

US considers use of torture in interrogation of terrorism suspects

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In the five weeks since September 11, US law enforcement agencies have detained more than 800 people in their investigation into the hijack-bombings, and more than 150 remain in custody. To date, none of these individuals have been publicly charged in connection with the terror attacks.

In what amounts to the most wide-reaching dragnet in American history, hundreds have been rounded up for minor immigration violations, for having crossed paths with the suspected terrorists, or simply for being Middle-Eastern or Muslim. Some have been held for more than a month with no charges being filed; others have been detained at undisclosed locations, their whereabouts unknown to their families and legal counsel.

The government's legal mechanism of choice in detaining these individuals has been the use of warrants to hold them as material witnesses. According to an article in last Sunday's edition of the *Washington Post*, federal officials are now considering the use of torture or "truth serum" to extract information from a number of suspects they believe are linked to Osama bin Laden's Al Qaeda network. Authorities are also considering the possibility of extraditing suspects to allied countries where security forces use torture to obtain confessions or threaten their family members.

Most material witnesses in the terrorism investigation are being held in federal prisons in New York, where a federal grand jury investigating the attack on the World Trade Center has been convened. According to the *Post*, federal agents have become increasingly frustrated over their inability to obtain any information from four suspects being held in New York's Metropolitan Correctional Center. These include Zacarias Moussaoui, a French national of Moroccan descent who was detained in August for inquiring into

lessons to fly commercial jetliners, but not how to take off or land them; Mohammed Jaweed Azmath and Ayub Ali Khan, Indians traveling with false passports who were detained September 12 when they were found with box cutters and \$5,000 in cash; and Nabil Almarabh, a former Boston cabdriver the government alleges has links to Al Qaeda.

An FBI agent involved in the investigation told the *Post* that federal agents feel hamstrung by US laws that protect the democratic rights of criminal suspects: "We are known for humanitarian treatment, so basically we are stuck.... Usually there is some incentive, some angle to play, what you can do for them. But it could get to that spot where we could go to pressure ... where we won't have a choice, and we are probably getting there." The options being considered by law enforcement agencies to break the silence of these detainees run counter to democratic norms long upheld by the official US legal code.

According to US law, information or confessions obtained by physical threat or torture are inadmissible at trial. Law enforcement agents who use such methods are also subject to suit by the victim or can be charged with battery by the government. In countries such as Israel and Saudi Arabia, however, authorities routinely use torture to beat suspects into submission, and sections of the political establishment in the US are campaigning that such methods now be allowed in the September 11 investigation.

Kenneth Starr, the independent counsel who prosecuted the impeachment drive against Bill Clinton, wrote recently that the Supreme Court considers terrorism investigations separate from other criminal cases, recognizing that the "genuine danger" represented by terrorism requires "heightened deference to the judgments of the political branches

with respect to matters of national security.”

The *Post* also quotes Richard Thornburgh, attorney general in the Reagan administration, who commented: “We put emphasis on due process and sometimes it strangles us ... legally admissible evidence may not be the be-all and end-all.” Clearly, even before the Justice Department moves to utilize torture to extract confessions from suspects in the terrorism probe, law enforcement officials have stretched current legal statutes, detaining and imprisoning hundreds without cause.

Ali Al Maqtari, a 26-year-old French teacher of Yemeni descent from New Haven, Connecticut, has been held since September 14, with no charges brought against him. Maqtari was detained after driving his American-born wife, who had adopted her husband’s Muslim traditions, to basic training at a US Army base in Fort Campbell, Kentucky. The FBI and INS took Mr. Maqtari in for questioning when the couple arrived at her new barracks.

Mr. Maqtari’s lawyer, Michael Boyle, told the *World Socialist Web Site* that authorities have taken more than a month to download data off his client’s computer, which was seized following his arrest, and that they have reported no incriminating evidence. Maqtari is being held in a Corrections Corporation of American jail subcontracted by the government.

Maqtari receives only one outgoing phone call a week and is only allowed one hour, five days a week of exercise. He is being held in a segregated area of the facility out of fear that other prisoners will assault him. His attorney says that other prisoners have harassed him, with such comments as “Aren’t you with Osama bin Laden?” although there has been no evidence to link him to the terror attacks.

Maqtari’s wife Tiffinay, who had been in the National Guard and was ready to enlist full-time in the army, has withdrawn from military service. Following her husband’s detainment, she was held under 24-hour surveillance by three army guards at the Kentucky army base from September 14 through September 28.

The Maqtaris’ case is not unique in the terrorism investigation. Attorney Michael Boyle told the *WSWS*, “The dragnet has been cast extremely wide. These people have had their lives made miserable. If you’re a Muslim, you’re a suspect.

“These are not the values that this country upholds.

The new anti-terrorism bill in Congress would allow six months of detention on ‘suspicion of suspicion.’ While I can’t judge their motives, and whether these new measures were planned or spontaneous to September 11, I still disagree with their methods.”



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