

New revelations about Guantanamo Bay prisoners

Richard Phillips
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A recent story in the *Los Angeles Times* reports that at least 10 percent of the 625 war prisoners captured in Afghanistan and now held at the notorious US naval base prison in Guantanamo Bay have “no meaningful connection” with the Taliban or Al Qaeda.

Citing military sources, the December 22 article revealed that a group of US army officers in Afghanistan last year called for scores of detainees not to be sent to Guantanamo Bay. Senior US military commanders in Afghanistan, Kuwait and America, however, ignored their advice. The article also reported that Maj. Gen. Michael E. Dunleavy, operational commander at Guantanamo Bay until October, visited Afghanistan last year complaining that there were “too many ‘Mickey Mouse’ detainees” being sent to the naval base.

According to the newspaper, army officers who were frustrated that their recommendations were being ignored decided to circulate a list of 49 Afghans and 10 Pakistani prisoners they wanted released or repatriated. The list included street vendors, taxi drivers, farmers and several men suffering severe mental health problems. While no names were provided, many of the men were kidnapped by bounty-hunting Pakistani soldiers near the Afghan border. One young detainee was captured in a border town where he had lived and worked for 20 years. He had no connection with the Al Qaeda or the Taliban.

The article also said that many Afghans now in Guantanamo Bay were forcibly conscripted into the Taliban army because they could not afford the bribes demanded to avoid military service. One example cited was of a 30-year-old farmer who was picked up by Northern Alliance forces because they were “interested in stealing his car and money”.

The *Times* quoted from the case file of a 22-year-old Afghan who sold firewood at a bus station in Kunduz. According to interrogators: “He answers all questions quickly and fully.... His story is plausible and consistent and there is no evidence that he has worked for or had any knowledge of the Taliban or Al Qaeda.” In another instance, interrogators described a 33-year-old taxi driver from Pakistan captured by Northern Alliance forces near Mazar-i-Sharif as a “low-level fighter with no tactical intelligence. Recommend repatriation.”

January 15 will mark one year since the Bush administration began jailing war prisoners in Guantanamo Bay. In this 12-month period only five detainees have been released—one in April, who was mentally ill, and four others in October, including two elderly men. One of the old men had no teeth and required a cane to walk. Another, Faiz Mohammed, told the media that he was over 100 years old. He said US and Afghan troops captured him in late 2001 when he was visiting a local village in his native Oruzgun province, ignoring his protests that he had nothing to do with Al Qaeda or the Taliban.

While the *Los Angeles Times* referred to only 59 of the hundreds imprisoned in Guantanamo Bay, it failed to mention that the detainees, most of whom are in their early 20s, are being held without charge and in contravention of their democratic and legal rights.

The prisoners have been deemed “unlawful combatants” by the US

authorities in order to deny them official prisoner-of-war status and the most rudimentary human rights. They have no access to their families or lawyers and the US government has given no indication when or if the prisoners, some of whom are only 16 years of age, will ever be charged or brought to trial. Under their current status, the prisoners can be held as long as the US government decrees.

Supported by the US judiciary, the Bush administration has thumbed its nose at criticism from the International Red Cross and Amnesty International. These and other human rights organisations have pointed out that the detainees are being held in contravention of the Geneva Convention, the International Covenant on Civil and Political Rights and the US Constitution.

In April last year, Guantanamo Bay detainees were moved from Camp X-Ray—a collection of outdoor cages—to Camp Delta, several kilometres away within the naval base. The new facility was built at a cost of \$US9.7 million by Brown and Root Services, a division of Halliburton, Vice President Dick Cheney’s former company. Using low-wage contract workers from the Philippines and India, the jail was constructed from international shipping containers.

Each container houses five prisoners in separate 6.8 feet by 8 feet cells, with eight containers making up a cellblock. Steel mesh replaces three sides of the containers, which are not air-conditioned, with half the cell space taken up by a metal bed welded to the wall. These cells are smaller than the death row facilities in Texas, where inmates are allowed to shower and to exercise for an hour outside the cells each day.

Camp Delta prisoners, by contrast, are permitted to leave their tiny cells for only two 15-minute shower and exercise sessions per week. This means they are confined to their non air-conditioned cells in fierce tropical heat for all but 30 minutes each week, unless they are called to an interrogation session, which can happen at any time of the day or night. The so-called exercise yards consist of 25 x 18 foot cages, with prisoners only allowed to exercise alone, wearing manacles.

A recent article in the *Miami Herald* reported that up to 10 percent of the inmates suffered mental health problems and were taking anti-depressants. The newspaper quoted from a prison guard who said some prisoners “yell all day long, calling to a spirit to take them away.”

Amnesty International has described the conditions at Camp Delta as “cruel, inhuman or degrading treatment in violation of international law” and called for all interrogations to be halted until the detainees are given the opportunity to consult lawyers. These appeals, needless to say, have been brushed aside by the Bush administration while the military has announced that it plans to expand the jail to take up to 1,000 prisoners, including upwards of 80 in total isolation cells.

Last July, US District Judge Colleen Kollar-Kotelly rejected a *habeas corpus* writ from lawyers representing 16 detainees—12 Kuwaitis, two British, 24-year-old Safiq Rasul and 21-year-old Asif Iqbal, and two Australians, 27-year-old David Hicks and 44-year-old Mamdouh Habib.

Hicks was seized by Northern Alliance forces in Afghanistan in

December 2001 and handed over to the US military. He was interrogated for weeks and then flown to Guantanamo Bay. Habib, a former contract cleaner from Sydney and the father of four children, was arrested in Pakistan in October 2001 and transported to Egypt, where he was held incommunicado and interrogated for five months. He was shifted to a US military prison in Afghanistan in April and then relocated to Guantanamo Bay in early May.

Rasul and Iqbal travelled to Pakistan to visit relatives just before September 11, 2001. They were kidnapped by Taliban forces and later taken into US military custody in Afghanistan. The 12 Kuwaiti detainees were involved in Kuwaiti government-endorsed charity work in Pakistan and Afghanistan.

Kollar-Kotelly ruled that Guantanamo Bay naval base was not US territory and therefore not under American legal jurisdiction. She also said that the prisoners were not being deprived of due process because they had not been charged with any offence. In other words, the prisoners had no legal rights and could be held indefinitely. This ruling has been challenged and a decision on the case, which began in a US Federal Court of Appeals on December 3, is expected some time in the next two months.

Terry Hicks, David Hicks' father, recently spoke with the *World Socialist Web Site*, voicing his concerns over the conditions at Guantanamo Bay and denouncing Australia's Howard government.

"Every human right you can imagine is being trampled on in Guantanamo Bay and yet this is OK as far as Howard is concerned," he said.

"Bush tells the world he is conducting a 'war on terrorism' and yet the people they capture can't be called prisoners of war. This is a load of crap, so they can get around the Geneva Conventions and everybody knows it. They have dozens of legal loopholes to justify their contravention of basic human rights. If they can't find a loophole they'll make one up.

"While it's been a difficult 12 months for us we can only guess what it's like for David and others in Cuba. They are being treated worse than animals—a dog has more rights than these prisoners.

"We've received nine letters altogether from David in the last year, including two just recently to my daughter. The letters are censored, of course. We've had the odd one where it might be a line or few words, but the last one had three lines blacked out. I tried to read it but it was impossible.

"He seems all right, although the last two indicated that he was starting to feel some homesickness. He asked for photographs of some of his old fishing spots and parts of the Adelaide Hills. He wanted to stick them on the wall of his cell. He is obviously starting to feel the pressure.

"I've just written to him and told him to stand on his feet, take a deep breath, and start again. I'm confident he'll come through all this. Obviously he is being treated very roughly. There will be no beg-your-pardons and although David can take a bit of heavy treatment—he was in the boxing ring for a long while—it will be the mind games that will be hard. There is no such thing as darkness there. The lights are on 24 hours and there are only two 15-minute exercise periods and two showers a week.

"In the last letter David said he'd been in hospital for an operation—he thought it was in October. He didn't say what it was for, but said he'd never felt so human in all his life because he spent three days in the hospital, was able to shower regularly and they gave him a chair for three days back in his cell."

Terry Hicks said one of the most frustrating aspects of his son's plight was the attitude of the Howard government and the Opposition Labor Party to the illegal detention of his son by the US military.

"Our support group has been trying to meet with Alexander Downer [Australian Foreign Minister], but to no avail. We get fobbed off with the bureaucratic stuff all the time. I'm told I have to go through my lawyer,

he keeps submitting requests to see Downer or to be able to visit David and they respond by saying the US is in charge. It has gone on and on like this all year.

"I suppose the most laughable thing is when you pick up a newspaper and read about the government's response to the two Australian girls found guilty of heroin possession in Vietnam and who now face the death penalty. Downer immediately said he would do whatever he could to get them out—he was not going to walk hand-in-hand down the path to their death. And there was another case of an Australian caught with drugs in Singapore and the Howard government said they would do whatever they could to assist him. Talk about double standards. My son has been held for a year. He has not been charged and there is no sign that he will ever be released, and yet the Australian government's attitude is 'to hell with him, he can stay there and rot.'"

"And there is not much different from the Labor Party. You'd think that the opposition would try and apply some pressure here. Isn't this why they are called the opposition? The problem is they agree with the government. Rodney Sawford, the Labor member in Port Adelaide, was very rude and aggressive. He just berated the ladies from the support group. It was like banging your head against a brick wall with him.

"There are others who say they agree, at least when we talk to them. Yes, they disagree with what is happening and they say they'll bring it up in parliament at the next sitting. But when it comes to the crunch they fade away. The US is holding two Australian citizens who haven't been charged with anything. We've got all these so-called humanitarians in the Labor Party and the parliament, but they are too frightened to say anything."

Terry Hicks told the *World Socialist Web Site* that he was very encouraged by the support the family was receiving and said people were concerned, not just about what had happened to his son, but "the general situation with the US government."

"No one condones the internal situation in Iraq or Saddam Hussein," he said, "but everyone I talk to is worried about the attitude of the American government and wonder where all this is going to lead. The issue is oil—it's pretty obvious—and yet the Howard government follows America without any questions asked. They are hell bent on war and are not taking a scrap of notice of anyone. Someone has asked why haven't the inspectors gone into America. Why are they allowed to have weapons of mass destruction and no one else?"



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