

# US Marine reports widespread prisoner abuse at Guantánamo

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A US Marine Corps sergeant has given a sworn affidavit reporting widespread abuse at the US prison camp in Guantánamo Bay. The affidavit comes only a week after the US Congress passed legislation sanctioning indefinite detention, abusive treatment and denial of due process and habeas corpus rights for prisoners held at the facility and at other US prisons around the world.

According to the sergeant, a female paralegal working on a criminal case involving one of the prisoners, guards at the prison bragged to her about beating up detainees. “From the whole conversation,” she reported, “I understood that striking detainees was common practice.” The sergeant reported speaking to a group of guards at a bar on the military base, several of whom reported punching prisoners and engaging in other forms of abuse.

The paralegal’s name was blacked out of copies of the affidavit provided to the press on Friday by lawyers for the Guantánamo prisoners. Her report was also submitted to the Department of Defense.

One guard, identified as Bo, reported “taking a detainee by the head and hitting the detainee’s head into the cell door,” she wrote. Bo told her that the other guards at the prison knew of the action, but that he was not reprimanded or punished in any way. She wrote that “about 5 others” also said that they hit detainees, and that the whole group laughed as the stories were being recounted.

Other forms of abuse are also commonplace at the prison, she wrote. Reuters reported, “A guard named Steven said that even when the conduct of detainees was good, guards would take away personal items.” The paralegal reported that this was done “to anger the detainees so [the guards] can punish them when they object or complain.”

The guards clearly felt they had free rein to abuse prisoners, since they so freely boasted of their actions. Evidently they also believed there would be no consequences to admitting the abuse because they were in the Navy and the sergeant was a Marine.

This is just the latest indication of widespread torture at Guantánamo. Wells Dixon, a lawyer representing several prisoners at Guantánamo, told Reuters, “The fact that members of the US Navy can sit around at a bar and laugh about beating detainees for no reason is outrageous. We’re one step away from Abu Ghraib or possibly worse.”

The methods of torture that became infamous after the release of photographs from Abu Ghraib originated in Guantánamo, with the approval and encouragement of top officials in the military and the Bush administration: enforced nakedness, sexual humiliation, the use of dogs, prolonged isolation, shackling, sensory deprivation and overload, stress positions, and a host of other techniques that constitute torture.

Direct physical abuse as reported by the paralegal is only one aspect, and indeed not the most tormenting, of the torture inflicted upon these prisoners over the course of five years. The method reported by one of the guards—taking away privileges without any rationale—is one in a series of techniques that have been used to make prisoners feel that they have no control over their surroundings and are completely at the mercy of their guards and interrogators.

All of this has been sanctioned by the Bush administration. The statement by Navy Commander Robert Duran that an investigation will be carried out and that “abuse or harassment of detainees in any form is not condoned or tolerated” lacks any credibility.

As early as December 2001, administration lawyers were drafting memoranda to justify the repudiation of

the Geneva Conventions in relation to the Guantánamo prisoners and others captured in the “war on terror.” The lawyers argued that the prisoners should have no right to challenge their detention or treatment in US courts. They constructed obtuse linguistic arguments to define “torture” in a way that excluded most torture techniques. They further asserted that the president, as commander-in-chief, had the right to order torture, and that any legal restraints on this power could be unconstitutional.

The aim was to establish the foundation for the repudiation of international law and the US Constitution and give the president unlimited powers to arrest and detain anyone indefinitely, torture him, and deny him any legal rights. The widespread abuse of prisoners at Guantánamo Bay is only one of the consequences of these steps.

This legal justification for presidential powers of a dictatorial character and the network of provisions that, taken together, constitute the legal framework for a police state were sanctioned by the US Congress ten days ago in the Military Commissions Act of 2006.

The law was passed without any genuine public discussion or any serious congressional hearings. The Democratic Party made a decision not to block the bill, which they could have done by means of a Senate filibuster. The legislation passed the House of Representatives with the support of 34 Democrats, who joined 219 Republicans in a lopsided vote of 253-168. The Senate adopted the bill the next day by an even wider 65-34 margin, with 12 Democrats joining a near-unanimous Republican bloc.

The law alters the War Crimes Act to define war crimes in a manner that excludes all but the harshest interrogation techniques. All of the methods used at Guantánamo, including direct physical abuse, are not included in the law’s definition of war crimes. For example, only “serious physical pain and suffering” will now be a war crime under US law, and this specifically does not include cuts, bruises or physical pain that is not “extreme” and does not lead to significant impairment or long-term injury. Punching, and the banging of heads into cell walls, will therefore not be a crime.

The president is given wide latitude to determine precisely what methods are allowed. The legislation also permits the use of testimony obtained through

torture in the drumhead military commissions that it codifies.

Perhaps most significantly, the bill explicitly denies “unlawful enemy combatants,” including prisoners at Guantánamo Bay, access to US courts. Prisoners will be unable to go into US court to file writs of habeas corpus and challenge their “detention, transfer, treatment, trial, or conditions of confinement.” The law also states that the Geneva Conventions, which the US is systematically violating in its treatment of prisoners, will not be viewed as a source of individual rights in any US court.

Democratic Party leaders have said nothing about the most recent revelations of abuse at Guantánamo, nor has the affidavit from the US Marine received significant attention from the media.



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