

# Afghan POWs at Guantanamo base: Bound and gagged, drugged, caged like animals

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Hooded and shackled throughout a 27-hour flight from Afghanistan to the Caribbean, the first Taliban and al Qaeda prisoners arrived January 11 at the US Navy base at Guantanamo Bay, Cuba, where they will be detained indefinitely in conditions which are clearly subhuman and illegal.

Twenty prisoners were brought on board a C-17 transport jet at Kandahar Airport January 10, at least one of them drugged into submission, all of them bound hand and foot, wearing blacked-out goggles and masks which covered their faces from view and prevented them from seeing anything during the trip. Each prisoner was chained into his seat, and they were accompanied by a large force of MPs, who outnumbered the prisoners about two-to-one.

The flight went from Afghanistan to a US military base in Europe where the prisoners transferred to an Air Force C-141 transport headed for Cuba. They reached Guantanamo Bay on Friday afternoon. Most of the prisoners were exhausted and visibly weak from the long trip in which they were hardly able to move. Several had to be carried off the plane, and six reportedly appeared to offer some resistance.

Once deplaned, the 20 prisoners were loaded onto two buses, driven to a Navy ferry, then transported across Guantanamo Bay to the detention camp, dubbed "Camp X-Ray" by the military authorities.

The whole operation was conducted as though the relative handful of disarmed prisoners, some of them semi-comatose, represented an imminent threat of insurrection. Humvees equipped with machineguns and grenade launchers surrounded the transport plane after it landed. Forty Marine MPs with rifles and riot gear stood by, while a Navy helicopter hovered overhead.

Camp X-Ray itself recalls nothing so much as the notorious "tiger cages" on Con Son Island during the Vietnam War, where political prisoners of the US-backed dictatorship in South Vietnam were held in barbaric conditions. At Guantanamo each prisoner will be locked in an individual 6-foot by 8-foot cage made of concrete and chain-link fencing. Each cage is just large enough for a man to stand upright.

The prisoners will face frequent interrogation and possible trial by military tribunal once a courthouse facility is completed on the base. Nearly a thousand US military personnel were dispatched to Guantanamo last month to begin construction of the makeshift prison, which will eventually be replaced by a more permanent structure able to house as many as 2,000 prisoners.

Surrounding the cages, which are chain link on all sides for constant supervision of the prisoners, are several perimeters of chain-link and razor-wire fences. Because the cages have no walls, prisoners will be exposed to wind and rain during the storms which are quite frequent in the Caribbean. There will be women among the guards on duty, which is bound to provoke conflict with Islamic fundamentalist prisoners

compelled to relieve themselves and dress in public view.

The naval base was chosen by Defense Secretary Donald Rumsfeld as the most secure location outside of US territory for the imprisonment and interrogation of prisoners captured in Afghanistan. Guantanamo naval base sits on Cuban territory which was ceded indefinitely for American use under an agreement signed by a US stooge regime early in the twentieth century. The Castro government does not recognize the legitimacy of this treaty, but it lacks the military power to challenge US control and has made little objection to the use of the base as a prison camp.

## Prisoners or kidnap victims?

The Bush administration wants to avoid bringing the prisoners to US soil in order to make sure that there will be no legal challenge in the US courts to their treatment. Guantanamo is expected to become the site for the military tribunals which President Bush authorized in an executive order, under which three-member panels of military officers could impose sentences as drastic as the death penalty for alleged war crimes or terrorist actions.

The prisoners would be denied any outside counsel in such a proceeding, in which not only the judges/jurors, but the prosecutors and defense attorneys will all be serving US military officers. The tribunals can be closed to the press at the discretion of the presiding officers.

US officials claim that they are observing the provisions of the Geneva Convention voluntarily, but that the jailed men are not actually prisoners of war, a legal status which would, among other things, bar their removal from the country in which they were captured, and limit any interrogation to the familiar "name, rank and serial number."

Some of the prisoners are Afghan nationals, some citizens of Arab Middle Eastern states, as well as many other countries, including Great Britain and Russia. All have been branded "illegal combatants" in Afghanistan by the US military, although there is no real standard established under the Geneva Convention for such a designation.

At one press briefing, Rumsfeld declared, "Unlawful combatants do not have any rights under the Geneva Convention. We have indicated that we do plan to, for the most part, treat them in a manner that is reasonably consistent with the Geneva Conventions, to the extent they are appropriate."

According to one press account, the US government position is that

for captured soldiers to be considered combatants they must be “wearing a uniform with recognizable insignia, being subject to a chain of command, and carrying arms openly.” By that standard, very few of the soldiers on any side in the Afghan war, either Taliban or Northern Alliance, could be considered entitled to POW status if captured. Both uniforms and command structures were informal, to put it mildly.

The same is true of the American special forces who played a key role in the Northern Alliance victory. They mainly wore civilian clothes and kept their weapons out of sight. There is no doubt, however, that had the roles been reversed, and a sizeable number of these special forces personnel ended up as Taliban captives, the US government would have stridently demanded they be accorded POW status.

The truth is that the Taliban prisoners have been taken to Guantanamo only because the US government had the physical power to do so. From a strictly legal standpoint, rather than being “terrorists,” these prisoners should be considered victims of kidnapping at gunpoint by the government of the United States.

The US is involved in at least one other significant violation of international law in its treatment of these prisoners—failing to observe the Vienna Convention on Consular Access, to which the US is a signatory, which provides that Washington must notify consular officials of foreign countries when their citizens have been detained by any branch of the US government. So far such notification has only been delivered to the British Foreign Office in the case of the one British national who is among the first batch of prisoners at Guantanamo.

Most US states regularly flout the Vienna Convention when it comes to notifying foreign countries that their citizens have been arrested. Several states have executed foreign nationals who went to their deaths without ever being allowed contact with representatives of their native country, a practice that has been upheld by the US Supreme Court. While Bush was governor of Texas, the state flatly defied the jurisdiction of the Vienna Convention, advancing the bizarre legal argument that this international treaty applied only to the federal government, not to Texas, because the state was not itself a signatory.

## Human rights and the media

International human rights organizations have publicly criticized the US policy toward the Taliban and al Qaeda prisoners, but their protests have been muted and given little publicity by the American media.

Amnesty International sent a letter to Rumsfeld condemning the treatment of the prisoners at the Kandahar airport and during the flight, declaring “the hooding of suspects in detention generally may constitute cruel treatment.” The group also noted that drugging of prisoners for other than medical purposes—i.e., to sedate them so they would be more tractable in custody—was a breach of international human rights standards.

Jamie Fellner of Human Rights Watch said that wire cages were not considered humane treatment, which is required for all prisoners, regardless of whether they are classified officially as POWs or considered to have a lower status. “The United States is lumping all

these captured people under the rubric of ‘unlawful combatants’ because it suits their political agenda,” she said.

The American media has quietly cooperated with unprecedented restrictions on press coverage in both the transportation and confinement of the Taliban/Al Qaeda prisoners. Ten members of a Pentagon media pool were allowed to view the arrival of the prisoners at Guantanamo from a hill about 400 yards from the airstrip on which they landed. No cameras or videotape equipment were permitted.

In a fantastic distortion of the Geneva Convention, the Pentagon ordered news organizations not to transmit any pictures of the hooded detainees being loaded on the plane in Kandahar, claiming that such images would constitute violations of the dignity of prisoners under international law. All the US news organizations involved agreed to comply.

Rumsfeld defended this blatant censorship, declaring, “You can’t take pictures of them. That’s considered embarrassing for them, and they can’t be interviewed, according to the Geneva Convention.”

This is cynical beyond measure, since the Geneva Convention restriction is intended to bar displaying prisoners before a hostile public and thus subjecting them to abuse, not to allow the government holding them prisoner to conduct its own abuse behind a wall of censorship.

The American Society of Newspaper Editors asked Rumsfeld to release the photos, saying in a letter to the Pentagon, “Whatever the reasoning for suppressing these photos, it should be clear that any problem rests with the handling of prisoners and not with the coverage.”

There has been no US press criticism of the official rationale given for the brutal treatment of the Taliban and al Qaeda prisoners: the claim that previous uprisings at Mazar-i-Sharif and in Pakistan show that these prisoners are fanatically determined to offer violent resistance, even at the cost of mass suicide.

The uprising at Mazar-i-Sharif, on the contrary, was provoked by the interrogation of the prisoners by American CIA and special forces personnel, and by the prisoners’ reasonable fear that they were about to be murdered by their American and Northern Alliance captors. Beside the estimated 800 prisoners killed at Mazar-i-Sharif, hundreds more have been shot or beaten to death or left to die in airless truck-containers which are routinely used as prisons in Afghanistan.



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