Torture charged in US case alleging plot against Bush

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The US government made headlines this week by announcing its indictment of an American citizen for allegedly plotting with Al Qaeda to assassinate President Bush. The man who is accused in this document, however, has been the subject of a lengthy—though less publicized—legal battle in which the government is itself accused of having him arrested, detained without charges and tortured abroad, out of the reach of the American courts.

The 16-page indictment unveiled earlier this week against Ahmed Abu Ali, a 23-year-old student who was born in Houston and grew up in northern Virginia, accused him of conspiracy and providing aid to Al Qaeda. Abu Ali was suddenly brought back to the US after being imprisoned without charges for nearly two years in Saudi Arabia, apparently at the behest of the Bush administration.

It appears that the US government's interest in Abu Ali stemmed from a supposed connection with a case against a group of 11 Virginia men—nine US citizens and two immigrants—who were accused of "training" with paintball guns to aid a Kashmiri separatist group that had only recently been placed on the US list of foreign terrorist organizations.

The defendant's family and his attorneys have charged that he was tortured while jailed in Saudi Arabia as part of a system of brutal interrogation that was supervised by American FBI agents.

"There is scar tissue all over his back," Abu Ali's defense attorney Edward MacMahon told *Newsweek* magazine, adding that the scars corroborated his client's charges that he was whipped and beaten during the 20 months he was detained in Saudi Arabia. MacMahon charged that the government's case is founded upon confessions extracted through torture.

According to family members, Abu Ali told them his Saudi interrogators subjected him to protracted whippings, months of solitary confinement, prolonged blindfolding and denial of food.

Federal prosecutors presented the indictment in the US District Court in Alexandria, Virginia, only after their position had become untenable in a lawsuit filed by Abu Ali's family accusing the US government of having the youth detained in Saudi Arabia. The lawsuit, initiated last July, represented a direct challenge to the increasingly common practice of the Bush administration and the CIA known as "extraordinary rendition," in which suspects are turned over to the secret police of dictatorial regimes to be tortured.

The government fought the lawsuit, insisting that it had the right to utilize secret evidence and even a secret legal theory for throwing out the suit, and that to publicly present either would cause irreparable harm to national security.

The government has employed a similar legal argument in its attempt to scuttle a lawsuit on behalf of Maher Arar. A 34-year-old technology consultant and Canadian citizen, Arar was detained by US immigration authorities while changing planes at New York's John F. Kennedy International Airport in September 2002. He was "rendered" to Syria, where he was imprisoned in a tomb-like cell and subjected to repeated torture for nearly a year without ever being charged.

Last month, the Justice Department invoked the "state secrets" privilege, insisting that allowing Arar's case to go forward "could seriously damage the United States' national security interests."

US District Judge John Bates had rejected the government's argument in the Abu Ali case, ruling last December that his parents could demand government documents to substantiate US responsibility for his imprisonment and torture in Saudi Arabia. The ruling likewise rejected the Bush administration's claims that US courts have no jurisdiction over cases involving the detention of US citizens overseas.

Bates, who was a Bush appointee, described the government's claim as "sweeping," declaring that it would allow the US president to "deliver a United States citizen to a foreign country to avoid constitutional scrutiny." The judge pointed out that Abu Ali was not arrested on any battlefield, but rather detained by Saudi security agents who

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seized him in June 2003 in a university classroom where he was taking an exam.

According to the evidence presented in the case, Saudi officials privately acknowledged they had no interest in detaining Abu Ali, but had done so under pressure from the US. They said that there were no charges against him and they were prepared to send him back to the US, but that Washington insisted that he be held in Saudi Arabia.

"There is at least some circumstantial evidence that Abu Ali has been tortured during interrogations with the knowledge of the United States," Judge Bates wrote in his decision. He added, "FBI agents have despaired at his continued detention and more than one United States official has stated that Abu Ali is no longer a threat to the United States and there is no active interrogation. Nonetheless, he has been held indefinitely without charge, explanation for his detention, or access to consul since the time of his arrest in June 2003."

Earlier this month, Bates expressed deep skepticism toward a government motion to dismiss the family's lawsuit based on evidence to be presented in secret, without any opportunity for the family's attorneys to challenge either the evidence or even the government's legal arguments.

"This is about as close to a state-secrets shutdown as you can get," the judge said.

Within barely one week of this hearing, the government unsealed its indictment alleging an assassination plot and flew Abu Ali back to the US. The timing suggests that these charges are being used as a preemptive strike aimed at derailing a direct challenge to the government's practice of contracting out illegal detention and torture.

In attempt to quash further public exposure of Abu Ali's ordeal, the government has imposed a gag order on his family, insisting that they agree not to tell the news media anything that he tells them as a condition for being allowed to visit him in jail. The pretext for this condition—which the family has rejected—is that information provided by the defendant could be a coded message to accomplices. The government has not attempted to explain what secrets Abu Ali would have to relay after nearly two years of being held largely in solitary confinement in Saudi Arabia.

Whatever the government's intention, the case will inevitably focus attention on the collaboration of US authorities with the Saudi regime.

The contents of the indictment against Abu Ali strongly suggest that much of the purported evidence is based on confessions extracted either from him or others, named only as numbered "co-conspirators," while they were under detention by Saudi authorities. Supposedly, Abu Ali talked to these unnamed individuals about killing Bush. Saudi security forces have already killed at least one of these alleged co-conspirators.

Other "evidence" against him consists of published material seized from his home during an FBI raid conducted just days after his detention in Saudi Arabia. This includes both material of an Islamist nature, as well as a subscription to the magazine *Handguns*. Abu Ali's attorney has pointed out that a recent issue of this publication included a statement hailing Bush's reelection as a "sportsmen's victory" ensuring that the "shooting community will have a friend in the White House for four more years."

The question of whether Abu Ali or his alleged co-conspirators were tortured will prove central to their defense. Testimony coerced by methods that would "shock the conscience" of the court must by law be thrown out.

Even the US State Department acknowledges that Saudi authorities routinely torture prisoners. Its latest human rights report on Saudi Arabia cites "reports that torture and abuse were used to obtain confessions from prisoners," including from detained Canadian and British citizens who said they had been tortured. The report says methods used by Saudi interrogators included whippings, beating with sticks, suspension from bars by handcuffs, and keeping detainees isolated and blindfolded for weeks at a time.

Cases like those of Ahmed Abu Ali and Maher Arar, in which the US has either ordered the arrest of its own citizens by a foreign government or shipped people abroad so they could be held incommunicado and tortured, constitute a blatant violation of international law and US constitutional rights.

They expose the fraud of the Bush administration's claims to champion freedom and democracy in the Middle East. These methods are an essential part of a policy of aggression that US imperialism is pursuing with the aid of the most despotic regimes in the region.

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