

A conference on torture and ill-treatment of detainees highlighted the human cost of the war on terror.

Tamam Ahmed Jama reports from London

The largest group of former detainees of the "war on terror" came together for a London conference on torture and other ill-treatment of detainees. The conference ran from 19-21 November and was organised by Amnesty International and Reprieve, another UK-based human rights organisation. Over the course of the three-day gathering, former detainees, including many previously held at Guantanamo Bay, talked about their experiences of ill-treatment while in detention.

Secretary-General of Amnesty International Irene Khan was amongst the speakers present. Commenting on the accounts of former detainees Khan said, "their stories are just one tiny element of the terrible human suffering that the war on terror is creating." She warned that "Guantanamo is only the tip of the iceberg. Torture and ill-treatment are increasingly legitimised by the war on terror."

It has recently been revealed that the US has detained more than 83,000 people since the launching of its "war on terror" four years ago. Up to 14,500 of those remain in detention and 108 people are known to have died in US custody.

There are allegations that the American authorities are holding thousands of people in secret locations around the world, including Eastern Europe.

The aim of the conference -- which heard testimonies from former detainees and family members from around the world, along with representatives of human rights organisations, lawyers and UN experts -- was to highlight the human cost of the war on terror. Moazzam Begg, a British national who spent three years in Guantanamo Bay, was among the former detainees who participated in the conference. Begg was captured by Pakistani and US agents in Islamabad in early 2002. He was held at different detention centres in Kandahar and Bagram in Afghanistan before being transferred to Guantanamo Bay. He was released -- without charge -- and repatriated to Britain earlier this year.

"People always ask me how I cope with the difficulties of readjusting to normal life," Begg said. "And I answer life is no longer normal."

Along with Begg, eight other British former Guantanamo Bay detainees have been repatriated and released without charge. Their release came following extensive diplomatic negotiations between Washington and London. Ten UK residents who are not British citizens remain in Guantanamo Bay. This raises the question of just how many innocent men are languishing in the notorious naval base in legal limbo -- not because there is convincing evidence of their culpability, but because their countries have not lobbied for -- or not in a position -- to demand their repatriation and trial at home, if need be.

Begg said he felt especially guilty during his encounters with the wives and children of the UK residents he left behind.

"What do I say to their children when they ask: did you see my father?" he asked. "What can I say to them when they ask me: what had my father done? And what I can say to them when they say: why are you back and my father is not? What does the United States of America say to them? There is nothing to say except that it is unequivocally wrong."

The Pentagon says 505 people are currently held at Guantanamo Bay. Many of these have been there for four years, without being charged, let alone tried or convicted of a crime. Most of the detainees were captured in Afghanistan following the October 2001 US invasion.

Though the American authorities have persistently denied any ill-treatment of detainees, former inmates say that they were tortured and saw others being tortured.

Two hundred detainees at Guantanamo Bay have been on a hunger strike since 11 August in protest against the conditions at the detention centre.

"Donald Rumsfeld said that prisoners who were on hunger strike were going on a diet," said Clive Stafford Smith, a British human rights lawyer and the legal director of Reprieve. "It is reprehensible for a political figure to make a comment like that."

Smith represents 40 Guantanamo Bay detainees, to whom he had not been allowed access. Nevertheless, he has obtained written statements from some of his clients. In one such statement, Shaker Aamer, a UK resident Saudi national, said: "I am dying here everyday mentally and physically, this is happening to all of us. We have been ignored, locked up in the middle of the ocean for four years. Rather than humiliate myself, having to beg for water at Camp Echo, I would rather hurry up a process that is going to happen anyway. It is a matter of personal dignity."

Smith pointed out that the detainees who are on hunger strike do not want to die, but simply want the US to respect their humanity and live up to the principles that it has long espoused -- the principles of decency, democracy and the rule of law.

There are reports that some of the detainees have lost half their bodyweight as a result of the hunger strike and are in rapid decline. To avoid any political scandal that may ensue, the detainees are not being allowed to die and are being force fed by prison guards. Some are reportedly being kept alive through intravenous feeding and scores have been hospitalised since the start of the hunger strike. There are also reports that medical staff have helped devise coercive interrogation methods, including sleep deprivation.

In light of the alarming reports of systematic human rights abuses at Guantanamo Bay, UN special rapporteurs on human rights have repeatedly asked for access to the detention centre, but so far to no avail.

"I am very anxious to visit because of the persistent and credible reports of alleged serious violations of the right to health of detainees," said Paul Hunt, the UN Special Rapporteur on the Right of Detainees to Health. "According to reports, there has been an alarming deterioration in the mental health of many of the detainees."

A team of UN experts was due to visit Guantanamo Bay on 5 December, but their trip has been suspended following the imposition of restrictions which UN experts say will make the whole exercise meaningless. The UN officials say they need unfettered access to the entire facility and private interviews with the detainees for a thorough investigation of the situation at the base. The US authorities are refusing to grant this.

Calling them "illegal combatants", the American authorities have refused to apply the Geneva Conventions on the Prisoners of War to the people held at the base. This has led to an international outcry.

"The writ of international human rights does not stop at the gates of Guantanamo Bay," Hunt said. "It is imperative for the integrity of the UN and its human rights mechanisms that Guantanamo Bay and similar facilities elsewhere do not escape international accountability. To those who argue that the detainees are 'bad people', I reply whether they are good or bad, the rule of law extends to them because they are human beings. That is what distinguishes a system of government based on the rule of law from one that is based on the arbitrary exercise of power."

What is at stake here is the selective application of the law. The US, the self-professed defender of democracy and human rights around the world, is accused of being disdainful of international law, invoking it where it suits its interests and discarding it where it does not. The US has come under increasing international condemnation for showing disregard for human rights in the fight against international terrorism.

"If my human rights are going to be sacrificed for your greater security, that is not the way that we are going to be secure as a society," Khan said. "This approach is creating greater division, more suspicion, hatred and xenophobia. Fighting terror with terror will make us all much less secure. Terrorism can only be defeated through respect for human rights and human dignity."

<http://weekly.ahram.org.eg/2005/771/in6.htm>

'86 Alito Memo Argues Against Foreigners' Rights

Work for Justice Dept. Points to Views That May Affect Anti-Terrorism Rulings on High Court

By Jo Becker and Amy Goldstein

Washington Post

Tuesday, November 29, 2005

As a senior lawyer in the Reagan Justice Department, Samuel A. Alito Jr. argued that immigrants who enter the United States illegally and foreigners living outside their countries are not entitled to the constitutional rights afforded to Americans.

In an opinion that offers insight into the Supreme Court nominee's view of an area of law that has gained new significance with the Bush administration's policies to combat terrorism, Alito gave his approval to an FBI effort in the 1980s to collect from Canadian authorities fingerprint cards of Iranian and Afghan refugees living in that country.

The program to collect background information was constitutional, Alito wrote in a January 1986 memo to the FBI director. And because the refugees were nonresident immigrants of a third country, he reasoned, the FBI could disregard court decisions that prohibited it from spreading "stigmatizing" information about citizens.

With the Supreme Court scheduled to hear a major case this term involving the Bush administration's policy of trying "enemy combatants" in military tribunals, Alito's views of the FBI's old anti-terrorism fingerprint program have resonance today, reflecting what legal experts said is a broad and aggressive view of the law.

The memo on the rights of immigrants was among 120 documents from Alito's 16-month tenure as a deputy assistant attorney general in the Office of Legal Counsel that the Justice Department released yesterday in response to a Freedom of Information Act request by The Washington Post and other news organizations. The agency withheld 70 other documents, asserting that they were exempt from disclosure on grounds of privacy, attorney-client privilege or rules relating to classified information. Names and other details were blacked-out on some documents that were released.

Still, the memos, letters and other papers, most of them written by Alito himself, provide the most vivid picture available to date of the future nominee's role and views from December 1985 to March 1987, when he worked on legal matters as a high-ranking political appointee during President Ronald Reagan's second term. He would go on to become U.S. attorney for New Jersey and, later, an appeals court judge.

His writings show Alito in sync with the philosophy of the Republican administration of which he was a part, staking out strong stances on aggressive law enforcement and on states' rights. The views he expresses also could be construed as paralleling those of the Bush administration as it has pursued its campaign against terrorists, legal experts said.

The current administration has contended, for instance, that al Qaeda and Taliban detainees held at the U.S. naval base in Guantanamo Bay, Cuba, had no right to have their case heard by a U.S. judge. That is in part because, like the Afghan and Iranian refugees in Canada about whom Alito wrote, the recent detainees were not on U.S. soil. That view was rejected last year by a divided Supreme Court.

In his 1986 memo, Alito cites a 1950 Supreme Court case to support the contention that nonresident immigrants of other countries have "no due process rights" under the Constitution and a 1970 case that he said suggests illegal immigrants in the United States have limited constitutional rights.

Martin Redish, a constitutional law professor at Northwestern University Law School, said that view could also be used to justify a current administration policy under which the CIA is interrogating suspected terrorists in a covert prison system in Eastern Europe and elsewhere.

Conservative constitutional analyst Bruce Fein, who served in the Reagan administration with Alito, said that by the time Alito wrote the memo the Supreme Court had ruled that school-age illegal immigrants had a right to a public education.

"He seems to be saying that there is no constitutional constraints placed on U.S. officials in their treatment of nonresident aliens or illegal aliens. Could you shoot them? Could you torture them?" Fein asked. "It's a very aggressive reading of cases that addressed much narrower issues."

On other law enforcement issues, Alito also took a pro-government approach. In a January 1986 memo, Alito expressed several concerns about ethics guidelines for prosecutors that had been proposed by the D.C. Bar Association, saying they would impose "unworkable burdens" on lawyers responsible for bringing criminals to justice.

In another memo a few months later, Alito cited a loophole he said would allow IRS attorneys investigating taxpayers to get around an American Bar Association rule that prohibited lawyers from secretly recording conversations.

In late 1986, Alito also suggested that he favored allowing law enforcement agencies to use "message-switching" technology banned by Congress, in which they intercepted computer messages, stored them and relayed them to the unsuspecting intended recipient. He said that it was unconstitutional to allow legislative committees to approve of this technique but went on to say: "We would be happy to assist you in drafting proposed legislation that would authorize message switching."

Alito displayed his concern for states' rights in a memo the following year to John R. Bolton, at the time an assistant attorney general and now U.S. ambassador to the United Nations. In the 1987 memo, Alito cautioned about aspects of an agreement on universal children's rights that the State Department was negotiating with the U.N. Commission on Human Rights.

Alito said that provisions in the U.N. document "will undertake to provide broad protections for children," such as free care of disabled children and free primary education, that are not guaranteed by the federal government. "Unless the federal government actually intends to undertake these responsibilities on a national level (and we would vigorously oppose such an undertaking on federalism grounds) we believe that the Department of State should make clear

in negotiations that it is unlikely" the United States would agree to such terms and "their fulfillment will be at the discretion of the states." And he said the U.N. document would conflict with laws in some states by forbidding death sentences for criminals younger than 18 -- a practice recently outlawed by the Supreme Court.

At other points, the writings show Alito protecting the political interests of the Reagan White House. In a March 1987 memo, he disagreed with an earlier opinion from the Office of Legal Counsel, which had concluded that it was improper for people who did work at the White House without a government salary to be paid by national political organizations. Because many White House workers already have an "acknowledged and accepted partisan political bent," he wrote, "it strikes us as counterintuitive to suggest that an objectionable conflict of interest" would arise if they were paid by a political group.

<http://www.washingtonpost.com/wp-dyn/content/article/2005/11/28/AR2005112801849.html>
<<http://www.washingtonpost.com/wp-dyn/content/article/2005/11/28/AR2005112801849.html>>

Leaking At All Costs

Nov. 30, 2005

The CIA's war against the Bush administration is one of the great untold stories of the past three years. It is, perhaps, the agency's most successful covert action of recent times.

The CIA has used its budget to fund criticism of the administration
<<http://powerlineblog.com/archives/007741.php/l007741>> by former Democratic officeholders. The agency allowed an employee, Michael Scheuer
<<http://powerlineblog.com/archives/008601.php/l008601>>, to publish and promote a book containing classified information, as long as, in Scheuer's words, "the book was being used to bash the president."

However, the agency's preferred weapon has been the leak. In one leak after another, generally to the New York Times or the Washington Post, CIA officials have sought to undermine America's foreign policy. Usually this is done by leaking reports or memos critical of administration policies or skeptical of their prospects. Through it all, our principal news outlets, which share the agency's agenda and profit from its torrent of leaks, have maintained a discreet silence about what should be a major scandal.

Recent events indicate that the CIA might even be willing to compromise the effectiveness of its own covert operations, if by doing so it can damage the Bush administration. The story began last May, when the New York Times outed an undercover CIA operation by identifying private companies that operated airlines for the agency. The Times fingered Aero Contractors Ltd., Pegasus Technologies, and Tepper Aviation as CIA-controlled entities. It described their aircraft and charted the routes they fly. Most significantly, the Times revealed one of the most secret uses to which these airlines were put:

When the Central Intelligence Agency wants to grab a suspected member of al Qaeda overseas and deliver him to interrogators in another country, an Aero Contractors plane often does the job.

The Times went on to trace specific flights by the airlines it unmasked, which corresponded to the capture of key al Qaeda leaders:

Flight logs show a C.I.A. plane left Dulles within 48 hours of the capture of several al Qaeda leaders, flying to airports near the place of arrest. They included Abu Zubaida, a close aide to Osama bin Laden, captured on March 28, 2002; Ramzi bin al-Shibh, who helped plan 9/11 from Hamburg, Germany, on Sept. 10, 2002; Abd al-Rahim al-Nashri, the Qaeda operational chief in the Persian Gulf region, on Nov. 8, 2002; and Khalid Shaikh Mohammed, the architect of 9/11, on March 1, 2003.

A jet also arrived in Riyadh, Saudi Arabia, from Dulles on May 31, 2003, after the killing in Saudi Arabia of Yusuf Bin-Salih al-Ayiri, a propagandist and former close associate of Mr. bin Laden, and the capture of Mr. Ayiri's deputy, Abdullah al-Shabrani.

Flight records sometimes lend support to otherwise unsubstantiated reports. Omar Deghayes, a Libyan-born prisoner in the American detention center at Guantánamo Bay, Cuba, has said through his lawyer that four Libyan intelligence service officers appeared in September in an interrogation cell.

Aviation records cannot corroborate his claim that the men questioned him and threatened his life. But they do show that a Gulfstream V registered to one of the C.I.A. shell companies flew from Tripoli, Libya, to Guantánamo on Sept. 8, the day before Mr. Deghayes reported first meeting the Libyan agents. The plane stopped in Jamaica and at Dulles before returning to the Johnston County Airport, flight records show.

The Times reported that its sources included "interviews with former C.I.A. officers and pilots." It seems difficult to believe that the information conveyed in those interviews was unclassified. But if the agency made any objection to the Times's disclosure, it has not been publicly recorded. And the agency's flood of leaks to the Times continued.

The other shoe dropped on November 2, when the Washington Post revealed, in a front-page story, the destinations to which many terrorists were transported by the CIA's formerly-secret airlines - a covert network of detention centers in Europe and Thailand:

The CIA has been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe, according to U.S. and foreign officials familiar with the arrangement.

The secret facility is part of a covert prison system set up by the CIA nearly four years ago that at various times has included sites in eight countries, including Thailand, Afghanistan and several democracies in Eastern Europe, as well as a small center at the Guantanamo Bay prison in Cuba, according to current and former intelligence officials and diplomats from three continents.

The Post's story caused a sensation, as the "current and former intelligence officials" who leaked the classified information to the newspaper must have expected it would. The leakers evidently included officials from the highest levels of the CIA; the Post noted that the facilities' existence and location "are known to only a handful of officials in the United States and, usually, only to the president and a few top intelligence officers in each host country." Further, the paper said that it "is not publishing the names of the Eastern European countries involved in the covert program, at the request of senior U.S. officials." So this top-secret leak was apparently not a rogue operation. On the contrary, it appears to have been consistent with the agency's longstanding campaign against the Bush administration, which plainly has been sanctioned (if not perpetrated) by officials at the agency's highest levels.

Both the Post and the leaking officials knew that publication of the secret-prisons leak would damage American interests:

[T]he CIA has not even acknowledged the existence of its black sites. To do so, say officials familiar with the program, could open the U.S. government to legal challenges, particularly in foreign courts, and increase the risk of political condemnation at home and abroad.

The damage foreseen by CIA leakers quickly came to pass. Anti-American elements in a number of European countries demanded investigations into the use of their countries' airports and air space by civilian airlines that are known or suspected CIA fronts. In Spain <http://news.yahoo.com/s/nm/20051124/ts_nm/security_spain_cia_dc;_ylt=Asu1cmNGSu.28tKZa5J5DYqG0rgF;_ylu=X3oDMTA4b3FrcXQ0BHNLYwMxNjkz> , the foreign minister testified before a parliamentary committee that no laws were broken in what allegedly were CIA-linked civilian landings in Majorca. But that site will be closed to the agency in the future:

[H]e said the government would immediately step up checks on civilian aircraft that flew over or stopped in Spanish territory to make sure they were civilian flights. If necessary, the government would implement more exhaustive checks inside aircraft, he said.

Similar outcries and investigations occurred in the Canary Islands, Portugal <<http://www.alertnet.org/thenews/newsdesk/L23748423.htm>> , Norway, and Sweden <http://news.monstersandcritics.com/europe/article_1062565.php/Norway_and_Sweden_investigate_alleged_secret_CIA_flights> .

The twin leaks to the Times and the Post have severely impaired the agency's ability to carry out renditions, transport prisoners, and maintain secret detention facilities. It is striking that top-level CIA officials are evidently willing to do serious damage to their own agency's capabilities and operations for the sake of harming the Bush administration and impeding administration policies with which they disagree.

The CIA is an agency in crisis. Perhaps, though, there is a ray of hope: the agency has referred <<http://www.nationalreview.com/york/york200511081832.asp>> the secret-prison leak to the Post to the Justice Department for investigation and possible criminal prosecution. It is a bitter irony that until now, the only one out of dozens of CIA-related leaks known to have resulted in a criminal investigation was the Valerie Plame disclosure, which was trivial in security terms, but unique in that it helped, rather than hurt, the Bush administration.

<http://www.cbsnews.com/stories/2005/11/30/opinion/main1086900.shtml>
<<http://www.cbsnews.com/stories/2005/11/30/opinion/main1086900.shtml>>

Should Foreign Terrorists Have the Right to Sue U.S. Troops?

Jon Kyl, November 28, 2005

The U.S. Supreme Court recently decided that even prisoners in the war against terrorism have a legal right to contest their "status" - even those who would kill us in an instant if given half a chance. They can do that by suing their captors under a statute that is available to criminal defendants in U.S. Courts. But this procedure (called a writ of habeas corpus) is not a Constitutional right for non-U.S. citizens. Neither prisoners of war nor terrorist detainees have ever had such a right in previous wars.

The detainees at Guantanamo Bay, Cuba, have been called the worst of the worst. These terrorist trainers, bomb makers, recruiters, financiers and bodyguards of Osama bin Laden have indiscriminately targeted civilians. For a variety of reasons, they do not qualify for the protections of the Geneva Conventions. Nonetheless, official U.S. policy is to apply Geneva standards, including access to lawyers, Red Cross visits, and so forth. A Combatant Status Review Tribunal (CSRT) system allows every detainee to challenge his designation as an enemy combatant, and the status of each is assessed annually by an Administrative Review Board. Each detainee is assigned a military officer as a personal representative, to assist in hearing preparation. Detainees have the right to testify before the tribunal, call witnesses, and introduce any other evidence. The question has been their rights to challenge the CSRT decisions in federal court.

An amendment I recently co-sponsored with Senator Lindsey Graham (R-SC) and Carl Levin (D-MI) codified the traditional assumption (overturned by the recent Supreme Court decision) that federal law does not grant enemy combatants detained outside the United States the unfettered right to file suit in U.S. federal courts. The amendment would allow a one-time federal court review of military court decisions at Guantanamo, but it would be limited to the question of whether proper procedures and standards were followed.

The amendment was adopted by a vote of 84-14 and included in the Senate Defense Authorization bill, which is now being merged with the House of Representatives' version.

It's important to make clear that this amendment does not affect the cherished and historic habeas corpus rights of American citizens. It's simply a necessary clarification for detainees since, for the first time in our history, foreign terrorists in large numbers have begun to claim the same benefits as citizens under the Constitution and our laws. More than 160 habeas cases have been brought in the DC Circuit Court on behalf of approximately 300 Guantanamo detainees. Without clarification of the law, all 500 detainees at the facility, and many more in the future, could demand federal court hearings not only on whether the government correctly classified them as enemy combatants, but on any other subject as well. Some have already sued over matters such as the kinds of reading material that are made available to them.

International law allows any nation the right to detain enemy combatants for the duration of a conflict. We certainly never "tried" captured Nazis or Japanese POWs in World War II (with the exception of a few leaders charged with war crimes), although many were held for years. The primary reason we detain members of al Qaeda is to prevent them from killing more Americans, and, secondarily, to gather useful intelligence.

Allowing terrorist detainees to file multiple lawsuits against their captors doesn't just make a mockery of our justice system, it impedes that critical intelligence function. Michael Ratner, a lawyer for numerous Guantanamo detainees, boasted to Mother Jones magazine in March that:

"The litigation is brutal for [the United States]. It's huge. We have over one hundred lawyers now from big and small firms working to represent these detainees. Every time an attorney goes down there, it makes it that much harder [for the U.S. military]. You can't run an interrogation...with attorneys."

My colleague Sen. Lindsey Graham of South Carolina recently responded on the Senate floor: "The detainees at Guantanamo are not American citizens facing criminal trial, [but] terrorists who have taken up arms against the United States. There has never been a time in our military history where an enemy combatant or prisoner of war has been allowed access to federal court to bring lawsuits against the people they are fighting."

In other words, foreign terrorists have never had the right to sue U.S. troops. And now is certainly not the time to give it to them.

Senator Jon Kyl, a Republican, represents Arizona in the U.S. Senate. He serves on the Senate Judiciary Committee, the Finance Committee, and the Energy and Natural Resources Committee.

<http://www.truthnews.net/world/2005110035.htm> <<http://www.truthnews.net/world/2005110035.htm>>

American Forces Press Service<<http://www.defenselink.mil/graphics/presserv.gif>>

Guantanamo Tube Feedings Humane, Within Medical Care Standards

By Kathleen T. Rhem
American Forces Press Service

U. S. NAVAL STATION GUANTANAMO BAY, Cuba, Dec. 1, 2005 - The small number of involuntary feedings conducted at the U. S. detention facility here are done humanely and are well within common standards of medical care, officials said in an effort to counter allegations made by attorneys for some detainees here.

Thirty to 33 enemy combatant detainees here are currently on a hunger strike -- which officials here call "voluntary fasting" -- to protest their continued detention. Of those, 22 are receiving liquid nutrition through a tube inserted through the nose and into the stomach.

"We have an ultimate responsibility that every detainee on our watch is taken care of," Joint Task Force Guantanamo Deputy Commander Brig. Gen. John Gong said in an interview. "We have a great desire to ensure they are healthy. "

Gong and other officials said widely reported allegations that the tubes are the width of a finger, are forcefully inserted without anesthesia or lubricant, and are reused on different detainees are patently false.

Navy Capt. (Dr.) John Edmonson, the senior medical officer at Guantanamo Bay, said the "enteral" feeding -- meaning directly into the stomach -- is done with a nasogastric "Dobhoff" tube. The tube is flexible and 4 millimeters in diameter, Edmonson said.

He stressed that only doctors and nurses insert the tubes and always use lubricant. They also always offer anesthetics and suggest stronger pain medication if a detainee appears to be uncomfortable. He described the Dobhoff tube as "very soft and non-irritating. "

Medical staff members never reuse the tubes, Edmonson said.

"I can assure you that the doctors are doing everything within the character of the standard of their profession," Gong said.

For the most part, the feedings are not involuntary. Both men said the vast majority of detainees voluntarily participate in the feedings. In fact, Edmonson noted, some even insert their own feeding tubes. "They are generally cooperative with the medical staff in that effort," he said.

Detainees are considered to be on a hunger strike after they miss nine consecutive meals, and medical specialists begin monitoring their health status. Body mass index, weight loss and

physical condition are monitored. Edmonson said a patient can survive for about three weeks without eating as long as he is drinking water, which the detainees are.

When a detainee's weight drops too much and his health begins to deteriorate, doctors speak to the individual and offer supplemental nutrition, first intravenously and then through a nasogastric tube. Detainees receive Ensure, a commercial nutritional supplement, through the tube. Most agree to the procedure, Gong said.

He explained that as long as detainees maintain a certain level of health, they get to choose how much liquid nutrition to take. "The doctors try to be respectful of what the detainees want to do," he said.

Most take 1,500 calories a day. In contrast, most U. S. dietary recommendations are based on a 2,000-calorie diet.

In rare cases, detainees have received tube feedings involuntarily. "Some, because of their character and temperament, they would be less than cooperative and would need to be restrained," Gong said. Officials said restraints are always applied with the least amount of force possible. Both he and Edmonson said this is the rare exception and only used when a detainee's health is seriously in jeopardy.

The number of hunger-striking detainees peaked at 131 around the most recent anniversary of the Sept. 11 attacks, Gong said. Since then the number has steadily declined and has remained around the current number for the past several weeks.

"One has to really kind of scratch their head and ask why would they pick the anniversary of 9/11 (to protest their detention)," Gong said.

"It's their little contribution to their cause," Army Lt. Col. John Lonergan, commander of 1st Battalion, 18th Cavalry Regiment, said. Lonergan's unit provides security at the detention facility.

Edmonson, who has been at Guantanamo for two and a half years, said it's important to note that no detainees have died at Guantanamo Bay, while several of these men probably would have died if they weren't here. Task force doctors have treated cancer, battle wounds and other serious injuries and illnesses in a population that generally has limited access to medical care.

http://www.defenselink.mil/news/Dec2005/20051201_3504.html

(b)(6)

From: (b)(6) DoD OGC
Sent: Friday, December 09, 2005 1:55 PM
To: (b)(6)

Subject: GTMO Bird - al-Dossari's lawyer; Russian ex-detainee Kudayev; British ex-detainee Begg pleads for release of hostage; Abdullah Khadr interview on family involvement w/Al Qaeda; march on GTMO; ex-detainees return to violence; fed judges oppose Graham leg.

All:

Below is today's GTMO Bird. Have a good weekend.

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DoD Office of General Counsel (Legal Counsel)

(b)(2)

(fax)

Detainees 'are being ill-treated'

By KANWAL HAMEED

MANAMA

December 9, 2005

LAWYERS have countered US claims that detainees on hunger strike at Guantanamo Bay are receiving humane treatment.

Attorney Joshua Colangelo-Bryan, whose team is representing the three remaining Bahraini prisoners, described the claims as nothing but a "cheap" exercise in public relations. He said they are contradicted by credible reports from government personnel, professional associations and detainees themselves.

Mr Colangelo-Bryan was responding to an article published by the American Forces Press Service that appeared on the website of the US Defence Department.

The article quotes senior officials claiming that hunger strikers at Guantanamo Bay are tube fed "humanely" and "well within common standards of medical care".

Of the three Bahrainis still being held at Guantanamo Bay, two are thought to be on hunger strike.

The article reports that hunger strikers at the prison are fed through a tube inserted through their nose, but it is not done involuntarily.

It quotes Guantanamo Bay Naval Hospital commander Dr John Edmonson and deputy commander Brigadier General John Gong as saying the majority of detainees voluntarily participate in the feedings.

Dr Edmonson said there were "rare exceptions" when some do not co-operate and have to be restrained and force fed.

But he claimed some even insert their own feeding tubes, while others are given anaesthetic to remove any discomfort and lubricant is used.

However, Mr Colangelo-Bryan told the GDN that he thinks the statements lack credibility.

"The falsity of those statements is made perfectly clear by FBI agents at Guantanamo who have described in their own words torture and abuse," he said.

"Considering that, any official statement made by the military regarding the treatment of detainees seriously lacks credibility.

"With respect to medical care, a number of physician's associations in the United States have expressed concern about the medical care at Guantanamo and many of our clients have described instances in which they were given no care or utterly inappropriate care.

"Official talk is very cheap when it is contradicted by government personnel, professional associations and detainees.

"Lawyers for some Saudi detainees have submitted documents to court detailing medical treatment, which at the very least is grossly negligent with respect to those on hunger strike."

Mr Colangelo-Bryan criticised the US government for whitewashing the "reality" of life at the prison.

In the American Forces Press Service article, a hunger strike is described by the US military as "voluntary fasting".

"The military would call the suicide attempt by Juma Al Dossary, that I witnessed, 'manipulative self-injurious behaviour'," Mr Colangelo-Bryan said.

"That underscores the fact that the euphemisms used at Guantanamo Bay have nothing to do with reality, but everything to do with public relations."

More than 30 detainees are said to be on hunger strike, to protest their continued detention, the statement said.

Bahrainis Juma Al Dossary and Essa Al Murbati are both said to be among them.

Dr Edmonson said on November 18 that Mr Al Dossary had been on hunger strike for almost three weeks to protest his continued detention after the other three Bahrainis were released on November 5, in a document filed at the US District Court of Columbia.

According to Mr Colangelo-Bryan, Mr Al Dossary was not seen being tube-fed during the lawyers' last visit on November 12, although he appeared to be extremely dehydrated.

A nurse was unable to insert a needle into Mr Al Dossary's arm to provide him with fluids intravenously after six attempts because his skin was too rubbery, Mr Colangelo-Bryan said.

Essa Al Murbati, 40, is believed to be still in the hospital as the result of a hunger strike that he is said to have begun more than three months ago. Lawyers were unable to meet with him on their most recent visit to the prison.

Criticised

Meanwhile, Mr Colangelo-Bryan criticised official attempts to link the detainees' hunger strike with the terrorist attacks of September 11, 2001.

"The number of hunger-striking detainees peaked at 131 around the most recent anniversary of the September 11 attacks," said Brig Gen Gong in the article.

It also quotes US Army 18th Cavalry Regiment first battalion commander Lieutenant Colonel John Lonergan as saying: "It's their little contribution to their cause."

Lt Col Lonergan's unit provides security at Guantanamo Bay.

"Considering that not even the military argues that not all detainees are associated with Al Qaeda, or are terrorists of any sort, the attempt to link the hunger strike to the terrorist attacks (of September 11, 2001) seems particularly feeble," Mr Colangelo-Bryan said.

<http://www.gulf-daily-news.com/Story.asp?Article=129345&Sn=BNEW&IssueID=28264>

Russia: Nalchik suspect's lawyer says "no proof" in investigation

BBC Monitoring Trans Caucasus Unit

December 9, 2005 Friday

The lawyer defending Rasul Kudayev, the former Guantanamo prisoner and chief suspect in the attack on Nalchik on 13 October, is convinced of her client's innocence, saying there is no proof in the investigation. Speaking in an interview on a Russian web site, Aleksandra

Zernova said that because of their failure to find the real culprits, the authorities have put on a show trial and tried to pin the blame on Kudayev. International organizations, including Amnesty International, have now taken an interest in the case, as a result of which an appeal has been made to the Russian ambassador in London and the British foreign secretary. The following is the text of the report by Aleksandr Grigoryev entitled "International organizations have taken an interest in the fate of Rasul Kudayev who was arrested in Nalchik", published on the Kavkazskiy Uzel web site on 7 December; Subheadings have been inserted editorially:

"I was in a state of complete shock when I saw the photographs of Rasul Kudayev and other detainees from the Nalchik detention centre," a Kavkazskiy Uzel correspondent was told on the telephone from London by the lawyer Aleksandra Zernova, who is conducting the cases of the former Russian inmates of Guantanamo, including Kudayev. "I saw Rasul at the beginning of October and he was smiling and chatting quietly with me."

Suspect is a "sick man" - lawyer

"Rasul Kudayev has twice in his life been subjected to unfair imprisonment, although these were separate cases, both involving the use of torture and brutal treatment - at the American military base at Guantanamo and here, in Nalchik. On both occasions, the defence believes, this was completely unjustified. In any event, there have been no official charges in either case," Zernova says. "Meanwhile, he is a sick man and he still has an American bullet inside him."

According to Zernova, "because of Guantanamo Rasul has been branded a terrorist and he has even been given the nickname Taliban or Talib and whenever something happens they go to him first". "If they want to pin anything on anyone there is always the Number One terrorist in the whole of the Russian Federation - Kudayev. And when the events of 13 October occurred, we knew perfectly well how he would be threatened," Zernova recalls. "I used to chat with him about ten times a day, and I know that other representatives of the media were in constant touch with him at that time. So we are certain he was always at home and did not go anywhere. What is more, apart from the bullet, he has a number of other complications which he sustained by force. So he has been at home and has not got up from his bed. We just did not expect that they would so brazenly come and arrest him and be so certain of his guilt without any evidence."

"No proof" in investigation

In the lawyer's opinion, apart from the "evidence against Kudayev beaten out of other prisoners, the investigation has no proof". "There were people whom they released and they testify that they were told to lump it [the blame] on Kudayev, Kudayev is an international terrorist," Zernova says. "It is of great advantage now to the authorities and to the Kabarda-Balkarian Interior Ministry to make a show of a trial, that they have resolved the case and to pin it on innocent people. They have not found the militants themselves, so they have found 'international terrorism' in Nalchik."

According to Zernova, her task now is to draw the attention of as wide a circle of the public as possible to the fate of Kudayev and other prisoners.

"The first thing is to inform the public about what is really happening. The second - as far as I am aware, Kudayev's mother has filed an appeal to the European Court of Human Rights and attached three photographs to her appeal.

The third is that we are planning to write an open letter with a large number of signatories to the president of Kabarda-Balkaria demanding an independent investigation into what is happening in the prisons of Nalchik," Zernova says. "This is a violation of the international convention against torture which Russia has ratified. There are also other ways which I will not mention now as I do not want to reveal all my cards."

Amnesty International takes up case

Zernova said that two organizations have now taken an interest in Kudayev's case - Amnesty International, which has made an official request to the Russian authorities, and former prisoners of Guantanamo. Their web site is continually being supplied with information about Rasul Kudayev's fate. It was this organization which started to collect money for the operation to remove the bullet from Kudayev, but he was arrested. "These two organizations have asked people to write and to send requests to the Russian ambassador to Great Britain

and to the British foreign secretary on Kudayev's fate. An appeal has been submitted but so far we have received no official reply," the lawyer said with regret.

Asked by Kavkazskiy Uzel if she was not afraid that because of such close attention to Kudayev he would simply disappear from the Nalchik detention centre without trace, Zernova replied: "We would hope that, due to the huge attention of the media and public organizations all over the world that they will not dare to do this. But if they do, we shall strive to ensure that all those responsible for committing these crimes are punished according to international laws."

Dark Days in Prisons at Home and Abroad; Suspected militant from Caucasus suffered at Guantanamo and now back home, family says.

Los Angeles Times

December 9, 2005 Friday

BYLINE: Kim Murphy, Times Staff Writer

When Fatima Tekayeva heard that her son was about to be returned to Russia from the U.S. detention facility at Guantanamo Bay, Cuba, she felt an aching fear.

Don't do it, she begged anyone who would listen. It's bad there, yes. It's worse here. Please don't send my son home.

All the same, the scenario unfolded like a scripted nightmare. Rasul Kudayev was put on a plane back to Russia. Soon he was released. He came home to the Caucasus region nothing like the broad-shouldered wrestling champion who had gone off to study Islam with the Taliban in Afghanistan.

He could barely walk unaided. His eyes were yellow from hepatitis, his heart fluttered, his head throbbed, family members said. Kudayev would sit up in the kitchen all night, telling his brother how guards at Guantanamo forced him to take medicine that made him sick and left him alternately to freeze and suffocate by opening and closing the ventilation system in a cramped isolation cell. By morning, his stories spent, he would fall asleep.

It ended as Tekayeva feared it would.

On Oct. 23, a truckload of soldiers showed up outside the family's small house and seized Kudayev, accusing him of having participated in an attack by Islamic militants on police and government targets in Nalchik 10 days earlier. Tekayeva threw her body in front of her son's thin frame.

"Handcuffs, what handcuffs?" she wailed. "He's already had enough handcuffs for a lifetime!" But he disappeared into the feared Department 6 organized crime unit of the Kabardino-Balkaria police.

Kudayev, 27, is a veteran of an increasingly borderless campaign against terrorism, in which suspects may be ferried among prisons around the globe without facing trial. He survived a hellish uprising at an Afghan prison, followed by two years at Guantanamo, only to find himself in the hands of Russian police.

Several days after local police arrested Kudayev, his lawyer was brought in to witness his confession.

"He looked awful," attorney Irina Komissarova said. "He couldn't sit or stand straight because of the pain he experienced. He dragged one of his feet and couldn't step down on it. His face was covered with cuts and scabs."

Komissarova filed a complaint. Russian authorities responded last month by dismissing her from the case, saying that the complaint made her a witness. But Komissarova has continued to follow developments. Last week, after she alleged that Kudayev had been beaten again, this time so severely that his leg was broken, authorities opened a criminal investigation against her for allegedly revealing investigative secrets.

As a boy, Kudayev was not particularly religious, said his brother, Arsen Mokayev. When he was named wrestling champion of the republic of Kabardino-Balkaria in 1996, "my mother would say, 'I wish he were pious. But that's not his way.' "

That changed as the North Caucasus felt the effects of unemployment, ethnic resentment and corruption, as well as Islamic militancy and harsh police tactics spilling over from nearby Chechnya.

Kudayev left to study Islam in Saudi Arabia. From there, he made his way to Afghanistan. How, when and why he went there is unclear. Many young Muslims said later they had idealized the Islamic state established by the Taliban.

Mokayev said his brother was attempting to flee Afghanistan with men from Tajikistan, Uzbekistan and elsewhere in Central Asia when they were captured by the U.S.-backed Northern Alliance and imprisoned in the ancient Qala-i-Jangy fortress at Mazar-i-Sharif.

A three-day uprising at the prison in November 2001 was crushed by Northern Alliance fighters and U.S. airstrikes. Only about 60 of the more than 500 prisoners survived.

Kudayev and many other non-Afghans were handed over to U.S. forces for eventual transfer to Guantanamo. Many of his letters from the prison there had large sections blacked out by censors, Mokayev said. But he told Tekayeva that he was being fed well and allowed to perform religious rituals.

When U.S. authorities sent Kudayev and six others from Guantanamo back to Russia in March 2004, they said they still considered the men a threat and that Russia had pledged to detain and investigate them. Russia filed charges but released the men in late June of that year. Kudayev's mother said she barely recognized him when he arrived at her two-room house outside Nalchik. Several other former prisoners came with him and stayed until their families could pick them up.

"When I saw them at first, they were white, and you could look through them. You could blow on them and they would fall," she said.

Kudayev rarely left the house. He walked with difficulty. A bullet had been lodged in his thigh since Afghanistan that needed to be surgically removed, his family said. For unexplained reasons, the Americans never operated, and Kudayev could not get the surgery in Russia because authorities refused to return his passport, a prerequisite for free access to the healthcare system.

His liver was swollen from the hepatitis he and several other Russian prisoners said they contracted at Guantanamo. Heart and blood-pressure problems sometimes left him unable to rise off the couch. He had frequent headaches. All of it, his family said, dated to Guantanamo, although he had also been beaten by Russian security forces shortly after his return to his homeland.

Family members said Kudayev was haunted by his treatment at the U.S. naval base prison.

"There was constant psychological pressure on him," Mokayev said. "Imagine a man sitting in a cage for days on end, being constantly watched by another person who keeps writing down everything that the caged man does and ignoring him even when he speaks to him. Never turning off the lights. Just imagine that."

Mokayev said his brother told him of being forced to kneel with his hands cuffed to his ankles, being sprayed with a gel that caused a painful rash, then carried out, still shackled, and hosed down with a stream of water. Kudayev and several other prisoners said Guantanamo guards would turn up the air conditioning to the freezing point, then turn it off until breathing became difficult.

He was forced to take unidentified pills that gave him chest pains and made his muscles feel like stone.

"They beat them if they didn't want to take these pills, and they would administer them by force to them," Tekayeva said. "Afterward, he would just hunch into a fetal position."

The U.S. has denied forcing medication or any other abuse at Guantanamo but as a matter of policy does not comment on individual cases.

"All detainees in custody at Guantanamo, without exception, are treated humanely and are provided excellent medical care by dedicated medical professionals," said Lt. Col. Jeremy M. Martin, director of public affairs for the U.S. military in Guantanamo Bay.

At home, Mokayev would stay with his brother most days while Tekayeva worked at a clinic. At night, they reversed and Mokayev went out to work at odd jobs. They seldom left Kudayev alone. Police had been watching their house constantly since his return, and on several occasions had brought him in for brief questioning.

On Oct. 13, as many as 200 militants attacked police and government targets in Nalchik, and more than 135 militants, police and civilians died in a day of fierce fighting. Family members insist that Kudayev was home. They say they left him alone only for about 15 minutes, when Mokayev took their mother to work.

Prosecutors say Kudayev headed a group of eight people assigned to attack a police rest house and the residence of the president of the republic. The assault was halted in a battle with traffic police on the outskirts of Khasanya, the small suburb where Kudayev lives, in which one officer was killed, Russian Deputy Prosecutor General Nikolai Shepel told the Los Angeles Times in responses to written questions.

"Kudayev admits [in his confession] that he had a semiautomatic rifle and had been assigned to lead a group of armed people," Shepel said. "At the same time, the arrested members of Kudayev's group are giving testimony about his participation in the armed battle with police officials, and about his heading the group."

On Nov. 22, 12 days after his lawyer was dismissed, Kudayev was charged with terrorism, banditry, attempted murder of a police officer, homicide and illegal trade in weapons, ammunition and explosives.

Komissarova, the lawyer, said Kudayev was so weak when she saw him that he had to be dragged into the room by two police officers.

"He told me that since being delivered to this place, he'd constantly been beaten and tortured -- that was his word, 'tortured' -- and he said electric shock had been used," she said.

Another man arrested at the same time, a member of the town council and the pro-government United Russia party, said he could hear the sound of beatings as he entered the prison area. "All you could hear around you were thuds of blows, bangs and kicks behind cell walls, and screams and moans of the people who were being beaten up there," Ramazan Tembotov told The Times. "They were howling like injured animals."

One family was told that their son had committed suicide by throwing himself from a second-story window.

"I heard police officials talking about how ... they're trying to get information out of people, and how people are thrown out a window, taken back and thrown out again," said Larissa Dorogova, a lawyer for another suspect who also has been removed from her case. "And that way, they're forced to talk."

Russian media reports say 2,000 Nalchik-area residents have been detained for questioning since the Oct. 13 events. Few families acknowledge their sons went to war against the police. Most insist they were somewhere else at the time. Kudayev's family dismisses the idea that he went to Afghanistan to fight with the Taliban or be trained as a terrorist.

"If this were the case, do you think the Pentagon would have let him go?" Mokayev asked.

To Komissarova, Kudayev has the right to go to trial unmolested and represented by the lawyer of his choice, regardless of whether he was at home on the couch or in a gunfight.

"Neither I nor a single other lawyer will ever say that these are nice, wonderful guys. The only issue we're drawing attention to is the protection of their rights -- as detainees, as suspects, as defendants," she said.

"We hear so many law enforcement officials tell us, 'Oh, there you go, defending them,' " she said. "But the institution of defense has not been annulled in our country, has it?"

Ex-Guantanamo detainees plead for Iraq hostages' release

Agence France Presse -- English
December 8, 2005 Thursday 11:56 PM GMT

DATELINE: LONDON Dec 8

British former detainees at the American military base Guantanamo Bay appealed Thursday for the release of four Western peace campaigners held hostage and facing execution in Iraq. Moazzam Begg, a Briton detained for nearly three years at the Guantanamo base in Cuba, said images of the hostages in orange jumpsuits reminded him of their time in detention.

The plea came after Britain issued a renewed appeal for the kidnapers to make contact. Begg said in a statement on BBC television: "We came home to find that there were people who opposed their government in their brutal war waged against Afghanistan and Iraq and stood on the side of justice. And they were not Muslims."

Begg was one of the last four Britons to be repatriated from Guantanamo in January.

"It is our sincerest belief that Norman Kember, the 74-year-old Briton, and those with him are amongst those people, the many people, who opposed this war from the beginning and were only in Iraq to promote human rights for the oppressed."

"Just like Sheikh Abu Qatada, we also hope that our words may encourage you to show mercy to these men and let them free," Begg said.

In an exceptional gesture, the British Foreign Office authorised Qatada, an Islamist with reputed Al-Qaeda connections who is detained in Britain on security grounds, to record Wednesday an appeal for the hostages' release.

The kidnapers of Kember, Canadians James Loney, 41, and Harmeet Singh Sooden, 32, and US national Tom Fox, 54, extended by 48 hours to Saturday their deadline to kill them.

The four members of the Christian Peacemaker Teams (CPT) organisation were abducted in Baghdad on November 26 by a group calling itself the Brigades of the Swords of Right.

It has threatened to kill them unless all detainees in US and Iraqi prisons are freed.

Begg told the BBC: "When I saw them in orange suits it brought back some terrible memories.

"I felt that perhaps we might have some effect by making an appeal for the release of those people held in Iraq.

"I think... that they feel they are getting some sort of retribution against the West by dressing people in orange and executing them."

Britain's Foreign Secretary Jack Straw earlier appealed to the abductors to make contact.

"As I have said before, if the kidnapers want to get in touch with us, we want to hear what they have to say. We have people in Iraq and the region and they are ready to hear from the kidnapers," Straw said.

Straw's appeal did not include an explicit offer to open negotiations.

"Norman Kember and his colleagues are campaigners for peace, dedicated to help others. We ask for their release," he said.

An extremist Sunni group, the Islamic Army in Iraq, claimed on the Internet earlier Thursday that it had executed an American hostage, contractor Ronald Schulz.

In its statement, the group claimed that Schulz -- "the American pig, the advisor to the ministry of housing" -- had been "killed" after the expiration of a 48-hour deadline set Tuesday.

The authenticity of its claim could not be independently verified, but the group ominously pledged: "We will show the images (of his execution) shortly."

A French engineer, Bernard Planche, 52, has apparently also been abducted in a separate attack, taken at gunpoint in Baghdad on Monday.

Around 40 foreigners remain missing or reported kidnapped in Iraq since a spate of kidnappings began in April 2004, a year after a US and British invasion toppled Saddam Hussein's dictatorship.

The revised date for the threatened execution of the four CPT activists was reported Thursday by the Arabic satellite news channel Al-Jazeera, which also broadcast images of two presumed hostages whose faces were not revealed.

'I was more interested in cars'

The Toronto Star

December 9, 2005 Friday

BYLINE: michelle shephard

For the past 14 months, Abdullah Khadr says he has done nothing but talk.

In Pakistan, the spies, cops and consular officials were asking the questions and recording his answers. Since his return to Toronto last Friday, it's been the lawyers.

Yesterday, Khadr came to his Toronto lawyer's office in borrowed clothes and with his mother at his side, to talk to reporters.

In the course of the interview, he revealed details about the torture he says he endured in Pakistan, the visits he had while incarcerated from several Canadian security officials and how they tried to pump him for information on others, including Maher Arar.

His story may not be simple but his message is: He's not a terrorist and it's the Canadian government that should be answering questions about his detention and alleged torture, not him.

"I just want everybody to know I have nothing to do with anything," the 24-year-old said. He denies his family is or was ever involved with Al Qaeda. He admits he attended the notorious Khaldan training camp in Afghanistan, but it was when he was 13, and it didn't have ties to terrorism.

He dismisses the claim of Western intelligence agencies that he later led the camp in the Khost Mountains along the Afghanistan-Pakistan border, and instructed terrorist recruits. "Instructed? Instruction is you have to be very, very, very, very, very inside this stuff and we didn't have that reputation in Afghanistan," he said. "I wasn't interested in that stuff. I was more interested in cars."

Abdullah Khadr's interview yesterday follows a Toronto Star story this week that revealed Khadr had been detained in Pakistan since October 2004, and returned to Toronto a free man. His whereabouts until then had been unknown. It's still unclear why he was released last week and none of the federal agencies involved in the case will comment. An official with Pakistan's Ministry of Interior said he would look into the case.

Khadr said he has no plans to launch any lawsuits and hopes to slip quietly into a typical Canadian life.

"I have no problem with anybody, why should anybody have a problem with me?" he asked.

He said he had been held since Oct. 12, 2004, when Pakistani intelligence officers picked him up in an unmarked car in Islamabad as he walked with Yousef, a friend of his father. Khadr believes Yousef was the target, and his identity was discovered only later.

Khadr alleges that during the first 48 hours of his detention he was tortured. "I was hooded. They wouldn't let us sit or sleep. Stripped, beaten. You can say sexually harassed."

He said he was threatened with sexual assault with a stick, and was beaten in the head hard enough to make his ears bleed for two weeks.

During his 14-month detention, Khadr was visited at various times by two CSIS officers from Canada, who told him their names were Mike and Bob, and another CSIS officer stationed in Pakistan. RCMP Sergeant Konrad Shourie also questioned him in Islamabad earlier this year. It's clear from court documents that the RCMP is investigating Khadr and his sister Zaynab, under terrorism legislation introduced in 2001.

If Khadr is eventually charged, his lawyer said he would argue that any information provided during these sessions would be inadmissible. "He was never brought before a court, he was never told why he was there, he was never given a lawyer ... The whole thing is such an egregious violation of human rights that it just can't be relied on in this country, we don't think," Nate Whitting said yesterday.

This issue has yet to be tested by Canadian law, but Britain's highest court ruled yesterday that information obtained under torture is inadmissible in court.

Khadr says he was questioned about various Canadians, including Maher Arar, the 35-year-old Ottawa engineer who was detained by the U.S. and then sent to Syria, where he was tortured and held for a year without charges. A federal inquiry is probing the role Canadian officials played in the case of Arar, who left Damascus in October 2003 and returned to Canada.

"To suggest Canadian authorities are still continuing to try to find evidence on Maher Arar by questioning people abroad is deeply disturbing," Arar's lawyer Lorne Waldman said yesterday. "It seems to me that interrogating (Khadr) in circumstances where he doesn't have the right to counsel or anyone else, means the Canadian government haven't learned any lessons from the Arar experience."

Abdullah Khadr is the eldest son of Egyptian-born Canadian Ahmed Said Khadr, an accused Al Qaeda financier who was killed in a battle with Pakistani forces in 2003.

Abdurahman Khadr, the second eldest son and self-proclaimed black sheep of the family, admitted in a CBC Television documentary that he was raised in an "Al Qaeda family," growing

up with Osama bin Laden. He also admitted telling the Americans his brother Abdullah was a leader of the Khaldan camp, a reputed training ground in the late 1990s for Al Qaeda's most notorious members. But Abdurahman Khadr later recanted the claim, saying he only wanted to impress the Americans.

There are two other brothers in the Khadr family. Omar Khadr, 19, is Canada's only detainee at the U.S. camp in Guantanamo Bay, Cuba, and will appear before a military commission next month on charges of murder and attempted murder for allegedly throwing a grenade that killed a U.S. army medic. The youngest son is Karim, now 16. He also lives in Toronto but is paralyzed after being shot in the battle that killed his father.

The plight of Khadr family members typically evokes little sympathy in Canada but their claims raise important questions about how the Canadian government handles security post-9/11 and the scope of our relationship with the U.S.

Lawyers for Omar Khadr have long complained that while countries such as the U.K. and Australia have publicly fought for the rights of their citizens at Guantanamo, the Canadian government has done little. It took a federal court injunction to prohibit Canadian intelligence officials from interrogating Omar while in U.S. custody.

Another court challenge, this one launched by civil rights lawyer Clay Ruby and involving Abdurahman, argues that the federal government unconstitutionally denied the 22-year-old Khadr his passport. Although the legislation dealing with passports has since been amended, at the time Khadr applied, security was not listed as grounds to refuse a passport. A federal court justice has reserved his decision.

American activists reach halfway point on march to U.S. base at Guantanamo

BYLINE: By ANITA SNOW, Associated Press Writer Associated Press Worldstream December 9, 2005

American activists reached the halfway point in a march toward the U.S. naval base at Guantanamo Bay to protest treatment of terror suspects, but it appeared unlikely the communist government would let them enter a Cuban military zone to reach the U.S. outpost. Marchers from the largely Christian group, Witness Against Torture, said by cellular telephone on Thursday that they had completed about half of the 80-kilometer (50-mile) trek from the eastern city of Santiago by Thursday evening.

The 25 marchers hope to arrive at or at least near the naval base by Saturday, which is International Human Rights Day. The march was organized by the Catholic Worker movement, an anti-war and social justice alliance.

"We don't know how far we can get, so every step forward is an amazing thing," said Shelia Stumph, a 28-year-old marcher from Raleigh, North Carolina. She said marchers were engaged in "a constant dialogue" with both Cuban and U.S. officials.

Marchers initially hoped to reach the gate of the U.S. base and demand to meet with terror suspects on hunger strike. If denied entry, they have said they will fast and pray for the abolition of torture by all nations.

The U.S. government says the roughly 500 foreign terror suspects at Guantanamo Bay are enemy combatants, not prisoners of war, and are not entitled to the same rights afforded under the Geneva Convention. Critics say that leaves the door open to the use of torture.

Cuban officials, speaking on condition of anonymity, said it was unlikely that the island's Revolutionary Armed Forces would allow marchers to traverse the kilometers-wide military zone wrapping around the American base since shortly after the 1959 triumph of the Cuban revolution.

Cuba's elite Frontier Brigade considers its military zone facing the American base to be among the communist-run island's most highly secure areas and its front line of defense against the United States, which it accuses of trying to undermine its government for more than four decades.

The Cuban zone is still peppered with mines dating back to the Cold War and camouflaged soldiers toting automatic weapons patrol the perimeter. Permission to enter the area is rarely granted to civilians especially foreigners and even then only after months of deliberations.

Even if they cannot reach the U.S. gate, the marchers consider their protest symbolically important.

Most of the marchers flew Monday evening from the Dominican Republic to Santiago, southwest of Guantanamo. Among them was Frida Berrigan, daughter of the late Phil Berrigan, a former Roman Catholic priest whose fight against the Vietnam War and nuclear weapons helped ignite a generation of anti-war dissent.

Ex-Guantanamo detainees return to violence By DEROY MURDOCK Scripps Howard News Service 08-DEC-05

Now that President Bush finally has returned the unrelenting fire of his critics on Iraq, he should use hard-hitting speeches and White House white papers to address liberal bellyaching about Guantanamo.

Beyond reminding his opponents that the Gitmo boys are there for brutality they committed before they arrived, the president should explain to friends and foes at home and abroad that detainees released from Guantanamo do not always go quietly into the night.

The Pentagon knows of roughly a dozen former Gitmo detainees who did not return to the peaceful Koranic reflection from which their leftist defenders seem to believe they were sidelined. At least for some ex-Guantanamites, U.S. military custody was a mere vacation from their violence.

In late 2001, U.S. troops in Afghanistan caught Rasul Kудayev, an associate of the al Qaeda-tied Islamic Movement of Uzbekistan, and sent him to Guantanamo. On Feb. 28, 2004, Kудayev and six other Russian detainees were handed to the Kremlin, which freed them that June. Kудayev made headlines last month when Russian Deputy Prosecutor General Nikolai Shepel accused him of supporting an attack in Nalchik, capitol of the North Caucasus' Kabardino-Balkariya region.

"First of all, there is his own confession and the testimony of five witnesses, who said he led the military group that assaulted the Interior Ministry's health facility and the presidential cottage," Shepel told Novosti news.

Kудayev claims innocence in the Oct. 13 attack, which killed at least 91 Islamic terrorists along with 35 law-enforcement officers and 12 innocent civilians.

Abdullah Mehsud returned to Pakistan in March 2004 after about two years at Guantanamo. Officials believe he leads an al Qaeda-linked group that kidnapped two Chinese engineers in October 2004. Terrorists strapped explosives to the chests of these hostages who were building a dam in disorderly South Waziristan. Pakistani commandoes freed Wang Ende, although Wang Peng died in the crossfire, along with all five abductors.

Maulvi Abdul Ghaffar was a top Taliban commander who was caught after Afghanistan's liberation. According to Interior Minister Ali Jalali, Ghaffar spent about eight months at Guantanamo before his release and repatriation to Afghanistan in the summer of 2002. After learning that he planned to attack police, Afghan forces killed Ghaffar and two of his terrorist colleagues in Uruzgan province on Sept. 25, 2004. According to its governor, Jan Mohammad Khan, Ghaffar also attacked U.S. Special Forces troops and a Helmand district chief, killing three Afghan soldiers.

"The process of assessing detainees is difficult and involves a certain degree of risk," says Pentagon spokesman Commander Flex Plexico. "Many detainees later identified as having returned to their terrorist activities falsely claimed to be farmers, truck drivers, cooks, small-scale merchants, or low-level combatants."

The Pentagon says that after leaving Guantanamo, former enemy combatants killed an Afghan judge as he departed a mosque. Others have shot at U.S. soldiers in Afghanistan, while even more have been killed in action there.

Some former Gitmoites have not fired their weapons again, but sound eager to do so.

"If I get a chance to fight jihad again, I will definitely go," Khalil-ur Rahman told the Associated Press. "I will not miss it." Rahman was sent from Guantanamo to Pakistan in fall 2004 and completely freed last June.

On the Danish government's request, Slimane Hadj Abderrahmane was released from Guantanamo in February 2004, two years after arriving from a Pakistani terror camp. Since then, this not-so-great Dane has dismissed as "toilet paper" the no-more-terrorism contract he signed with Gitmo officials before departure.

As Henrik Bering reported in the Oct. 18, 2004, Weekly Standard, Abderrahmane said: "I identify myself as a Muslim, and I will shoot anybody who fights against the cause of Allah on the battlefield."

To be fair, 180 detainees have been released from Guantanamo, and 76 more have been transferred to foreign countries. Most seem to have avoided trouble. Whether they have foresworn terrorism or simply evaded scrutiny is anybody's guess. But Bushophobes should understand that America remains at war, and the boys of Guantanamo fought in this conflict. Releasing them before victory makes as much sense as freeing captured Nazis in 1944. Nobody knows how much destruction one, five, 12, or more terrorists can commit once unsupervised. http://www.shns.com/shns/g_index2.cfm?action=detail&pk=MURDOCK-12-08-05

Retired Federal Judges Urge Congress Not to Pass 'Court-Stripping' Measure that Would Deny Rights in War on Terror

U.S. Newswire
December 8, 2005

A group of retired federal judges urged lawmakers not to strip federal courts of the power to hear habeas corpus pleas from prisoners detained at the Guantanamo Naval Base. In a letter sent to Congress yesterday, they warned that this proposal would undermine the rule of law and constitutional tradition. The Brennan Center for Justice at NYU School of Law helped coordinate the judges' efforts.

Passed with little debate and after no hearings in November, the provision, known as the Graham-Levin-Kyl Amendment, jeopardizes ongoing court review over individuals imprisoned for years without charges and over pending war crimes trials. As the judges note, the congressional action was especially troubling given that the Supreme Court had already accepted for review a case challenging those trials. The measure also threatens to overturn an existing Supreme Court decision from last year that decisively rejected the government's attempt to make Guantanamo a prison beyond the law. If there are frivolous pleas by the detainees, judges are well equipped to throw them out, the jurists note.

The judges write, "In cases of executive detention, district court review of habeas petition is central to fulfilling the Great Writ's historic purpose: to ensure that individuals are not unlawfully detained. Eliminating that critical district court function would jeopardize the Judiciary's ability to ensure that detention decisions by the federal executive are not grounded on torture or cruel, inhuman or degrading treatment."

The letter was signed by retired Judges John J. Gibbons, Shirley M. Hufstedler, Nathaniel R. Jones, Timothy K. Lewis, John S. Martin, Jr., Abner J. Mikva, William A. Norris, Layn R. Phillips, George C. Pratt, H. Lee Sarokin, Abraham D. Sofaer, and Patricia M. Wald.

(b)(6)

From: (b)(6) DoD OGC
Sent: Monday, December 19, 2005 2:23 PM
To: (b)(6)

Subject: GTMO Bird - German Min. says "Close GTMO"; Graham/Levin legislation; al-Dossari; al-Rawi and el-Banna; Pakistani detainees; Muhammad Saad Iqbal; Abdullah Khadr charged by US; Commissions for Binyam Muhammad and al Sharbi; Hicks

All:

Below is today's GTMO Bird.

(b)(6)

(b)(6)

DOD Office of General Counsel (Legal Counsel)

(b)(2)

(fax)

German Interior Minister: Close Guantanamo

UPI

December 19, 2005 Monday 9:22 AM EST

DATELINE: BERLIN, Dec. 19

Germany's Interior Minister, Wolfgang Schaeuble, has said Washington should close its detention center at Guantanamo Bay, Cuba.

"It would be better if that facility were relocated within the U.S. judicial system," Schaeuble said in an interview with Sunday's Frankfurter Allgemeine Zeitung.

"I told my U.S. partners time and again: What hurts the reputation of the United States most is that they detain terrorism suspects in camps outside the U.S. judicial system."

Schaeuble added he remained confident the U.S. democracy was "strong enough to rethink" such a practice and "correct its position."

The German opposition meanwhile has said Schaeuble should act according to his statements and press Washington to inform Berlin of each "enemy combatant" the CIA has transported or will transport via Germany to the prison in Cuba.

Schaeuble himself has come under fire recently for wanting to use information obtained by German intelligence while interrogating Murat Kurnaz, a Turkish inmate in Guantanamo. The inmate had lived most of his life in the northern German city of Bremen.

Big changes loom for captives' rights

House and Senate negotiators agreed on a new legal system for Guantanamo that will block courts from hearing complaints from detainees, including those of torture.

By FRANK DAVIES
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WASHINGTON - Congress this weekend is expected to overhaul the legal system at Guantánamo Bay, Cuba, eliminating almost all access by detainees to federal courts and, according to its Senate sponsor, wiping out petitions filed by about 300 of the 500-plus captives in the prison camp.

Sen. Lindsey Graham, R-S.C., prime author of the new system, emphasized Friday that it will give each detainee one chance to contest his status with the U.S. Court of Appeals in Washington, and for the first time get Congress involved in the oversight of Guantánamo.

"They will still have rights, but I don't think anybody intended in wartime that people who are trying to kill us have the right to sue us," Graham said.

But human rights groups and lawyers for detainees criticized the changes, which are part of a defense policy bill. House and Senate negotiators agreed on all provisions of the bill Friday, including Sen. John McCain's ban on "cruel, inhuman and degrading" treatment of detainees, clearing the way for a final vote.

CONFUSION

Key elements of the new system are causing confusion or are in dispute, including whether dozens of habeas corpus petitions filed so far will be wiped away. That would include a challenge to a military trial at Guantánamo now before the Supreme Court.

Graham said he believes all lawsuits filed so far -- some almost 4 years old -- "will be dismissed" when the new law goes into effect and is replaced by the one-shot appellate review.

But Sen. Carl Levin, D-Mich., a sponsor of Graham's amendment, had the opposite interpretation.

"The revised amendment that we were able to work out with Sen. Graham does not apply to or alter any habeas case pending in the courts at the time of enactment," Levin said in a statement late Friday.

Tom Wilner, an attorney who represents six Kuwaitis held in Guantánamo, said he is prepared to argue to the judges handling his cases that the new law would not be retroactive.

Rights groups have focused their criticism on two provisions quietly added to the defense bill in the last few days.

Instead of barring the use of information "obtained by undue coercion," the military tribunals that review each detainee's case are directed to assess whether such information has "value."

"That would just undermine the McCain amendment," said Tom Malinowski, Washington advocacy director of Human Rights Watch. "For the first time, Congress would be telling the courts it's OK to use information gained through torture."

DIFFERENT VIEW

Graham's interpretation was very different. He said the new language means the appellate court will look closely at the tribunal hearings and whether they improperly relied on information from torture.

"The court will be looking over the shoulder of the tribunals and their standard of evidence," Graham said.

The other new provision bars not just habeas corpus petitions from detainees but any legal action, such as a lawsuit alleging torture, by a detainee who the courts agree was properly held as an enemy combatant.

"If they're held properly, they can't sue," said Graham. He added that could accelerate the release of some Guantánamo detainees "who may not belong there," but whose release has been held up because of fears they would sue U.S. personnel.

Graham said that provision is designed to bar lawsuits over treatment at Guantánamo, where several detainees have alleged abuse, but not elsewhere. A detainee who claims he was mistreated in Afghanistan, Iraq or a country like Egypt, if he was shipped there by U.S. authorities, would still have grounds to sue, Graham said.

Wilner said the impact of the new law "would be to make Guantánamo a no-law zone" and insulate U.S. authorities from any legal challenge over mistreatment of prisoners. He predicted judges will be skeptical of its "extreme efforts" to strip the courts of jurisdiction.

REPORTS REQUIRED

The new law also requires the Defense Department to give Congress periodic reports on detention procedures and makes the top civilian official overseeing detention issues -- currently Deputy Defense Secretary Gordon England -- accountable to the Senate. The law marks the first time that Congress is getting directly involved in the four-year battle over the legal system at Guantánamo. The open-ended detention of more than 500 prisoners has caused an international uproar and led to a Supreme Court ruling last year that the detainees had access to federal courts.
<http://www.miami.com/mld/miamiherald/13429379.htm>

Lawmakers Back Use of Evidence Coerced From Detainees

The New York Times
December 17, 2005 Saturday
BYLINE: By ERIC SCHMITT and TIM GOLDEN

House and Senate negotiators agreed Friday to a measure that would enable the government to keep prisoners at Guantanamo Bay indefinitely on the basis of evidence obtained by coercive interrogations.

The provision, which has been a subject of extensive bargaining with the Bush administration, could allow evidence that would not be permitted in civilian courts to be admissible in deciding whether to hold detainees at the American military prison in Guantanamo Bay, Cuba. In recent days, the Congressional negotiators quietly eliminated an explicit ban on the use of such material in an earlier version of the legislation. The measure is contained in the same military policy bill that includes Senator John McCain's provision to ban the cruel, inhuman and degrading treatment of detainees in American custody worldwide. Mr. Bush reluctantly embraced Mr. McCain's ban on Thursday. The full House is expected to approve the compromise bill soon, with the Senate to follow in the next few days, Congressional officials said.

The juxtaposition of the seemingly contradictory measures immediately led lawyers for Guantanamo prisoners to assert that Congressional Republicans were helping to preserve the utility of coercive interrogations that senior White House officials have argued are vital to the fight against war against terror.

While the measure would allow the Guantanamo prisoners to challenge in federal court their status as enemy combatants and to appeal automatically any convictions and sentences handed down by military tribunals in excess of 10 years, it would still prevent the detainees from asking civilian courts to intervene with the administration over harsh treatment or prison conditions.

Thomas B. Wilner, a lawyer who represents a group of Kuwaiti detainees at Guantanamo Bay, said in an interview that the new language would render the McCain restrictions unenforceable at the Cuban prison. "If McCain is one small step forward, enactment of this language would be two giant steps backwards," Mr. Wilner said.

Two of the main Senate sponsors of the measure, Lindsey Graham, Republican of South Carolina, and Carl Levin, Democrat of Michigan, defended the changes made to the language that the Senate passed last month, 84 to 14.

Mr. Graham acknowledged the measure's intention to make it possible to use information obtained by coercive interrogation techniques in military panels that evaluate whether detainees at Guantanamo are being rightfully held as "enemy combatants." He argued that the techniques were not abusive.

He also said that under his measure, the panels would weigh the value of the intelligence gained from an interrogation against a judgment on whether the statement was coerced. He said in a telephone interview with reporters that the amendment would promote "a balanced approach." A similar rule now applies in the military commissions that have been established to prosecute terror suspects at Guantanamo.

Human rights advocates criticized Mr. Levin, the chief Senate Democratic negotiator, for agreeing to restrict further the legal rights of Guantanamo detainees. Mr. Levin suggested that he had settled for the less damaging of two bad outcomes, saying he had deflected more

onerous provisions that House Republicans wanted, including a demand that interrogators who abused prisoners be granted immunity from prosecution. Mr. Levin added in a telephone interview, "I don't think courts will allow coerced evidence in any proceeding."

The Bush administration has repeatedly considered -- and rejected -- explicitly prohibiting the use of evidence obtained by torture in the military commissions. Most recently, the issue was a major part of a lengthy internal debate over new rules for the tribunals that were promulgated on Aug. 31 in response to longstanding criticism in the United States and overseas that the tribunals are unfair.

Several officials familiar with the internal discussions said State Department officials and some senior Defense Department aides had strongly advocated an explicit ban on the use of evidence obtained by torture in a series of interagency discussions that began last December.

At one point in that process, the Pentagon official in charge of the tribunals, Maj. Gen. John D. Altenburg Jr., who is now retired, proposed barring any "confession or admission that was procured from the accused by torture," according to parts of a draft document read to a reporter. The rule defined torture as any act "specifically intended to inflict severe physical or mental pain and suffering."

The ban was also championed by the counselor of the State Department, Philip D. Zelikow, two officials said. The deputy defense secretary, Gordon R. England, also supported the ban in meetings on the revised commission rules, as did some senior military officers, said a spokesman for Mr. England, Capt. Kevin Wensing.

But such a prohibition was opposed by other officials involved in the debate, including David S. Addington, who was then Vice President Dick Cheney's counsel and is now his chief of staff. A spokesman for the vice president said Mr. Addington would have no comment on his reported role in the policy debates.

Since the drafting of the presidential order that established the commissions on Nov. 13, 2001, White House officials have sought to give the commissions wide latitude to consider evidence that would be inadmissible in civilian courts.

Mr. Addington, who was a primary architect of the presidential order, argued in the debates earlier this year that by explicitly prohibiting evidence obtained by torture, the administration would raise an unnecessary red flag, suggesting at least implicitly that prisoners in American custody were, in fact, being tortured, officials said.

Justice Department officials involved in the debates contended that such a prohibition was not necessary because the matter was already covered by the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, a treaty adopted by the United Nations more than two decades ago and ratified by the United States in 1994.

Gitmo Detainee Attempts Suicide Again
12.17.2005, 04:59 PM

A detainee at the U.S. prison for terror suspects at Guantanamo Bay pulled stitches out of his arm this week in what was at least his tenth suicide attempt, the Justice Department said.

Juma'a Mohammed al-Dossary, a 32-year-old prisoner from Bahrain, was hospitalized Monday after pulling out his stitches for at least the second time, the Justice Department said in a letter released by al-Dossary's attorney Saturday.

Al-Dossary also cut his bicep, the letter said, without specifying how.

"The Guantanamo staff immediately intervened," Justice Department lawyer Edward H. White wrote. "He has been treated and is currently in stable condition."

Al-Dossary's attorney, Joshua Colangelo-Bryan, has asked for a court order easing conditions for his client, who has been held at Guantanamo since February 2002.

Al-Dossary said in a meeting with Colangelo-Bryan before Monday's suicide attempt that, "he wanted to kill himself so that he could send a message to the world that conditions at