

# New Guantanamo Bay torture allegations incriminate Australian government

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*Detention in Afghanistan and Guantanamo*, the 115-page report released last week by Asef Iqbal, Ruhal Ahmed and Shafiq Rasul, three British citizens repatriated earlier this year from Guantanamo Bay, is further proof that torture and other war crimes have been daily occurrences in the American-run concentration camp. It is impossible to read the dossier without recalling the memoirs written by Nazi Holocaust survivors and the nightmare world they endured.

For more than two and a half years, Iqbal, Ahmed and Rasul were imprisoned by the US military in Afghanistan and Guantanamo Bay, where they were subjected to an unrelenting regime of physical and psychological torture. Its purpose was to try to force them to admit that they were Al Qaeda members or knew Osama bin Laden, or to give false testimony against other prisoners.

The torture included being kept chained to the floor in painful bent positions for hours or days on end, sprayed with mace, held in isolation and/or naked for weeks and months at a time. Other methods involved being kept in freezing air-conditioned rooms, sleep deprivation, near-starvation, denial of medical treatment and prescription drugs, forced injections of unknown drugs, sexual humiliation and religious harassment.

Suicide attempts were frequent and there were numerous cases of serious mental illness directly caused by the illegal and brutal treatment. British detainees said they knew of at least 50 prisoners in Guantanamo Bay who were so disturbed that "they are no longer capable of rational thought or behaviour" and acted like small children. (See *Detention in Afghanistan and Guantanamo*.)

Michael Ratner from the Center for Constitutional Rights, which published the dossier, said prisoners in Guantanamo Bay faced a "Kafkaesque" situation. "This report," he said, "calls into question the reliability of any information or confession obtained from any detainee. Every bit of information has been acquired by unlawful coercive techniques."

White House and Blair government officials immediately attempted to deny the contents of the report, but additional evidence emerged on August 8 with the publication of letters from Martin Mubanga, a British citizen still being held in Guantanamo Bay.

Mubanga's letters, which were written in a coded-mixture of London street-slang, Cockney, Jamaican patois and rap lyrics, and therefore not understood by US military censors, revealed that he had been subjected to physical violence and threatened with sexual

humiliation. Mubanga wrote of "radix", slang for the authorities or police, and about the "bull boy" guards "giving it large", a reference to the use of violence. Other passages in the correspondence accused the guards of threatening him with sexual abuse. The letters confirm statements by Spanish, French and Swedish citizens repatriated from Guantanamo Bay over the past four months.

The British dossier provides additional evidence that 29-year-old David Hicks and 48-year-old Mamdouh Habib, two Australian citizens incarcerated in Guantanamo Bay, have been tortured. It further incriminates Australia's Howard government, which has been intimately involved in the Bush administration's illegal detentions.

Hicks, who was captured by the Northern Alliance in late 2001 and handed over to the US army, has been in Guantanamo Bay since early 2002 and held in solitary confinement since July last year. He will be among the first four prisoners arraigned before American military tribunals at the end of this month on a series of bogus charges.

According to Washington, Hicks conspired to commit war crimes, attempted to carry out murder and aided enemies of America. Fifteen men, including Mamdouh Habib, are also eligible for trial in the US military courts.

Over the past 12 months, 147 prisoners have been released from Guantanamo Bay—including nationals from Europe, the Middle East and Russia. The Australian government is the only one in the world that has not requested the repatriation of its own citizens from Guantanamo Bay. Prime Minister Howard and other senior government ministers have insisted that Hicks and Habib are "hardened terrorists" and that they have been "treated fairly".

But *Detention in Afghanistan and Guantanamo* provides clear evidence that Washington's actions constitute war crimes and that its allies, such as Britain's Blair government and Howard in Australia, are guilty of aiding and abetting these crimes.

The dossier reports that Hicks was hooded and beaten on a ship after he was captured in Afghanistan. This confirms official complaints made by Hicks to Australian Federal Police and Australian foreign affairs officers when they met with him in Guantanamo Bay in 2003.

The young Australian, according to the British dossier, was treated more aggressively than other detainees, "never allowed to settle with anyone" and forced to make admissions. Hicks told the British detainees that US army interrogators informed him that

unless he co-operated he would not be given medical treatment for a hernia.

Asif Iqbal said Hicks had “gone downhill” and “seemed to be losing all hope and more willing to cooperate as a result. We were interrogated a lot but he [Hicks] used to get interrogated every two or three days, sometimes every day. He was told that if didn’t cooperate he would never go home.”

In mid-2003, Hicks was moved to Camp Echo and held in complete isolation where the “only people he could communicate with would be the interrogators”.

The dossier also provided additional information on Mamdouh Habib, a former Sydney taxi-driver and father of four, who was captured by police in Pakistan in October 2001 and handed over to US officials. American authorities transferred him to an Egyptian prison for six months, where he was severely tortured. Habib was moved to Bagram airbase in Afghanistan and then to Guantanamo Bay in early 2002. Australian officials interrogated Habib after his capture in Pakistan and have interviewed him in Guantanamo Bay.

Iqbal, Ahmed and Rasul said Habib was in “catastrophic” mental and physical shape when he arrived at Guantanamo Bay. “[Habib] used to bleed from his nose, mouth and ears when asleep” but received no medical attention, they said.

Interrogators told Habib that unless he cooperated with them he would not receive any medical treatment. He was placed in Camp Echo and later told the British prisoners there was no natural light in the cell block and it was impossible to tell the time of day.

The dossier confirms a “Dateline” SBS television program about Habib that was screened in July. Citing information from Dr Hajeeb al Naumi, a former Qatar justice minister, “Dateline” revealed that Habib had been tortured to the point of death in Egypt. Pakistan Interior Minister Makhdoom Hayat told the program that the Australian citizen had been arrested during a general sweep of Baluchistan province, where all foreigners were treated with suspicion, and then handed over to US authorities. Hayat admitted that he knew US authorities planned to send Habib to Egypt.

“Dateline” also revealed that Habib could not see or walk properly when he arrived in Guantanamo Bay. Tarek Dherghoul, another British detainee released from Guantanamo Bay in March, told the television program that Habib had been given electric shock torture and kept blindfolded for months in Egypt. He had seen Habib being dragged around in chains and bashed by army guards at Guantanamo Bay, and American interrogators had told the Australian that his wife and children had been killed.

Further confirmation of this illegal treatment emerged yesterday during a 30-minute phone call between Habib and his wife and children, the first direct contact the Australian has had with his family in almost three years. Habib did not believe he was speaking to his wife Maha for almost five minutes until she answered various questions, including where they spent their wedding night.

US authorities strictly monitored the call and threatened to end it on two occasions when the couple exchanged a few words in Arabic and after Mamdouh compared his treatment to the Hollywood film *Lock Up*. “It’s like that here—sleep deprivation and torture,” he said.

Maha Habib said his conversation was very slow and it sounded like he had been drugged. “He doesn’t trust anybody and he told me not to trust anybody either,” she said. Mamdouh also told his wife he had been “badly treated” by Australian diplomatic officials and that ASIO had given him “a hard time”.

Australian Foreign Minister Alexander Downer responded to last week’s release of *Detention in Afghanistan and Guantanamo* by claiming the prisoners were “not objective” and called on Washington, the perpetrator of the war crimes, to investigate these new allegations.

The Howard government has rejected calls by Hicks’ and Habib’s lawyers for an independent investigation into the treatment of the Australian citizens. Habib’s lawyer, Stephen Hopper, said it was “ridiculous” to call on the Bush administration to conduct any investigation of Guantanamo Bay and called for his client’s immediate release.

As the dossier and other recent reports make clear, David Hicks and others who are about to come before US military tribunals in the next months will be confronted with so-called confessions and other dubious “evidence” extracted through physical and psychological torture.

Another indication of the illegal and undemocratic character of the tribunals was provided by the *Wall Street Journal* on Monday.

The newspaper pointed to possible conflicts of interest between prosecution, commissioners and the military-appointing authority, which selected the tribunal personnel. Retired Army judge Colonel Peter Brownback, who heads the military tribunals, is a longstanding friend of Major General John Altenburg, who appointed Brownback to the job. Brownback’s legal advisor is Colonel Keith Hodges, recently employed as a legal instructor at the Department of Homeland Security.

While the Pentagon refuses to provide detailed background information about Brownback and Hodges, both judges have had cases they adjudicated overturned in the Army Court of Criminal Appeals.

A 1995 case involving Brownback was overturned because he “abused his discretion” and made an “error of constitutional magnitude”. The newspaper revealed that in 2001 the U.S. Court of Appeals for the Armed Forces found that Hodges had failed to disclose that he was involved in a confrontation in which he “used profanity and allegedly smacked or tapped a witness”. The appeals court ruled that Hodges should have disqualified himself from the case.

The *Wall Street Journal* also reported that military attorneys defending Guantanamo Bay prisoners have been denied vital resources, including research assistants and Arabic interpreters, and barred from interviewing other Guantanamo Bay prisoners who could serve as defence witnesses.



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