, child abductors and serial killers on capital charges in the US, unlike the Oklahoma bomber Timothy McVeigh, Cold War Soviet spies or Nazi war criminals, unlike even the shoe bomber Richard Reid, the confessed terrorist and Al Qaeda supporter, the hundreds of people locked up in Guantanamo have neither been told why they have been deprived of their liberty for two years [now three], nor when or how they might be released, charged or tried, nor given any opportunity to challenge their status before a tribunal." The favourite alibi peddled by the Pentagon and its cabal of reactionary advisers for not granting inmates their rights is that international law relative to the treatment of prisoners of war isn't applicable to the Guantanamo detainees as they don't fall under the category of prisoners of war per se because at the time of capture they weren't dressed in army uniform. Firstly, this kind of skewed logic, which is not uncharacteristic of the American establishment when it stands to suit their designs, has absolutely no legal credibility whatsoever.

According to Meek, "It remains a mystery as to why the Bush administration chose not to follow international law, but to make up its own. Its first step away from international norms was to refuse to categorize the Afghanistan captives as prisoners of war."

"Officially, the US hides behind the fact that the resistance in Afghanistan didn't dress like soldiers. It is true that, like CIA operatives in the field in Afghanistan and Iraq, and like many of the Northern Alliance allies of the US, the Taliban and non-Afghan fighters didn't wear uniforms, but that does not prevent them from being declared prisoners of war. Article 5 of the Third Geneva Convention is clear: any captured belligerent whose status is uncertain should be considered a POW [Prisoner of War] until their status is settled by a 'competent tribunal'."

Hermann Goering, the highest ranking Nazi defendant at the Nuremberg trials, said: "The victors will always be the judges, the vanquished the accused." ■