

US judge orders release of Guantanamo torture videos

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On Tuesday, federal district judge Gladys Kessler rejected the Obama administration's latest attempts to block the disclosure of videos that depict beatings and force-feeding at the Guantanamo Bay torture camp.

Judge Kessler had previously ordered the release of the videos on October 3 of last year, and the Obama administration has been attempting to overturn her order ever since. The videos in question are 32 separate recordings and two compilations that depict the torture of former Guantanamo Bay prisoner Abu Wa'el Dhiab.

Dhiab was abducted by the US government in Pakistan in 2002 and smuggled to Guantanamo Bay. After being held and tortured for 12 years without charges or trial, he was released in December 2014 to Uruguay.

Dhiab was born in Lebanon but grew up in Syria. After his marriage he moved to Kabul, Afghanistan, where he ran a small business. Following the invasion of Afghanistan in 2001, Dhiab fled to Pakistan with his wife and children, where he was seized by the authorities and turned over to the American intelligence agencies, likely in return for the payment of a cash bounty.

As a result of his brutal treatment at Guantanamo Bay, Dhiab is now permanently disabled and confined to a wheelchair.

While at Guantanamo Bay torture camp, Dhiab went on a peaceful hunger strike to protest his detention and the conditions of his confinement. Hunger strikes have been widespread at Guantanamo Bay ever since the camp was opened. A 2013 hunger strike involved more than half the population of the camp.

Guantanamo's guards sought to break the hunger strikes, which they called "voluntary fasting," with the most sadistic retaliation. In addition to savage beatings called "forcible cell extractions," strikers were

subjected to force-feeding against their will. Strikers were strapped down while feeding tubes, with no anesthetic, were roughly forced up their noses and down their throats. Often, the tube had blood and bile still on it from the previous victim.

Describing the treatment of inmate Adnan Farhan Abdul Latif, who later died at Guantanamo Bay under suspicious circumstances, a 2004 Amnesty International report stated: "Twice a day, the guards immobilize Latif's head, strap his arms and legs to a special restraint chair, and force-feed him a liquid nutrient by inserting a tube up his nose and into his stomach—a clear violation of international standards. The feeding, Latif says, 'is like having a dagger shoved down your throat.'"

Another Guantanamo prisoner, Ahmed Rabbani, described how during the procedure he "vomited blood on himself three or four times" before passing out. During one sitting, the tube was inserted upside down, so that it felt like it was being "pushed up into [his] brain." According to his attorney, this left Rabbani "screaming in pain."

While Dhiab was being held at Guantanamo Bay, attorneys filed a lawsuit in federal court in the United States in an attempt to stop the torture.

At the time, Dhiab told his attorneys, "This is my life. I should have the freedom to decide what I want to do with it. If I want to go on hunger strike, that is my business. They should never force feed us. I am on a peaceful protest. The U.S. government pretends that they give freedom to people, but in this way they are taking away my freedom. The whole world knows that we are protesting peacefully and they pretend they want to take care of our health. It is our health, to do with as we see fit."

"I want to see my wife and children after this

captivity and take them to my chest,” he continued. “I want them to feel that their father is with them—that they are not orphans, that their father is alive. I want and demand my stolen freedom and the peace that I am looking for. I want to leave to get medical treatment, and meet my dear wife and sons.”

In May 2014, Judge Kessler issued a ruling that allowed the force-feeding to continue. While she criticized the force-feeding procedures, which caused Dhiab to “suffer unnecessary pain,” she wrote that “the Court simply cannot let Mr. Dhiab die.”

In the course of the litigation, 32 “classified” videotapes depicting the torture of Dhiab were apparently disclosed to Judge Kessler but were not made available to the public. In June 2014, a number of journalists intervened in the case to try to secure the release of the torture videos to the public, after which Judge Kessler agreed to permit a partial release of the footage.

The Obama administration claims that the torture videos constitute “state secrets,” and has sought to block their release in court on the grounds of “national security.” The Obama administration claims that the videos would “incite” extremist groups to engage in violence against America and also embolden other Guantanamo detainees.

Government lawyers appealed unsuccessfully to the DC Circuit Court of Appeals to stop the disclosure of the videos, and on May 29 the case was returned to Judge Kessler. On Tuesday, Kessler issued a decision rejecting the Obama administration’s latest arguments as “repetitive, speculative, and extremely vague.”

“Transparency about the actions of our government—including the judiciary—is one of the cornerstones of our democracy,” Kessler wrote. “This Court has found that the Government’s justifications for barring the American public from seeing the videotapes are not sufficiently rational and plausible to justify barring release of the videotapes, which are part of the Court’s official records, from the eyes and ears of the American public.”

Incredibly, the Obama administration’s lawyers had tried to argue that releasing the videos would violate Dhiab’s right to privacy. In her decision on Tuesday, Judge Kessler called this argument “flat out unbelievable.”

In fact, Dhiab supports the release of the videos. “I

want Americans to see what is going on at the prison today, so they will understand why we are hunger-striking, and why the prison should be closed,” Dhiab wrote in documents filed with the court. “If the American people stand for freedom, they should watch these tapes. If they truly believe in human rights, they need to see these tapes.”

The force-feeding of hunger strikers is acknowledged as a potential form of torture under international law. Since 1975, the World Medical Association has prohibited doctors from participating in the force-feeding of hunger strikers, so long as the prisoner is “capable of forming an unimpaired and rational judgment.”

In addition to brutal beatings and force-feeding, other forms of torture practiced at Guantanamo Bay and other US “black site” facilities have included waterboarding, forced nudity, shackling in “stress positions,” sexual humiliation, sexual assault, sleep deprivation, mock executions, solitary confinement, and the infamous practice of “rectal feeding” revealed by the December 2014 Senate Intelligence Committee report on the Central Intelligence Agency’s torture program.

To date, none of the war criminals involved in this sadistic conspiracy have been prosecuted, from the participants and their supervisors to those at the top who orchestrated and continue to cover up the program. Instead, the Obama administration has bent over backwards to coddle and protect the war criminals, attempting to conceal the torture program behind a veil of “state secrets” and “national security.”

The Obama administration has vigorously opposed the disclosure of the Dhiab torture videos, and plans to appeal Judge Kessler’s latest decision, further delaying their release.

As of December 4, 2013, the Obama administration announced that it would not be disclosing any more information about the Guantanamo hunger strikes to the public, on the grounds that disclosure does not serve any “operational purpose.”



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