

Spain: Garzón investigation reveals abuse suffered by Guantánamo detainees

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The criminal investigation launched this month by Spain's top investigative judge, Baltasar Garzón, into allegations of torture at Guantánamo Bay and other US prison camps is based on the evidence of four detainees who were subsequently sent to Spain for trial. All four were accused of being Al Qaeda members, but Hamed Abderrahman Ahmed and Lahcen Ikassrien were acquitted by Spain's High Court, and Abdul Latif Al-Banna and Omar Deghayes had their warrants for arrest in the UK cancelled.

Garzón's investigation targets the "possible material authors, enablers and accomplices" of these illegal abuses, possibly including the high-level Bush administration officials, responsible for what amounts to an "authorized and systematic plan for torture and harsh treatment of people deprived of their freedom without any charges and without the most basic elemental rights for detainees, set forth and demanded by international treaties."

He has stated that the release of previously classified Bush Justice Department memos indicated that the torture programme at the US prisons had been sanctioned at "almost an official level." There was, therefore, "penal responsibility in the different structures of execution—command, design and authorization of this systematic plan for torture."

In the indictment published by Spain's National Court, the detainees allege that they "had suffered from the practice of various acts of physical and psychological aggression against their persons during their detention in different countries, under the authority of US Army personnel."

The long list of abuses includes beatings, sexual assault, exposure to extreme heat and cold and continuous loud music, long periods of interrogation and sleep deprivation. Each of their statements shows the torture was of a prolonged and systematic character.

Abderraman Ahmed, who was a Spanish citizen, fled after the US invasion of Afghanistan and was captured in Pakistan in November 2001 by the US military and held for two months. He was transferred from Peshawar by US forces to a military prison camp in Kandahar (Afghanistan), where he

remained for one month until his transfer at the end of January 2002 to Guantánamo. He was handed over to Spain on February 13, 2004, and acquitted by the Supreme Court.

Abderraman Ahmed says that his cell at Guantánamo left little more than half a meter by half a metre of space for him to move about in. It was lit day and night, which produced visual and sleep disorders. Loud US patriotic songs were played permanently through loudspeakers. For almost a year he and hundreds of other detainees were only allowed out of their cells twice a week for 15 minutes. He was subject to constant interrogation without legal assistance.

Lahcen Ikassrien, a Moroccan citizen living for over 13 years in Spain, was arrested in Afghanistan in November 2001 and transferred from Kandahar to Guantánamo in February 2002 by the US military. According to his court statements, he was never told why he was deprived of his liberty. He was handed over to Spain on July 18, 2005, and acquitted by the Criminal Chamber of the National Court.

Like Abderraman Ahmed, Ikassrien says he was held in solitary confinement for a long time in a cell that was whitewashed and had constant lighting that prevented him from sleeping properly and affected his sight. Chemical substances were introduced into the air conditioning, which affected his joints and breathing. He received various forms of abuse, including blows to the testicles.

Jamiel Abdelatif Al-Banna, a Palestinian citizen, was arrested by the US military in November 2002 in Gambia, transferred to Afghanistan and imprisoned from January 2003 to December 2007 at Guantánamo.

Before arriving at Guantánamo he was subjected "to various assaults, physical and psychological abuse and insults and humiliations, received strong blows to the head, with loss of consciousness, suffered detention in an underground dark place for three weeks, with food and sleep deprivation and forced to witness the torture handed out to other prisoners in Afghanistan."

Once at Guantánamo, Al-Banna, alleges he "was subjected to about a thousand sessions of interrogation 2 to 10 hours daily and even twice a day, at any time of day or night under

conditions of extreme heat or cold, restrained by shackles on his hands and feet (wrists and ankles) in forced positions, sitting on the floor with his body bent forward and with pressure from interrogators on his back to increase the pain until the effects made him scream, and he was unable to stand up during the hours afterwards.”

For months during the continuous interrogation he only received punishment, without any questions being put to him. His guards threatened to poison him and immerse him in the sea, “which put him in a situation of helplessness and despair.”

In his statement Al-Banna says he was “in solitary confinement for one year, permanently shackled, subjected to continuous harassment and disturbances at intervals between 10 minutes and a few hours, day and night which prevented him from sleeping, and received repeated heavy blows on the doors of the cells and activation of machinery near the cells that produced a constant noise.”

Like other detainees he was subjected to loud music and extreme heat or cold through the air conditioning. Very strong smells of disinfectant, which came through the air conditioning, or were sprayed on the ground caused coughing fits and respiratory problems. Al-Banna says he was subjected to humiliating and degrading treatment, contrary to his Muslim religion—forced to go around naked and subjected to sexual provocations.

Al-Banna says that any act of resistance or lack of cooperation was treated with overwhelming force by the so-called Emergency Reaction Force and during one attack he suffered injuries to one of his fingers, the left side of his forehead and the back of his left knee.

Omar Deghayes, a Libyan citizen, was arrested in Lahore (Pakistan) in April 2002 where he remained for a month. He was tied up and suffered death threats, was stamped on and punched, witnessed other prisoners being tortured with pins as well as the death of one of them, threats to his family and systematic beatings. He was whipped, tied on a table upside down and given electric shocks.

Deghayes says he suffered consistent torture in Islamabad. He was put upside down in a drum of water 6 or 7 times until he was nearly drowned and forced to adopt stress positions such as maintaining a handstand all night long.

Later he was transferred to Bagram (Afghanistan) under American control. Bags were placed over his head and earmuffs put on his ears. He suffered “prolonged interrogations, hanging by the arms which were handcuffed at the back and raised above his head risking dislocation; placing a black bag on his head; food deprivation; held in dark rooms without any lighting, as well as inside a closed box, locked securely with hardly any air; suffered repeated beatings, constant nudity as part of the process of

humiliation because of his religion.”

Deghayes was transferred to Guantánamo where he was held for long periods in complete isolation from September 2002 to December 2007. He claims he suffered sexual assault in March 2004 by the Emergency Reaction Force. Mace was sprayed in the eyes, “causing agonizing pain that prevented him from seeing clearly for two weeks to the point where his vision has not been restored to his right eye.” He was thrown up in the air and allowed to fall on his face.

The “consistent demeaning treatment” involved guards covering him with feces and putting his head in the toilet, beatings, and waterboarding. All this took place in the presence of medical staff on at least 3 occasions.

Many of the abuses suffered by the 4 men have had long-lasting effects. According to the indictment, the court received reports relating to Al-Banna and Ikassrien on February 18, 2008, signed by Drs. Jonathan Derek Fluxman and Helen Bamber, who said many of the injuries were consistent with the testimony submitted by the detainees.

Al-Banna was suffering from post-traumatic stress disorder and severe depression and had developed diabetes, hypertension, pain in the lower back, osteoarthritis of the knees and wrists. There was a lesion of the knee and obstruction to the nasal passageways. Dheghayes was also afflicted by post-traumatic stress disorder and severe depression, was blind in his right eye and had a fractured nose and index finger.



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