


GTMO BIRD HVD's ALLOWED LAWYERS GITMO DETAINEE RELEASED

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Subject: GTMO BIRD: HVD'S ALLOWED LAWYERS; GITMO DETAINEE RELEASED; CCR FILES VISIT REQUEST FOR KHAN; LAWYERS DENIED ACCESS TO DETAINEES; O'CONNOR COMMENTS ON TERROR TRIALS; DETAINEE ART; LCDR SWIFT & HAMDAN; YEE SPEECH

>All

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>Today's GTMO bird.

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U.S. to Allow Key Detainees to Request Lawyers
14 Terrorism Suspects Given Legal Forms at Guantanamo By Josh White and Joby Warrick
Washington Post Staff Writers Friday, September 28, 2007; A01 Fourteen "high-value" terrorism suspects who were transferred to Guantanamo Bay, Cuba
<<http://www.washingtonpost.com/ac2/related/topic/Guantanamo+Bay?tid=informline>> ,
from secret CIA
<<http://www.washingtonpost.com/ac2/related/topic/Central+Intelligence+Agency?tid=inf>

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ormline> prisons last year have been formally offered the right to request lawyers, a move that could allow them to join other detainees in challenging their status as enemy combatants in a U.S. appellate court.

The move, confirmed by Defense Department

<<http://www.washingtonpost.com/ac2/related/topic/U.S.+Department+of+Defense?tid=informline>> officials, will allow the suspects their first contact with anyone other than their captors and representatives of the International Committee of the Red Cross

<<http://www.washingtonpost.com/ac2/related/topic/International+Federation+of+Red+Cross+and+Red+Crescent+Societies?tid=informline>> since they were taken into custody.

The prisoners, who include Khalid Sheikh Mohammed

<<http://www.washingtonpost.com/ac2/related/topic/Khalid+Shaikh+Mohammed?tid=informline>>, the alleged mastermind of the Sept. 11, 2001, attacks, have not had access to lawyers during their year at Guantanamo Bay or while they were held, for varying lengths of time, at the secret CIA sites abroad. They were entitled to military "personal representatives" to assist them during the administrative process that determined whether they are enemy combatants.

U.S. officials have argued in court papers against granting lawyers access to the high-value detainees without special security rules, fearing that attorney-client conversations could reveal classified elements of the CIA's secret detention program and its controversial interrogation tactics.

Defense officials gave the detainees "Legal Representation Request" forms during the last week of August and the first week of September, and sources familiar with the process said at least four detainees have requested attorneys.

The form, referring to the Combatant Status Review Tribunal, allows the detainees to say whether they "wish to have a civilian lawyer represent me and assist me with filing a petition to challenge the CSRT determination that I am an Enemy Combatant."

The Detainee Treatment Act, enacted in late 2005, gives Guantanamo Bay captives the right to challenge their enemy-combatant designations in the U.S. Court of Appeals

<<http://www.washingtonpost.com/ac2/related/topic/U.S.+Court+of+Appeals?tid=informline>> for the District of Columbia Circuit.

The form distributed to the high-value suspects also allows them to request that the American Bar Association

<<http://www.washingtonpost.com/ac2/related/topic/American+Bar+Association?tid=informline>> "find a lawyer who will represent my best interests, without charge."

William H. Neukom, the association's president, criticized the use of the organization's name on the form, telling government lawyers yesterday that his organization does not want to "lend support and credibility to such an inadequate review scheme."

A Pentagon spokesman said this week that the detainees, like all others at Guantanamo, are provided information on how to request counsel.

"These counsel will be permitted to visit the detainee and engage in confidential written communications with the detainee once the counsel has obtained the necessary security clearance" and agrees to certain special court rules, said Navy Cmdr. J.D. Gordon. One Pentagon official warned that those lawyers will have to undergo especially thorough background checks before they are allowed to see the high-value captives.

Defense and intelligence officials said the decision to allow legal representation does not represent a shift in policy.

"It was the intent and the plan all along that they would have a right to counsel," said a senior intelligence official, who insisted on anonymity because many details of the detention program remain classified. The official said the concerns about protecting sensitive government information apply equally to the 14 men and the approximately 325 other detainees at Guantanamo Bay.

"The goal here is to have the trials open and public to the greatest extent consistent with protecting classified information," the official said.

But lawyers and advocacy groups pressing for legal rights for the detainees contend that there has been a change in tone since last fall, when Justice Department

<<http://www.washingtonpost.com/ac2/related/topic/U.S.+Department+of+Justice?tid=informline>> lawyers argued that the detainees might reveal details about their captivity that may "reasonably be expected to cause extremely grave damage" to national security, according to an Oct. 26 court filing.

One of the 14 special detainees, Majid Khan, 27, who went to high school in the

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Baltimore <<http://www.washingtonpost.com/ac2/related/topic/Baltimore?tid=informline>> area, filled out his form on Sept. 5. He signed the document and added a short handwritten note at the bottom of the page. That note and the fact that the U.S. military

<<http://www.washingtonpost.com/ac2/related/topic/U.S.+Armed+Forces?tid=informline>> had him sign the document have riled defense lawyers who have been attempting to represent Khan for more than a year at the request of his family but who have been denied access to him.

In the note, Khan said that he believes he already has an attorney at the Center for Constitutional Rights but that he has never received any official correspondence from that lawyer. The lawyer, Gitanjali Gutierrez, said yesterday that she has written Khan letters over the past year that clearly did not reach him.

"Please send me a lawyer or representative who can brief me with my options," Khan wrote, according to a copy of the form provided to The Washington Post <<http://www.washingtonpost.com/ac2/related/topic/The+Washington+Post+Company?tid=informline>> by the Center for Constitutional Rights. "Also please, if you can send me basic introduction criminal law books with all law terms, etc. Also I would like to know what has media said about me and full copy of tribunal CSRT about me, which was available on the Internet. (Thanks in advance)."

The government alleges that Khan took orders from Mohammed, and was asked to research how to poison U.S. reservoirs and how to blow up U.S. gas stations. Gutierrez said she thinks the effort to connect detainees with lawyers is the Defense Department "trying to put some gloss on the idea that this review process is legitimate and the high-value detainees are being given access to the courts."

"Now it's their opportunity to turn it from a gloss to a reality," Gutierrez said. "But we'll see if they come through."

Staff researcher Julie Tate contributed to this report.

<http://www.washingtonpost.com/wp-dyn/content/article/2007/09/27/AR2007092702458.html?hpid=topnews>

Gitmo prisoner released
2 Denver lawyers work to free man held for six years

By Sue Lindsay, Rocky Mountain News
September 28, 2007

Two Denver lawyers have won the release of a man held prisoner at Guantanamo Bay for six years.

"We are overjoyed for our client," attorney John Holland said. "We're relieved for the resolution of this particular injustice, but the problem continues for many other prisoners who are likewise held unjustly and denied all fundamental rights known to the western world.

"There are many thousands of people who remain completely voiceless in secret prisons. We don't even know their names."

Holland and his daughter, Anna Cayton-Holland, represent the man, who is from the African country of Mauritania, and three other Guantanamo prisoners. Hundreds of other prisoners are represented by teams of volunteer lawyers from throughout the U.S.

Mohamed Al Amin was 17 when he was arrested in Pakistan in 2002. He had been held since then at Guantanamo, without being charged.

Al Amin was returned to Mauritania on Wednesday and was jailed, awaiting release there, Holland said.

U.S. authorities determined that he was "eligible for release" earlier this year, Holland said, "but he is just now getting out."

"Approximately 90 other people have been determined eligible for release but many still have not been released," he said.

Cayton-Holland said that Al Amin was studying the Quran in Pakistan when he was "sold into custody" by bounty hunters.

"Being a foreign citizen living in Pakistan made him an easy mark," she said. "There has never been any evidence put forward that he was a terrorist."

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Holland and Cayton-Holland traveled to Mauritania in January to encourage newly elected President Sidi Ould Cheikh Abdellahi to lobby for Al Amin's release. "I feel an overwhelming sense of relief," Holland said. "You stay up at night thinking about people like this. You feel terrible because you're impotent - you can't get a hearing." He said that Guantanamo prisoners are detained for years without a hearing or charges being filed.

http://www.rockymountainnews.com/drmn/local/article/0,1299,DRMN_15_5709320,00.html

FORMER GHOST DETAINEE AT GUANTANAMO TO RECEIVE LAWYERS CCR FILES VISIT REQUEST TO SEE CLIENT MAJID KHAN IN EARLY OCTOBER Synopsis On September 28, 2007, attorneys with the Center for Constitutional Rights (CCR) filed a visit request with the Defense Department to see their client, Majid Khan, who was transferred one year ago from secret CIA detention to Guantánamo.

Two attorneys from the Center received Top Secret SCI clearance this week, higher than many members of the military who conducted the detainees' Combatant Status Review Tribunals (CSRT's), and expect to finally meet their client after a year of fighting for access. The request was made for visits either the week of October 8 or the week of November 5.

Said CCR attorney wells Dixon, "we are glad the government finally agrees that Majid is entitled to immediate access to his counsel, and we fully expect they will approve our pending visit request and allow us access to him in Guantánamo within a few weeks."

Majid Khan wrote by hand at the bottom of a form offering to have the American Bar Association help him retain counsel, "I think I already have a lawyer at CCR, but I never received any official letters from my lawyers (Gitanjali S. Gutierrez)... Please send me a lawyer or representative who can brief me with my options. Also please, if you can send me basic introduction criminal law books with all law terms, etc. Also I would like to know what has media said about me and full copy of tribunal CSRT about me, which was available on the Internet. (Thanks in advance)."

Said Shayana Kadidal, Managing Attorney of the Center for Constitutional Rights Guantánamo Global Justice Initiative, "what is disturbing about the form given to the detainees is the way the government is trying to make a fundamentally flawed process look legitimate by invoking the name of the American Bar Association. The Detainee Treatment Act review is so limited it doesn't even come close to a substitute for habeas corpus."

<http://www.ccr-ny.org/v2/reports/report.asp?ObjID=tkqBlem3rU&Content=1121>

Lawyers are Denied Access to Detainees

A Bad Week at Guantánamo

By ANDY WORTHINGTON

One thing you learn when studying Guantánamo is that nothing can ever be taken for granted, and the events of the last week have demonstrated, yet again, that this is the case. In Washington, last week District Court Judge Ricardo Urbina dismissed 16 lawsuits, challenging the indefinite imprisonment of at least 40 detainees in Guantánamo. This has had the knock-on effect of denying lawyers access to their clients. Crowing smugly, Justice Department lawyer Andrew Warden declared after the decision, "In light of this development, counsel access (both legal mail and in-person visits) is no longer permitted."

That this is possible, 39 months after the Supreme Court ruled decisively, in Rasul v. Bush, that the detainees had the right to challenge the basis of their detention, and that habeas corpus was, as Justice John Stephens so memorably described it, "a writ antecedent to statute throwing its roots deep into the genius of our common law," demonstrates, succinctly, how the Bush administration has, for the last six years, shamed the "genius" of the American legal system by reducing it to a game of legislative ping-pong.

Although lawyers for the detainees remain confident that the Supreme Court will rule in the detainees' favor (probably in spring 2008), this is a terrible setback for the detainees in question. Imprisoned without charge or trial for over five and a

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half years, they have no other contact with the outside world apart from through the minimal ministrations of the International Committee of the Red Cross, and their lawyers are often their only lifeline. This process is made that much harder when, year after year, the lawyers are driven to admit to their clients that, despite widespread opposition to the existence of Guantánamo, their attempts to bring them justice-- a day in court before a judge who can impartially weigh the evidence set before him by the government-- are repeatedly obstructed by the administration. In all likelihood, Judge Urbina's ruling will not shut down the lawyer-client relationship entirely. As reported by the Associated Press, Andrew Warden "outlined a series of legal steps that would be required before the attorneys could resume contact with the detainees." After jumping through hoops and being generally belittled, more restrictive arrangements will be arranged with the lawyers, but they may come too late for the Libyan detainee Abdul Rauf al-Qassim. Cleared by a military administrative board after five years at Guantánamo, al-Qassim, a deserter from the Libyan army, had spent a decade living in Afghanistan and Pakistan without raising arms against anyone, and was kidnapped from a house in Lahore, Pakistan, in May 2002, after fleeing Afghanistan with his pregnant Afghan wife.

Al-Qassim has spent most of this year fighting cynical attempts by the administration to return him to the country of his birth, where he has legitimate fears that he will be tortured. Wells Dixon, one of his lawyers at the Center for Constitutional Rights, explained that he would "most likely not be able to complete [the new] measures in time for a scheduled visit" with al-Qassim next month, which he described as "crucial," because he was "in the midst of trying to prevent the government from transferring [him] back to Libya. In measured tones, he added, "This is just the latest example of the government's efforts to frustrate counsel access to detainees." In a press release, another CCR attorney, Shayana Kadidal, spelt out al-Qassim's plight in stronger terms: "we need to remember that this is a man the government has cleared for release-- as close to a statement of innocence as the government will ever issue. Abdul Rauf should never have been taken to Guantánamo in the first place, and the courts should not allow the government to 'disappear' him into Libya in order to cover up its own mistake."

In a second, and far more shocking development, the Military Commissions at Guantánamo-- the widely derided show trials, which purport to provide justice, while relying on secret evidence obtained through torture-- stumbled back to life on Monday. Condemned as illegal under US law and the Geneva Conventions by the Supreme Court in June 2006, the Commissions were reinstated in the Military Commissions Act (MCA) last fall, but were derailed again three months ago, when the military judges appointed to preside over the cases of child soldier Omar Khadr and Salim Hamdan, one of Osama bin Laden's chauffeurs, shut down the trials. They argued, correctly, that the MCA had mandated them to try "illegal enemy combatants," whereas the system that had made them eligible for trial-- the Combatant Status Review Tribunals, "administrative" hearings which also relied on secret evidence obtained through unknown means-- had only declared them to be "enemy combatants." After a farcical interlude, in which the administration declared petulantly that it would appeal the judges' decisions, and was then pilloried when it transpired that the appeals court in question had not yet been established, the Court of Military Commissions Review convened a month ago in a borrowed courtroom near the White House.

Announcing their verdict on Monday, the court's three military judges-- all appointed by the Pentagon-- agreed with Khadr's military judge, Col. Peter Brownback, that Khadr's classification as an "enemy combatant" at his Combatant Status Review Tribunal in Guantánamo "failed to meet the requirements for jurisdiction set forth in the Military Commissions Act," but explained that Brownback had "erred" in ruling that a Tribunal Review was required to determine that Khadr was an "unlawful enemy combatant" as a pre-requisite for bringing charges against him under the Military Commissions Act. They added, moreover, that he had "abused his discretion in deciding this critical jurisdictional matter without first fully considering" the government's evidence.

The decision was immediately condemned by human rights activists. Jameel Jaffer, the director of the American Civil Liberties Union's national security project, declared, "This ruling may be a step forward for the military commissions but it's a step backwards for the rule of law. While there are prisoners at Guantánamo who should be tried for war crimes, they should be tried under rules that are fair and

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that will be perceived as fair. The current rules fail this test." More importantly, the verdict was also condemned by Khadr's defense lawyers, led by Lt. Cmdr. William Kuebler, the principled military attorney, who, in the past few months, has described the Commissions as rigged, ridiculous, unjust, farcical, a sham, and a lawless process. As soon as Pentagon spokesman Bryan Whitman announced that Khadr's trial had been revived, and that it was the Pentagon's intention "to move out in an expeditious manner to get the military commission cases to trial," Kuebler responded by saying that Khadr's legal team would appeal, asking a civilian court in Washington to block the trial. "This court," Kuebler explained, referring to the Court of Military Commissions Review, "had the chance to bring some degree of legitimacy to an otherwise lawless process," adding, pointedly, "It failed to do so." In a statement, he and Khadr's other lawyers-- Dennis Edney and Nathan Whitling-- accused the military judge of "prohibited off-the-record coordination," and explained that the date set by the Pentagon for Khadr's trial to begin-- October 11-- failed to allow them enough time to challenge the case. "It is the latest evidence of the government's determination to rush forward with the flawed military commission process at breakneck speed, disregarding whatever rights of the accused that may get in the way," Kuebler declared.

Expect more fireworks to follow from the latest in an increasingly long line of government-appointed military lawyers to have turned on their masters in the most principled manner possible. Those in any doubt that Lt. Cmdr. Kuebler means what he says should recall that in June he explained to a GQ reporter, "I think things have been done to people that under any definition except this administration's very narrow one would be torture."

Andy Worthington (www.andyworthington.co.uk <<http://www.andyworthington.co.uk/>>) is a British historian, and the author of 'The Guantánamo Files: The Stories of the 774 Detainees in America's Illegal Prison'

<<http://www.amazon.com/exec/obidos/ASIN/0745326641/counterpunchmaga>> (to be published by Pluto Press in October 2007).

He can be reached at: andy@andyworthington.co.uk
<http://www.counterpunch.org/worthington09272007.html>

Retired U.S. justice says terror cases will be a challenge for years 20 hours ago
OTTAWA - A long-serving justice of the U.S. supreme court said those still on the highest American bench will have to deal with interrogation techniques and whether they constitute torture.

Sandra Day O'Connor, the first woman to sit on the American high court, told students at the University of Ottawa that classifying interrogation techniques might not be as clear-cut as many may think.

While she said civil liberties cannot be thrown out in pursuit of security, she quoted one of her predecessors who observed that "the bill of rights is not a suicide pact."

O'Connor, who was appointed to the court by Republican president Ronald Reagan, said she has no illusions about the dangers posed by terrorism.

"We can't grow complacent in our concern about threats to security."

Students asked which side - security or liberty - should be favoured and she said there are no absolutes.

"It depends on the question," she said.

"It depends on the exigencies of the danger involved."

O'Connor, who retired last year after a quarter-century on the high court, said judges have wrestled with similar problems in the past.

She told the students of a time when a president of the United States in wartime decided to use special military tribunals to try citizens accused of colluding with the enemy.

However, she added, that president wasn't George W. Bush and Guantanamo, it was Abraham Lincoln.

And in that case, the American supreme court ruled that military tribunals had no jurisdiction as long as the civilian courts were open and functioning.

O'Connor, 76, said the issues today are distinct from those facing Lincoln, but they also have their similarities and she suggested the courts can look to history for

guidance.

Dealing with terrorism will challenge lawyers and judges for years to come, O'Connor said.

She told law students that terrorism is a major legal issue today and will continue to be one as courts wrestle with the implications of laws aimed at suppressing terrorists.

The key is striking a balance between protecting national security and preserving civil liberties.

"If I were a law student today, I would be totally fascinated by these very fundamental issues," she said.

Courts in Canada, the United States, Britain, Germany and Australia have all tackled terror cases in recent years.

"In all these nations, people are engaged in discussions concerning these very important issues," she said.

And despite the court rulings, that's not the end of it.

"We haven't heard the last of these issues."

Justice Marshall Rothstein of the Supreme Court of Canada, who also spoke to the group, said these judgments depend on the facts in individual cases.

"It's a balancing exercise," he said.

http://canadianpress.google.com/article/ALeqM5gd5C9pw67Q_HtII99CbZXakqP5Cg

New exhibit from artist Margot Herster seeks to put faces to the detainees at Guantánamo Bay.

by Leah Bartos

Sentinel correspondent

From the cloaked silhouettes of Abu Ghraib prisoners to the smoke pluming from the Twin Towers, the most infamous images of the so-called war on Terror depict nothing short of human ugliness stemming from all sides of the frontlines.

But photographer Margot Herster has taken a different view.

In her quest to restore the personalities of a handful Guantánamo Bay prisoners, Herster compiled images of 11 detainees and their families for a new installation titled, "Guantánamo: Pictures from Home," now exhibiting at the Porter Senon Gallery on the campus of UC Santa Cruz.

Featuring more than 100 photographs, video vignettes and audio installations, the exhibit offers an alternate view of the Guantánamo detainees, who have gone essentially nameless to the American public at large.

"Everything that we see about the war on Terror has a characteristic of evoking fear and mistrust. This is a project about building trust and building relationships, instead of breaking down relationships," Herster said.

Herster's project was first inspired by her husband's stories about the detainees he represented while doing pro bono work for the Allen & Overy law firm in New York. From his anecdotes and personal details about the detainees, such as one man whose legs were too short to touch the ground, Herster began to imagine the lives of these individuals, even though she herself would not be permitted to meet them.

After connecting with several other attorneys representing the detainees, Herster began collecting copies of the detainees' passport photos, as well as snapshots of their families that the lawyers had taken when visiting the detainees' home countries of Yemen, Afghanistan, Saudi Arabia, Kuwait, and Bahrain. The attorneys then brought the photos back to the detainees, many of whom had become rather skeptical of the entire U.S. legal process. The family photos, Herster explained, played a key role in establishing a trusting relationship between lawyer and client. Commenting on the family photos, Herster said, "what struck me was the warmth in them; they were so welcoming and comfortable in the families' living rooms. Given the anxiety and fear and all the things we associate with the people at Guantánamo, it's such a stark contrast to flip through these photos"

There are about 340 people currently detained at Guantánamo on suspected terrorism charges or links to al Qaeda and the Taliban. And while attorneys are working to attain writs of habeas corpus, which would allow them to challenge their detainment in a federal court, Herster is also working to bring faces to these numbers.

"You can start to see a personality developing, even though we don't really know

anything about these people," Herster said of the stories that emerge in the installation.

In addition to the photographs for "Pictures from Home," Herster also collaborated with video artist and photographer Carolyn Mara Borlenghi to produce a short video called "The Lawyers," in which the attorneys recount their experiences representing the Guantánamo detainees, as well as a sound installation called Interview Cell Recordings.

Though an accomplished photographer herself, Herster did not take any of the photos or shoot any of the video footage in the "Pictures from Home" installation. Herster believes that the art lies in the relationship between the photographer and the subject. In this case, the relationship she highlights is between families and detainees, as well as the attorneys who are working to bring them back together. The power of these images, she says, comes from the context in which they were produced. "It's really interesting how amateur photography has become so prominent in this time, in this conflict. Some of the most powerful images of the war have been from people who are bystanders or participants in the war in some way," Herster said. While the family photographs were originally produced to build a relationship between the attorneys and the detainees, Herster believes that in a new context, the photographs offer great insights into the lives of these otherwise faceless individuals.

"I think that's all art can do, is give people a vehicle for connecting with one another"

<http://www.santacruzsentinel.com/archive/2007/September/28/style/stories/03style.htm>

Above All, an Advocate for Justice

Visiting Associate Professor Charles Swift successfully represented Salim Hamdan, a Guantanamo Bay detainee, before the U.S. Supreme Court. He joined the School of Law faculty this semester.

In December 2003, Lt. Commander Charles Swift, a Navy lawyer, was appointed to represent Salim Ahmed Hamdan, a Guantánamo Bay detainee and Osama bin Laden's former driver. Hamdan was to be tried before a military tribunal on the charges of conspiracy and providing material support for terrorism.

Hamdan didn't want to plead guilty, so Swift decided to challenge the system of military tribunals itself by suing the man who had created it: his boss, President Bush.

"Filing a lawsuit against the president wasn't our idea of courage," said Swift, who is now on the faculty at the School of Law. "Real courage was to face the idea that we could be embarrassed and we could fail and do it anyway."

The controversial case, Hamdan v. Rumsfeld, proceeded all the way to the U.S. Supreme Court. Hamdan, a Yemeni man, denied a role in the 9/11 attacks and protested the injustice of the Bush administration's military commissions.

It was the second time Swift had appeared in federal court, and only the first time for his partner, Neal Katyal.

"It was hard to find anyone who believed for a moment that we would be successful," Swift said.

Swift and Katyal won the case for Hamdan, with the Supreme Court ruling that military commissions violated the Geneva Conventions and the Uniform Code of Military Justice.

Two weeks after the decision, however, Swift was passed over for promotion at the Pentagon, leading to his retirement from the military. Many speculated that this

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surprise had something to do with Swift's controversial stance defending a man accused of aiding terrorism.

Swift, who was named one of the National Law Journal's "100 Most Influential Lawyers in America" in 2006, was appointed to the law school's faculty in July.

David F. Partlett, the dean of the law school, said Swift's supposed controversial stance does not detract from, but rather adds to Swift's strength of character.

"I think it's a great thing for Emory law school to have someone who believes so thoroughly in the way law should work in America," Partlett said. "He's an excellent lawyer and he believes that everyone should have the protection of law - and good lawyers everywhere want that."

Shaina Stahl, a third-year law student, also said Swift's presence will only add to the University's prestige.

"I think that it's good to have more and more controversial people - it sparks discussion and that's what we're here to do in an academic environment," Stahl said.

Visiting Associate Professor Charles Swift was born in Franklin, N.C., and graduated from the U.S. Naval Academy in 1984 before attending Seattle University Law School. After graduating cum laude, Swift joined the Judge Advocate General's Corps so he could practice law while remaining a uniformed officer of the U.S. Navy.

Named Junior Officer of the Year in 1997 at Naval Legal Service Northwest, Swift went on to represent more than 150 service members in military justice proceedings.

"The greatest reward you will ever receive in your life is from public service," Swift said. "The amazing thing about life is that it is impossible to know, when that opportunity is presented, whether you will or won't [seize it]."

Swift, a history major at the Naval Academy, expressed admiration for President John Adams, who after the Boston Massacre represented the British soldiers in court, to the detriment of his reputation.

"I think that [America's] greatest strength is that we are first and foremost a nation of laws," Swift said, praising the United States' system, in which someone like Hamdan can triumph over the President in court.

Now the acting director of the International Humanitarian Law Clinic, an offshoot of the work of six Emory law students who also worked with Guantánamo Bay detainees, Swift emphasized the idea that students should get involved in humanitarian efforts.

"You are receiving at Emory an incredible gift ... and that is the ability to make a difference," Swift said. "If students come to this school and say, 'I believe in what I believe in, I understand that I could fail, but I'm going to do it anyway,' they are going to make an incredible difference in this world."

Partlett also spoke of the importance of having Swift on campus as an emblem of humanitarian law and the great benefits both faculty and students will reap from his presence at Emory.

"we're all delighted," Partlett said. "He's a wonderful colleague, he's very outgoing, his experience is vast, and it's great for him to be here."

<http://www.emorywheel.com/detail.php?n=24344>

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At Guantanamo, a chaplain's story
By Michael Moreno,

Captain James Yee saw guards tear pages from the Quran, interrogators yell, "The devil is your God now," and female guards forcibly give lap dances and touch detainees' genitalia.

But despite his efforts to educate soldiers and improve treatment of detainees, the former Guantanamo Bay Chaplain was labeled a spy.

Yee, who became a prisoner himself after he voiced concern over what he felt to be inappropriate treatment of detainees, spoke at Binghamton University Tuesday night about his experiences and the importance of protecting civil rights.

Yee received his appointment at the detention camp after educating soldiers on Islam following the Sept. 11 terrorist attacks.

During his tenure there Yee counseled Muslim detainees.

"They used Islam against the prisoners to break them," said Yee, who fought for policy changes, including the provision of a small cloth hammock for prisoners to keep their Quran - which was regularly desecrated during cell searches.

Unfortunately for Yee, this same service is what would lead to him being labeled as a spy, arrested and thrown into a maximum security prison for over two months.

"I want the audience to leave here tonight with an awareness of the seriousness and issues surrounding Guantanamo Bay, Cuba," said Yee prior to taking the stage.

His speech touched on many of the interrogation methods he witnessed during his time there, including the mistreatment of the Quran by prison guards and interrogations involving the use of satanic imagery, and the use of female guards in such sexual acts as lap dances and the touching of genitalia.

"Some detainees were brought into a small room with a satanic circle drawn on the ground," said Yee. "They were forced to kneel in the circle, much like in prayer, while the interrogator yelled, 'The devil is your God now, not Allah!'"

Yee, who spent much of his time attempting to defend the rights of the 600-plus Muslims detained at United States Naval base in southeast Cuba, found himself the target of the same treatment when he was arrested by FBI agents at a Florida airport in September of 2003.

Yee was returning from "Gitmo" for a short reprieve to see his family when he was named an enemy combatant and sent to the Consolidated Naval Brig, in Charleston, S.C. There, he was kept for 76 days and treated with sensory deprivation techniques.

Upon his release, he was tried for the mishandling of classified documents, but no evidence was found against him and all charges were dropped. Yee believes to this day that he was singled out not just for being a Muslim, but also because of his Chinese heritage.

He still remembers the words of a fellow soldier at Gitmo: "who the hell does this Chinese Taliban think he is, telling us how to treat our prisoners?"

Captain Yee, since honorably discharged from service, now travels across the country giving speeches on his ordeal and the the conditions at Guantanamo Bay.

"Our county's leadership needs to change," said Yee. "The current leadership is bringing us down the wrong path. These post-9/11 counter-terrorism policies have eroded our civil liberties."

Yee hopes that his speeches will help "inspire students to protect their freedoms."

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"You, as our future leaders, must put this country back on the right track," he said. "We need to become a beacon of human rights to the world again."
http://www.bupipedream.com/pipeline_web/display_article.php?id=5705


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From: (b)(6) DoD OGC

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Subject: GTMO BIRD: The Black Sites; Detainees Rather Stay at Gitmo

All

Today's Gitmo Bird.

(b)(6)

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The Black Sites

A rare look inside the C.I.A.'s secret interrogation program.

by Jane Mayer

In the war on terror, one historian says, the C.I.A. "didn't just bring back the old psychological techniques—they perfected them."

In March, Mariane Pearl, the widow of the murdered Wall Street Journal reporter Daniel Pearl, received a phone call from Alberto Gonzales, the Attorney General. At the time, Gonzales's role in the controversial dismissal of eight United States Attorneys had just been exposed, and the story was becoming a scandal in Washington.

Gonzales informed Pearl that the Justice Department was about to announce some good news: a terrorist in U.S. custody—Khalid Sheikh Mohammed, the Al Qaeda leader who was the primary architect of the September 11th attacks—had confessed to killing her husband. (Pearl was abducted and beheaded five and a half years ago in Pakistan, by unidentified Islamic militants.) The Administration planned to release a transcript in which Mohammed boasted, "I decapitated with my blessed right hand the head of the American Jew Daniel Pearl in the city of Karachi, Pakistan. For those who would like to confirm, there are pictures of me on the Internet holding his head."

Pearl was taken aback. In 2003, she had received a call from Condoleezza Rice, who was then President Bush's national-security adviser, informing her of the same news. But Rice's revelation had been secret. Gonzales's announcement seemed like a publicity stunt. Pearl asked him if he had proof that Mohammed's confession was truthful; Gonzales claimed to have corroborating evidence but wouldn't share it. "It's not enough for officials to call me and say they believe it," Pearl said. "You need evidence." (Gonzales did not respond to requests for comment.)

The circumstances surrounding the confession of Mohammed, whom law-enforcement officials refer to as K.S.M., were perplexing. He had no lawyer. After his capture in Pakistan, in March of 2003, the Central Intelligence Agency had detained him in undisclosed locations for more than two years; last fall, he was transferred to military custody in Guantánamo Bay, Cuba. There were no named witnesses to his initial confession, and no solid information about what form of interrogation might have prodded him to talk, although reports had been published, in the Times and elsewhere, suggesting that C.I.A. officers had tortured him. At a hearing held at Guantánamo, Mohammed said that his testimony was freely given, but he also indicated that he had been abused by the C.I.A. (The Pentagon had classified as "top secret" a statement he had written detailing the alleged mistreatment.) And although Mohammed said that there were photographs confirming his guilt, U.S. authorities had found none. Instead, they had a copy of the video that had been released on the Internet, which showed the killer's arms but offered no other clues to his identity.

Further confusing matters, a Pakistani named Ahmed Omar Saeed Sheikh had already been convicted of the abduction and murder, in 2002. A British-educated terrorist who had a history of staging kidnappings, he had been sentenced to death in Pakistan for the crime. But the Pakistani government, not known for its leniency, had stayed his execution. Indeed, hearings on the matter had been delayed a remarkable number of times—at least thirty—possibly because of his reported ties to the Pakistani intelligence service, which may have helped free him after he was imprisoned for terrorist activities in India. Mohammed's confession would delay the execution further, since, under Pakistani law, any new evidence is grounds for appeal.

A surprising number of people close to the case are dubious of Mohammed's confession. A longtime friend of Pearl's, the former Journal reporter Asra Nomani, said, "The release of the confession came right in the midst of the U.S. Attorney scandal. There was a drumbeat for Gonzales's resignation. It seemed like a calculated strategy to change the subject. Why now? They'd had the confession for years." Mariane and Daniel Pearl were staying in Nomani's Karachi house at the time of his murder, and Nomani has followed the case meticulously; this fall, she plans to teach a course on the topic at Georgetown University. She said, "I don't think this confession resolves the case. You can't have justice from one person's confession, especially under such unusual circumstances. To me, it's not convincing." She added, "I called all the investigators. They weren't just skeptical—they didn't believe it."

Special Agent Randall Bennett, the head of security for the U.S. consulate in Karachi when Pearl was killed—and whose lead role investigating the murder was featured in the recent film "A Mighty Heart"—said that he has interviewed all the convicted accomplices who are now in custody in Pakistan, and that none of them named Mohammed as playing a role. "K.S.M.'s name never came up," he said. Robert Baer, a former C.I.A. officer, said, "My old colleagues say with one-hundred-per-cent certainty that it was not K.S.M. who killed Pearl." A government official involved in the case said, "The fear is that K.S.M. is covering

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up for others, and that these people will be released." And Judea Pearl, Daniel's father, said, "Something is fishy. There are a lot of unanswered questions. K.S.M. can say he killed Jesus—he has nothing to lose."

Mariane Pearl, who is relying on the Bush Administration to bring justice in her husband's case, spoke carefully about the investigation. "You need a procedure that will get the truth," she said. "An intelligence agency is not supposed to be above the law."

Mohammed's interrogation was part of a secret C.I.A. program, initiated after September 11th, in which terrorist suspects such as Mohammed were detained in "black sites"—secret prisons outside the United States—and subjected to unusually harsh treatment. The program was effectively suspended last fall, when President Bush announced that he was emptying the C.I.A.'s prisons and transferring the detainees to military custody in Guantánamo. This move followed a Supreme Court ruling, *Hamdan v. Rumsfeld*, which found that all detainees—including those held by the C.I.A.—had to be treated in a manner consistent with the Geneva Conventions. These treaties, adopted in 1949, bar cruel treatment, degradation, and torture. In late July, the White House issued an executive order promising that the C.I.A. would adjust its methods in order to meet the Geneva standards. At the same time, Bush's order pointedly did not disavow the use of "enhanced interrogation techniques" that would likely be found illegal if used by officials inside the United States. The executive order means that the agency can once again hold foreign terror suspects indefinitely, and without charges, in black sites, without notifying their families or local authorities, or offering access to legal counsel.

The C.I.A.'s director, General Michael Hayden, has said that the program, which is designed to extract intelligence from suspects quickly, is an "irreplaceable" tool for combatting terrorism. And President Bush has said that "this program has given us information that has saved innocent lives, by helping us stop new attacks." He claims that it has contributed to the disruption of at least ten serious Al Qaeda plots since September 11th, three of them inside the United States.

According to the Bush Administration, Mohammed divulged information of tremendous value during his detention. He is said to have helped point the way to the capture of Hambali, the Indonesian terrorist responsible for the 2002 bombings of night clubs in Bali. He also provided information on an Al Qaeda leader in England. Michael Sheehan, a former counterterrorism official at the State Department, said, "K.S.M. is the poster boy for using tough but legal tactics. He's the reason these techniques exist. You can save lives with the kind of information he could give up." Yet Mohammed's confessions may also have muddled some key investigations. Perhaps under duress, he claimed involvement in thirty-one criminal plots—an improbable number, even for a high-level terrorist. Critics say that Mohammed's case illustrates the cost of the C.I.A.'s desire for swift intelligence. Colonel Dwight Sullivan, the top defense lawyer at the Pentagon's Office of Military Commissions, which is expected eventually to try Mohammed for war crimes, called his serial confessions "a textbook example of why we shouldn't allow coercive methods."

The Bush Administration has gone to great lengths to keep secret the treatment of the hundred or so "high-value detainees" whom the C.I.A. has confined, at one point or another, since September 11th. The program has been extraordinarily "compartmentalized," in the nomenclature of the intelligence world. By design, there has been virtually no access for outsiders to the C.I.A.'s prisoners. The utter isolation of these detainees has been described as essential to America's national security. The Justice Department argued this point explicitly last November, in the case of a Baltimore-area resident named Majid Khan, who was held for more than three years by the C.I.A. Khan, the government said, had to be prohibited from access to a lawyer specifically because he might describe the "alternative interrogation methods" that the agency had used when questioning him. These methods amounted to a state secret, the government argued, and disclosure of them could "reasonably be expected to cause extremely grave damage." (The case has not yet been decided.)

Given this level of secrecy, the public and all but a few members of Congress who

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have been sworn to silence have had to take on faith President Bush's assurances that the C.I.A.'s internment program has been humane and legal, and has yielded crucial intelligence. Representative Alcee Hastings, a Democratic member of the House Select Committee on Intelligence, said, "We talk to the authorities about these detainees, but, of course, they're not going to come out and tell us that they beat the living daylights out of someone." He recalled learning in 2003 that Mohammed had been captured. "It was good news," he said. "So I tried to find out: where is this guy? And how is he being treated?" For more than three years, Hastings said, "I could never pinpoint anything." Finally, he received some classified briefings on the Mohammed interrogation. Hastings said that he "can't go into details" about what he found out, but, speaking of Mohammed's treatment, he said that even if it wasn't torture, as the Administration claims, "it ain't right, either. Something went wrong."

Since the drafting of the Geneva Conventions, the International Committee of the Red Cross has played a special role in safeguarding the rights of prisoners of war. For decades, governments have allowed officials from the organization to report on the treatment of detainees, to insure that standards set by international treaties are being maintained. The Red Cross, however, was unable to get access to the C.I.A.'s prisoners for five years. Finally, last year, Red Cross officials were allowed to interview fifteen detainees, after they had been transferred to Guantánamo. One of the prisoners was Khalid Sheikh Mohammed. What the Red Cross learned has been kept from the public. The committee believes that its continued access to prisoners worldwide is contingent upon confidentiality, and therefore it addresses violations privately with the authorities directly responsible for prisoner treatment and detention. For this reason, Simon Schorno, a Red Cross spokesman in Washington, said, "The I.C.R.C. does not comment on its findings publicly. Its work is confidential."

The public-affairs office at the C.I.A. and officials at the congressional intelligence-oversight committees would not even acknowledge the existence of the report. Among the few people who are believed to have seen it are Condoleezza Rice, now the Secretary of State; Stephen Hadley, the national-security adviser; John Bellinger III, the Secretary of State's legal adviser; Hayden; and John Rizzo, the agency's acting general counsel. Some members of the Senate and House intelligence-oversight committees are also believed to have had limited access to the report.

Confidentiality may be particularly stringent in this case. Congressional and other Washington sources familiar with the report said that it harshly criticized the C.I.A.'s practices. One of the sources said that the Red Cross described the agency's detention and interrogation methods as tantamount to torture, and declared that American officials responsible for the abusive treatment could have committed serious crimes. The source said the report warned that these officials may have committed "grave breaches" of the Geneva Conventions, and may have violated the U.S. Torture Act, which Congress passed in 1994. The conclusions of the Red Cross, which is known for its credibility and caution, could have potentially devastating legal ramifications.

Concern about the legality of the C.I.A.'s program reached a previously unreported breaking point last week when Senator Ron Wyden, a Democrat on the intelligence committee, quietly put a "hold" on the confirmation of John Rizzo, who as acting general counsel was deeply involved in establishing the agency's interrogation and detention policies. Wyden's maneuver essentially stops the nomination from going forward. "I question if there's been adequate legal oversight," Wyden told me. He said that after studying a classified addendum to President Bush's new executive order, which specifies permissible treatment of detainees, "I am not convinced that all of these techniques are either effective or legal. I don't want to see well-intentioned C.I.A. officers breaking the law because of shaky legal guidance."

A former C.I.A. officer, who supports the agency's detention and interrogation policies, said he worried that, if the full story of the C.I.A. program ever surfaced, agency personnel could face criminal prosecution. Within the agency, he

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said, there is a "high level of anxiety about political retribution" for the interrogation program. If congressional hearings begin, he said, "several guys expect to be thrown under the bus." He noted that a number of C.I.A. officers have taken out professional liability insurance, to help with potential legal fees.

Paul Gimigliano, a spokesman for the C.I.A., denied any legal impropriety, stressing that "the agency's terrorist-detention program has been implemented lawfully. And torture is illegal under U.S. law. The people who have been part of this important effort are well-trained, seasoned professionals." This spring, the Associated Press published an article quoting the chairman of the House intelligence committee, Silvestre Reyes, who said that Hayden, the C.I.A. director, "vehemently denied" the Red Cross's conclusions. A U.S. official dismissed the Red Cross report as a mere compilation of allegations made by terrorists. And Robert Grenier, a former head of the C.I.A.'s Counterterrorism Center, said that "the C.I.A.'s interrogations were nothing like Abu Ghraib or Guantánamo. They were very, very regimented. Very meticulous." He said, "The program is very careful. It's completely legal."

Accurately or not, Bush Administration officials have described the prisoner abuses at Abu Ghraib and Guantánamo as the unauthorized actions of ill-trained personnel, eleven of whom have been convicted of crimes. By contrast, the treatment of high-value detainees has been directly, and repeatedly, approved by President Bush. The program is monitored closely by C.I.A. lawyers, and supervised by the agency's director and his subordinates at the Counterterrorism Center. While Mohammed was being held by the agency, detailed dossiers on the treatment of detainees were regularly available to the former C.I.A. director George Tenet, according to informed sources inside and outside the agency. Through a spokesperson, Tenet denied making day-to-day decisions about the treatment of individual detainees. But, according to a former agency official, "Every single plan is drawn up by interrogators, and then submitted for approval to the highest possible level—meaning the director of the C.I.A. Any change in the plan—even if an extra day of a certain treatment was added—was signed off by the C.I.A. director."

On September 17, 2001, President Bush signed a secret Presidential finding authorizing the C.I.A. to create paramilitary teams to hunt, capture, detain, or kill designated terrorists almost anywhere in the world. Yet the C.I.A. had virtually no trained interrogators. A former C.I.A. officer involved in fighting terrorism said that, at first, the agency was crippled by its lack of expertise. "It began right away, in Afghanistan, on the fly," he recalled. "They invented the program of interrogation with people who had no understanding of Al Qaeda or the Arab world." The former officer said that the pressure from the White House, in particular from Vice-President Dick Cheney, was intense: "They were pushing us: 'Get information! Do not let us get hit again!'" In the scramble, he said, he searched the C.I.A.'s archives, to see what interrogation techniques had worked in the past. He was particularly impressed with the Phoenix Program, from the Vietnam war. Critics, including military historians, have described it as a program of state-sanctioned torture and murder. A Pentagon-contract study found that, between 1970 and 1971, ninety-seven per cent of the Vietcong targeted by the Phoenix Program were of negligible importance. But, after September 11th, some C.I.A. officials viewed the program as a useful model. A. B. Krongard, who was the executive director of the C.I.A. from 2001 to 2004, said that the agency turned to "everyone we could, including our friends in Arab cultures," for interrogation advice, among them those in Egypt, Jordan, and Saudi Arabia, all of which the State Department regularly criticizes for human-rights abuses.

The C.I.A. knew even less about running prisons than it did about hostile interrogations. Tyler Drumheller, a former chief of European operations at the C.I.A., and the author of a recent book, "On the Brink: How the White House Compromised U.S. Intelligence," said, "The agency had no experience in detention. Never. But they insisted on arresting and detaining people in this program. It was a mistake, in my opinion. You can't mix intelligence and police work. But the White House was really pushing. They wanted someone to do it. So the C.I.A. said, 'We'll try.' George Tenet came out of politics, not intelligence. His whole modus operandi was to please the principal. We got stuck with all sorts of things. This is really

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the legacy of a director who never said no to anybody."

Many officials inside the C.I.A. had misgivings. "A lot of us knew this would be a can of worms," the former officer said. "We warned them, it's going to become an atrocious mess." The problem from the start, he said, was that no one had thought through what he called "the disposal plan." He continued, "what are you going to do with these people? The utility of someone like K.S.M. is, at most, six months to a year. You exhaust them. Then what? It would have been better if we had executed them."

The C.I.A. program's first important detainee was Abu Zubaydah, a top Al Qaeda operative, who was captured by Pakistani forces in March of 2002. Lacking in-house specialists on interrogation, the agency hired a group of outside contractors, who implemented a regime of techniques that one well-informed former adviser to the American intelligence community described as "a 'Clockwork Orange' kind of approach." The experts were retired military psychologists, and their backgrounds were in training Special Forces soldiers how to survive torture, should they ever be captured by enemy states. The program, known as SERE—an acronym for Survival, Evasion, Resistance, and Escape—was created at the end of the Korean War. It subjected trainees to simulated torture, including waterboarding (simulated drowning), sleep deprivation, isolation, exposure to temperature extremes, enclosure in tiny spaces, bombardment with agonizing sounds, and religious and sexual humiliation. The SERE program was designed strictly for defense against torture regimes, but the C.I.A.'s new team used its expertise to help interrogators inflict abuse. "They were very arrogant, and pro-torture," a European official knowledgeable about the program said. "They sought to render the detainees vulnerable—to break down all of their senses. It takes a psychologist trained in this to understand these rupturing experiences."

The use of psychologists was also considered a way for C.I.A. officials to skirt measures such as the Convention Against Torture. The former adviser to the intelligence community said, "Clearly, some senior people felt they needed a theory to justify what they were doing. You can't just say, 'we want to do what Egypt's doing.' When the lawyers asked what their basis was, they could say, 'we have Ph.D.s who have these theories.'" He said that, inside the C.I.A., where a number of scientists work, there was strong internal opposition to the new techniques. "Behavioral scientists said, 'Don't even think about this!' They thought officers could be prosecuted."

Nevertheless, the SERE experts' theories were apparently put into practice with Zubaydah's interrogation. Zubaydah told the Red Cross that he was not only waterboarded, as has been previously reported; he was also kept for a prolonged period in a cage, known as a "dog box," which was so small that he could not stand. According to an eyewitness, one psychologist advising on the treatment of Zubaydah, James Mitchell, argued that he needed to be reduced to a state of "learned helplessness." (Mitchell disputes this characterization.)

Steve Kleinman, a reserve Air Force colonel and an experienced interrogator who has known Mitchell professionally for years, said that "learned helplessness was his whole paradigm." Mitchell, he said, "draws a diagram showing what he says is the whole cycle. It starts with isolation. Then they eliminate the prisoners' ability to forecast the future—when their next meal is, when they can go to the bathroom. It creates dread and dependency. It was the K.G.B. model. But the K.G.B. used it to get people who had turned against the state to confess falsely. The K.G.B. wasn't after intelligence."

As the C.I.A. captured and interrogated other Al Qaeda figures, it established a protocol of psychological coercion. The program tied together many strands of the agency's secret history of Cold War-era experiments in behavioral science. (In June, the C.I.A. declassified long-held secret documents known as the Family Jewels, which shed light on C.I.A. drug experiments on rats and monkeys, and on the infamous case of Frank R. Olson, an agency employee who leaped to his death from a hotel window in 1953, nine days after he was unwittingly drugged with LSD.) The C.I.A.'s most useful

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research focussed on the surprisingly powerful effects of psychological manipulations, such as extreme sensory deprivation. According to Alfred McCoy, a history professor at the University of Wisconsin, in Madison, who has written a history of the C.I.A.'s experiments in coercing subjects, the agency learned that "if subjects are confined without light, odors, sound, or any fixed references of time and place, very deep breakdowns can be provoked."

Agency scientists found that in just a few hours some subjects suspended in water tanks—or confined in isolated rooms wearing blacked-out goggles and earmuffs—regressed to semi-psychotic states. Moreover, McCoy said, detainees become so desperate for human interaction that "they bond with the interrogator like a father, or like a drowning man having a lifesaver thrown at him. If you deprive people of all their senses, they'll turn to you like their daddy." McCoy added that "after the Cold War we put away those tools. There was bipartisan reform. We backed away from those dark days. Then, under the pressure of the war on terror, they didn't just bring back the old psychological techniques—they perfected them."

The C.I.A.'s interrogation program is remarkable for its mechanistic aura. "It's one of the most sophisticated, refined programs of torture ever," an outside expert familiar with the protocol said. "At every stage, there was a rigid attention to detail. Procedure was adhered to almost to the letter. There was top-down quality control, and such a set routine that you get to the point where you know what each detainee is going to say, because you've heard it before. It was almost automated. People were utterly dehumanized. People fell apart. It was the intentional and systematic infliction of great suffering masquerading as a legal process. It is just chilling."

The U.S. government first began tracking Khalid Sheikh Mohammed in 1993, shortly after his nephew Ramzi Yousef blew a gaping hole in the World Trade Center. Mohammed, officials learned, had transferred money to Yousef. Mohammed, born in either 1964 or 1965, was raised in a religious Sunni Muslim family in Kuwait, where his family had migrated from the Baluchistan region of Pakistan. In the mid-eighties, he was trained as a mechanical engineer in the U.S., attending two colleges in North Carolina.

As a teen-ager, Mohammed had been drawn to militant, and increasingly violent, Muslim causes. He joined the Muslim Brotherhood at the age of sixteen, and, after his graduation from North Carolina Agricultural and Technical State University, in Greensboro—where he was remembered as a class clown, but religious enough to forgo meat when eating at Burger King—he signed on with the anti-Soviet jihad in Afghanistan, receiving military training and establishing ties with Islamist terrorists. By all accounts, his animus toward the U.S. was rooted in a hatred of Israel.

In 1994, Mohammed, who was impressed by Yousef's notoriety after the first World Trade Center bombing, joined him in scheming to blow up twelve U.S. jumbo jets over two days. The so-called Bojinka plot was disrupted in 1995, when Philippine police broke into an apartment that Yousef and other terrorists were sharing in Manila, which was filled with bomb-making materials. At the time of the raid, Mohammed was working in Doha, Qatar, at a government job. The following year, he narrowly escaped capture by F.B.I. officers and slipped into the global jihadist network, where he eventually joined forces with Osama bin Laden, in Afghanistan. Along the way, he married and had children.

Many journalistic accounts have presented Mohammed as a charismatic, swashbuckling figure: in the Philippines, he was said to have flown a helicopter close enough to a girlfriend's office window so that she could see him; in Pakistan, he supposedly posed as an anonymous bystander and gave interviews to news reporters about his nephew's arrest. Neither story is true. But Mohammed did seem to enjoy taunting authorities after the September 11th attacks, which, in his eventual confession, he claimed to have orchestrated "from A to Z." In April, 2002, Mohammed arranged to be interviewed on Al Jazeera by its London bureau chief, Yosri Fouda, and took personal credit for the atrocities. "I am the head of the Al Qaeda military committee," he

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said. "And yes, we did it." Fouda, who conducted the interview at an Al Qaeda safe house in Karachi, said that he was astounded not only by Mohammed's boasting but also by his seeming imperviousness to the danger of being caught. Mohammed permitted Al Jazeera to reveal that he was hiding out in the Karachi area. When Fouda left the apartment, Mohammed, apparently unarmed, walked him downstairs and out into the street.

In the early months of 2003, U.S. authorities reportedly paid a twenty-five-million-dollar reward for information that led to Mohammed's arrest. U.S. officials closed in on him, at 4 A.M. on March 1st, waking him up in a borrowed apartment in Rawalpindi, Pakistan. The officials hung back as Pakistani authorities handcuffed and hooded him, and took him to a safe house. Reportedly, for the first two days, Mohammed robotically recited Koranic verses and refused to divulge much more than his name. A videotape obtained by "60 Minutes" shows Mohammed at the end of this episode, complaining of a head cold; an American voice can be heard in the background. This was the last image of Mohammed to be seen by the public. By March 4th, he was in C.I.A. custody.

Captured along with Mohammed, according to some accounts, was a letter from bin Laden, which may have led officials to think that he knew where the Al Qaeda founder was hiding. If Mohammed did have this crucial information, it was time sensitive—bin Laden never stayed in one place for long—and officials needed to extract it quickly. At the time, many American intelligence officials still feared a "second wave" of Al Qaeda attacks, ratcheting the pressure further.

According to George Tenet's recent memoir, "At the Center of the Storm," Mohammed told his captors that he wouldn't talk until he was given a lawyer in New York, where he assumed he would be taken. (He had been indicted there in connection with the Bojinka plot.) Tenet writes, "Had that happened, I am confident that we would have obtained none of the information he had in his head about imminent threats against the American people." Opponents of the C.I.A.'s approach, however, note that Ramzi Yousef gave a voluminous confession after being read his Miranda rights. "These guys are egomaniacs," a former federal prosecutor said. "They love to talk!"

A complete picture of Mohammed's time in secret detention remains elusive. But a partial narrative has emerged through interviews with European and American sources in intelligence, government, and legal circles, as well as with former detainees who have been released from C.I.A. custody. People familiar with Mohammed's allegations about his interrogation, and interrogations of other high-value detainees, describe the accounts as remarkably consistent.

Soon after Mohammed's arrest, sources say, his American captors told him, "we're not going to kill you. But we're going to take you to the very brink of your death and back." He was first taken to a secret U.S.-run prison in Afghanistan. According to a Human Rights watch report released two years ago, there was a C.I.A.-affiliated black site in Afghanistan by 2002: an underground prison near Kabul International Airport. Distinctive for its absolute lack of light, it was referred to by detainees as the Dark Prison. Another detention facility was reportedly a former brick factory, just north of Kabul, known as the Salt Pit. The latter became infamous for the 2002 death of a detainee, reportedly from hypothermia, after prison officials stripped him naked and chained him to the floor of his concrete cell, in freezing temperatures.

In all likelihood, Mohammed was transported from Pakistan to one of the Afghan sites by a team of black-masked commandos attached to the C.I.A.'s paramilitary Special Activities Division. According to a report adopted in June by the Parliamentary Assembly of the Council of Europe, titled "Secret Detentions and Illegal Transfers of Detainees," detainees were "taken to their cells by strong people who wore black outfits, masks that covered their whole faces, and dark visors over their eyes." (Some personnel reportedly wore black clothes made from specially woven synthetic fabric that couldn't be ripped or torn.) A former member of a C.I.A. transport team has described the "takeout" of prisoners as a carefully choreographed twenty-minute routine, during which a suspect was hog-tied, stripped naked, photographed, hooded,

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sedated with anal suppositories, placed in diapers, and transported by plane to a secret location.

A person involved in the Council of Europe inquiry, referring to cavity searches and the frequent use of suppositories during the takeout of detainees, likened the treatment to "sodomy." He said, "It was used to absolutely strip the detainee of any dignity. It breaks down someone's sense of impenetrability. The interrogation became a process not just of getting information but of utterly subordinating the detainee through humiliation." The former C.I.A. officer confirmed that the agency frequently photographed the prisoners naked, "because it's demoralizing." The person involved in the Council of Europe inquiry said that photos were also part of the C.I.A.'s quality-control process. They were passed back to case officers for review.

A secret government document, dated December 10, 2002, detailing "SERE Interrogation Standard Operating Procedure," outlines the advantages of stripping detainees. "In addition to degradation of the detainee, stripping can be used to demonstrate the omnipotence of the captor or to debilitate the detainee." The document advises interrogators to "tear clothing from detainees by firmly pulling downward against buttoned buttons and seams. Tearing motions shall be downward to prevent pulling the detainee off balance." The memo also advocates the "Shoulder Slap," "Stomach Slap," "Hooding," "Manhandling," "walling," and a variety of "Stress Positions," including one called "worship the Gods."

In the process of being transported, C.I.A. detainees such as Mohammed were screened by medical experts, who checked their vital signs, took blood samples, and marked a chart with a diagram of a human body, noting scars, wounds, and other imperfections. As the person involved in the Council of Europe inquiry put it, "It's like when you hire a motor vehicle, circling where the scratches are on the rearview mirror. Each detainee was continually assessed, physically and psychologically."

According to sources, Mohammed said that, while in C.I.A. custody, he was placed in his own cell, where he remained naked for several days. He was questioned by an unusual number of female handlers, perhaps as an additional humiliation. He has alleged that he was attached to a dog leash, and yanked in such a way that he was propelled into the walls of his cell. Sources say that he also claimed to have been suspended from the ceiling by his arms, his toes barely touching the ground. The pressure on his wrists evidently became exceedingly painful.

Ramzi Kassem, who teaches at Yale Law School, said that a Yemeni client of his, Sanad al-Kazimi, who is now in Guantánamo, alleged that he had received similar treatment in the Dark Prison, the facility near Kabul. Kazimi claimed to have been suspended by his arms for long periods, causing his legs to swell painfully. "It's so traumatic, he can barely speak of it," Kassem said. "He breaks down in tears." Kazimi also claimed that, while hanging, he was beaten with electric cables.

According to sources familiar with interrogation techniques, the hanging position is designed, in part, to prevent detainees from being able to sleep. The former C.I.A. officer, who is knowledgeable about the interrogation program, explained that "sleep deprivation works. Your electrolyte balance changes. You lose all balance and ability to think rationally. Stuff comes out." Sleep deprivation has been recognized as an effective form of coercion since the Middle Ages, when it was called tormentum insomniae. It was also recognized for decades in the United States as an illegal form of torture. An American Bar Association report, published in 1930, which was cited in a later U.S. Supreme Court decision, said, "It has been known since 1500 at least that deprivation of sleep is the most effective torture and certain to produce any confession desired."

Under President Bush's new executive order, C.I.A. detainees must receive the "basic necessities of life, including adequate food and water, shelter from the elements, necessary clothing, protection from extremes of heat and cold, and essential medical care." Sleep, according to the order, is not among the basic necessities.

In addition to keeping a prisoner awake, the simple act of remaining upright can

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over time cause significant pain. McCoy, the historian, noted that "longtime standing" was a common K.G.B. interrogation technique. In his 2006 book, "A Question of Torture," he writes that the Soviets found that making a victim stand for eighteen to twenty-four hours can produce "excruciating pain, as ankles double in size, skin becomes tense and intensely painful, blisters erupt oozing watery serum, heart rates soar, kidneys shut down, and delusions deepen."

Mohammed is said to have described being chained naked to a metal ring in his cell wall for prolonged periods in a painful crouch. (Several other detainees who say that they were confined in the Dark Prison have described identical treatment.) He also claimed that he was kept alternately in suffocating heat and in a painfully cold room, where he was doused with ice water. The practice, which can cause hypothermia, violates the Geneva Conventions, and President Bush's new executive order arguably bans it.

Some detainees held by the C.I.A. claimed that their cells were bombarded with deafening sound twenty-four hours a day for weeks, and even months. One detainee, Binyam Mohamed, who is now in Guantánamo, told his lawyer, Clive Stafford Smith, that speakers blared music into his cell while he was handcuffed. Detainees recalled the sound as ranging from ghoulish laughter, "like the soundtrack from a horror film," to ear-splitting rap anthems. Stafford Smith said that his client found the psychological torture more intolerable than the physical abuse that he said he had been previously subjected to in Morocco, where, he said, local intelligence agents had sliced him with a razor blade. "The C.I.A. worked people day and night for months," Stafford Smith quoted Binyam Mohamed as saying. "Plenty lost their minds. I could hear people knocking their heads against the walls and doors, screaming their heads off."

Professor Kassem said his Yemeni client, Kazimi, had told him that, during his incarceration in the Dark Prison, he attempted suicide three times, by ramming his head into the walls. "He did it until he lost consciousness," Kassem said. "Then they stitched him back up. So he did it again. The next time, he woke up, he was chained, and they'd given him tranquilizers. He asked to go to the bathroom, and then he did it again." This last time, Kazimi was given more tranquilizers, and chained in a more confining manner.

The case of Khaled el-Masri, another detainee, has received wide attention. He is the German car salesman whom the C.I.A. captured in 2003 and dispatched to Afghanistan, based on erroneous intelligence; he was released in 2004, and Condoleezza Rice reportedly conceded the mistake to the German chancellor. Masri is considered one of the more credible sources on the black-site program, because Germany has confirmed that he has no connections to terrorism. He has also described inmates bashing their heads against the walls. Much of his account appeared on the front page of the Times. But, during a visit to America last fall, he became tearful as he recalled the plight of a Tanzanian in a neighboring cell. The man seemed "psychologically at the end," he said. "I could hear him ramming his head against the wall in despair. I tried to calm him down. I asked the doctor, 'will you take care of this human being?'" But the doctor, whom Masri described as American, refused to help. Masri also said that he was told that guards had "locked the Tanzanian in a suitcase for long periods of time—a foul-smelling suitcase that made him vomit." (Masri did not witness such abuse.)

Masri described his prison in Afghanistan as a filthy hole, with walls scribbled on in Pashtun and Arabic. He was given no bed, only a coarse blanket on the floor. At night, it was too cold to sleep. He said, "The water was putrid. If you took a sip, you could taste it for hours. You could smell a foul smell from it three metres away." The Salt Pit, he said, "was managed and run by the Americans. It was not a secret. They introduced themselves as Americans." He added, "when anything came up, they said they couldn't make a decision. They said, 'we will have to pass it on to Washington.'" The interrogation room at the Salt Pit, he said, was overseen by a half-dozen English-speaking masked men, who shoved him and shouted at him, saying, "You're in a country where there's no rule of law. You might be buried here."

According to two former C.I.A. officers, an interrogator of Mohammed told them that the Pakistani was kept in a cell over which a sign was placed: "The Proud Murderer of 3,000 Americans." (Another source calls this apocryphal.) One of these former officers defends the C.I.A.'s program by noting that "there was absolutely nothing done to K.S.M. that wasn't done to the interrogators themselves"—a reference to SERE-like training. Yet the Red Cross report emphasizes that it was the simultaneous use of several techniques for extended periods that made the treatment "especially abusive." Senator Carl Levin, the chairman of the Senate Armed Services Committee, who has been a prominent critic of the Administration's embrace of harsh interrogation techniques, said that, particularly with sensory deprivation, "there's a point where it's torture. You can put someone in a refrigerator and it's torture. Everything is a matter of degree."

One day, Mohammed was apparently transferred to a specially designated prison for high-value detainees in Poland. Such transfers were so secretive, according to the report by the Council of Europe, that the C.I.A. filed dummy flight plans, indicating that the planes were heading elsewhere. Once Polish air space was entered, the Polish aviation authority would secretly shepherd the flight, leaving no public documentation. The Council of Europe report notes that the Polish authorities would file a one-way flight plan out of the country, creating a false paper trail. (The Polish government has strongly denied that any black sites were established in the country.)

No more than a dozen high-value detainees were held at the Polish black site, and none have been released from government custody; accordingly, no first-hand accounts of conditions there have emerged. But, according to well-informed sources, it was a far more high-tech facility than the prisons in Afghanistan. The cells had hydraulic doors and air-conditioning. Multiple cameras in each cell provided video surveillance of the detainees. In some ways, the circumstances were better: the detainees were given bottled water. Without confirming the existence of any black sites, Robert Grenier, the former C.I.A. counterterrorism chief, said, "The agency's techniques became less aggressive as they learned the art of interrogation," which, he added, "is an art."

Mohammed was kept in a prolonged state of sensory deprivation, during which every point of reference was erased. The Council on Europe's report describes a four-month isolation regime as typical. The prisoners had no exposure to natural light, making it impossible for them to tell if it was night or day. They interacted only with masked, silent guards. (A detainee held at what was most likely an Eastern European black site, Mohammed al-Asad, told me that white noise was piped in constantly, although during electrical outages he could hear people crying.) According to a source familiar with the Red Cross report, Khalid Sheikh Mohammed claimed that he was shackled and kept naked, except for a pair of goggles and earmuffs. (Some prisoners were kept naked for as long as forty days.) He had no idea where he was, although, at one point, he apparently glimpsed Polish writing on a water bottle.

In the C.I.A.'s program, meals were delivered sporadically, to insure that the prisoners remained temporally disoriented. The food was largely tasteless, and barely enough to live on. Mohammed, who upon his capture in Rawalpindi was photographed looking flabby and unkempt, was now described as being slim. Experts on the C.I.A. program say that the administering of food is part of its psychological arsenal. Sometimes portions were smaller than the day before, for no apparent reason. "It was all part of the conditioning," the person involved in the Council of Europe inquiry said. "It's all calibrated to develop dependency."

The inquiry source said that most of the Poland detainees were waterboarded, including Mohammed. According to the sources familiar with the Red Cross report, Mohammed claimed to have been waterboarded five times. Two former C.I.A. officers who are friends with one of Mohammed's interrogators called this bravado, insisting that he was waterboarded only once. According to one of the officers, Mohammed needed only to be shown the drowning equipment again before he "broke."

"Waterboarding works," the former officer said. "Drowning is a baseline fear. So is

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falling. People dream about it. It's human nature. Suffocation is a very scary thing. When you're waterboarded, you're inverted, so it exacerbates the fear. It's not painful, but it scares the shit out of you." (The former officer was waterboarded himself in a training course.) Mohammed, he claimed, "didn't resist. He sang right away. He cracked real quick." He said, "A lot of them want to talk. Their egos are unimaginable. K.S.M. was just a little doughboy. He couldn't stand toe to toe and fight it out."

The former officer said that the C.I.A. kept a doctor standing by during interrogations. He insisted that the method was safe and effective, but said that it could cause lasting psychic damage to the interrogators. During interrogations, the former agency official said, officers worked in teams, watching each other behind two-way mirrors. Even with this group support, the friend said, Mohammed's interrogator "has horrible nightmares." He went on, "when you cross over that line of darkness, it's hard to come back. You lose your soul. You can do your best to justify it, but it's well outside the norm. You can't go to that dark a place without it changing you." He said of his friend, "He's a good guy. It really haunts him. You are inflicting something really evil and horrible on somebody."

Among the few C.I.A. officials who knew the details of the detention and interrogation program, there was a tense debate about where to draw the line in terms of treatment. John Brennan, Tenet's former chief of staff, said, "It all comes down to individual moral barometers." Waterboarding, in particular, troubled many officials, from both a moral and a legal perspective. Until 2002, when Bush Administration lawyers asserted that waterboarding was a permissible interrogation technique for "enemy combatants," it was classified as a form of torture, and treated as a serious criminal offense. American soldiers were court-martialed for waterboarding captives as recently as the Vietnam war.

A C.I.A. source said that Mohammed was subjected to waterboarding only after interrogators determined that he was hiding information from them. But Mohammed has apparently said that, even after he started cooperating, he was waterboarded. Footnotes to the 9/11 Commission report indicate that by April 17, 2003—a month and a half after he was captured—Mohammed had already started providing substantial information on Al Qaeda. Nonetheless, according to the person involved in the Council of Europe inquiry, he was kept in isolation for years. During this time, Mohammed supplied intelligence on the history of the September 11th plot, and on the structure and operations of Al Qaeda. He also described plots still in a preliminary phase of development, such as a plan to bomb targets on America's West Coast.

Ultimately, however, Mohammed claimed responsibility for so many crimes that his testimony became to seem inherently dubious. In addition to confessing to the Pearl murder, he said that he had hatched plans to assassinate President Clinton, President Carter, and Pope John Paul II. Bruce Riedel, who was a C.I.A. analyst for twenty-nine years, and who now works at the Brookings Institution, said, "It's difficult to give credence to any particular area of this large a charge sheet that he confessed to, considering the situation he found himself in. K.S.M. has no prospect of ever seeing freedom again, so his only gratification in life is to portray himself as the James Bond of jihadism."

By 2004, there were growing calls within the C.I.A. to transfer to military custody the high-value detainees who had told interrogators what they knew, and to afford them some kind of due process. But Donald Rumsfeld, then the Defense Secretary, who had been heavily criticized for the abusive conditions at military prisons such as Abu Ghraib and Guantánamo, refused to take on the agency's detainees, a former top C.I.A. official said. "Rumsfeld's attitude was, You've got a real problem." Rumsfeld, the official said, "was the third most powerful person in the U.S. government, but he only looked out for the interests of his department—not the whole Administration." (A spokesperson for Rumsfeld said that he had no comment.)

C.I.A. officials were stymied until the Supreme Court's Hamdan ruling, which prompted the Administration to send what it said were its last high-value detainees to Cuba. Robert Grenier, like many people in the C.I.A., was relieved. "There has to

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be some sense of due process," he said. "We can't just make people disappear." Still, he added, "The most important source of intelligence we had after 9/11 came from the interrogations of high-value detainees." And he said that Mohammed was "the most valuable of the high-value detainees, because he had operational knowledge." He went on, "I can respect people who oppose aggressive interrogations, but they should admit that their principles may be putting American lives at risk."

Yet Philip Zelikow, the executive director of the 9/11 Commission and later the State Department's top counsellor, under Rice, is not convinced that eliciting information from detainees justifies "physical torment." After leaving the government last year, he gave a speech in Houston, in which he said, "The question would not be, Did you get information that proved useful? Instead it would be, Did you get information that could have been usefully gained only from these methods?" He concluded, "My own view is that the cool, carefully considered, methodical, prolonged, and repeated subjection of captives to physical torment, and the accompanying psychological terror, is immoral."

Without more transparency, the value of the C.I.A.'s interrogation and detention program is impossible to evaluate. Setting aside the moral, ethical, and legal issues, even supporters, such as John Brennan, acknowledge that much of the information that coercion produces is unreliable. As he put it, "All these methods produced useful information, but there was also a lot that was bogus." When pressed, one former top agency official estimated that "ninety per cent of the information was unreliable." Cables carrying Mohammed's interrogation transcripts back to Washington reportedly were prefaced with the warning that "the detainee has been known to withhold information or deliberately mislead." Mohammed, like virtually all the top Al Qaeda prisoners held by the C.I.A., has claimed that, while under coercion, he lied to please his captors.

In theory, a military commission could sort out which parts of Mohammed's confession are true and which are lies, and obtain a conviction. Colonel Morris D. Davis, the chief prosecutor at the Office of Military Commissions, said that he expects to bring charges against Mohammed "in a number of months." He added, "I'd be shocked if the defense didn't try to make K.S.M.'s treatment a problem for me, but I don't think it will be insurmountable."

Critics of the Administration fear that the unorthodox nature of the C.I.A.'s interrogation and detention program will make it impossible to prosecute the entire top echelon of Al Qaeda leaders in captivity. Already, according to the Wall Street Journal, credible allegations of torture have caused a Marine Corps prosecutor reluctantly to decline to bring charges against Mohamedou Ould Slahi, an alleged Al Qaeda leader held in Guantánamo. Bruce Riedel, the former C.I.A. analyst, asked, "What are you going to do with K.S.M. in the long run? It's a very good question. I don't think anyone has an answer. If you took him to any real American court, I think any judge would say there is no admissible evidence. It would be thrown out."

The problems with Mohammed's coerced confessions are especially glaring in the Daniel Pearl case. It may be that Mohammed killed Pearl, but contradictory evidence and opinion continue to surface. Yosri Fouda, the Al Jazeera reporter who interviewed Mohammed in Karachi, said that although Mohammed handed him a package of propaganda items, including an unedited video of the Pearl murder, he never identified himself as playing a role in the killing, which occurred in the same city just two months earlier. And a federal official involved in Mohammed's case said, "He has no history of killing with his own hands, although he's proved happy to commit mass murder from afar." Al Qaeda's leadership had increasingly focussed on symbolic political targets. "For him, it's not personal," the official said. "It's business."

Ordinarily, the U.S. legal system is known for resolving such mysteries with painstaking care. But the C.I.A.'s secret interrogation program, Senator Levin said, has undermined the public's trust in American justice, both here and abroad. "A guy as dangerous as K.S.M. is, and half the world wonders if they can believe him—is that what we want?" he asked. "Statements that can't be believed, because people

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think they rely on torture?"

Asra Nomani, the Pearls' friend, said of the Mohammed confession, "I'm not interested in unfair justice, even for bad people." She went on, "Danny was such a person of conscience. I don't think he would have wanted all of this dirty business. I don't think he would have wanted someone being tortured. He would have been repulsed. This is the kind of story that Danny would have investigated. He really believed in American principles."

Some Guantanamo inmates say they'd rather stay than be sent home to N. Africa to face torture

The Associated Press

ALGIERS, Algeria: This was supposed to be the moment Ahmed Bel Bacha was waiting for - the end of his five years in prison at Guantanamo Bay. Instead, the Algerian is fighting to stay put rather than return home.

Bel Bacha, reportedly slated to leave Guantanamo Bay soon along with three of his countrymen, fears he will be tortured back in Algeria, a country he had already fled once before to seek asylum in Britain, his lawyers say.

And so lawyers for the 38-year-old former hotel cleaner have been waging an 11th-hour legal battle to keep him temporarily at Guantanamo while looking for another country to give him political asylum.

Bel Bacha is not alone in his fears: Human rights groups say at least two dozen Guantanamo detainees - including many from the North African countries of Libya, Algeria and Tunisia - are afraid they will face abuse on returning home.

"How many times is the U.S. willing to take the risk with someone's life and send them back to regimes with terrible human rights records?" said Zachary Katznelson, an attorney for the rights group Reprieve, which represents Bel Bacha and three dozen other detainees. Human Rights Watch and Amnesty International are among other groups that are worried.

About 80 detainees have been declared eligible for release. Navy Cmdr. Jeffrey Gordon, a Pentagon spokesman, said detainees at the U.S. Navy base in Cuba can leave only "once humane treatment and continuing threat concerns have been satisfactorily addressed by the receiving country."

"I reiterate that detainees are not repatriated to countries where it is more likely than not that they will be tortured," he said.

Algeria's presidential office told The AP that Algeria had U.S. concerns about the prisoners covered, both through the country's "constant and incontestable commitment to the struggle against international terrorism," and by having signed "numerous international conventions for the protection of human rights."

But rights groups say countries' promises are not enough.

With U.S. President George W. Bush facing international pressure to close the military prison camp down, and with the U.S. administration struggling over what to do with roughly 360 remaining prisoners, rights groups fear U.S. officials may overlook the torture records of inmates' home countries.

In at least one other case already in North Africa, a former Guantanamo detainee says he was mistreated on returning to Tunisia.

Abdullah bin Omar's lawyer and wife say the 49-year-old father of eight was struck while in Tunisian custody, and that security services also threatened to rape bin Omar's female family members.

Bin Omar's wife said in an interview that his physical and mental state has improved since his returned, though his prison conditions are "appalling."

"If he had known he was going to be treated that way, he wouldn't have accepted to come home" and would have sought asylum elsewhere instead, Khadija Bousaidi told The Associated Press.

Tunisia's Justice Ministry has dismissed the allegations he was mistreated as "baseless."

Another Tunisian who was recently returned home and jailed, Lofti Lagha, has still never seen a lawyer, either before or after leaving Guantanamo, Reprieve says. Two representatives from the rights group left Tunisia on Sunday after trying unsuccessfully to see them.

"We were basically given the run-around the entire week," Cori Crider of Reprieve said.

One North African country, Morocco, seems to be treating former Guantanamo prisoners "relatively fairly," Reprieve's Katznelson said. Ten prisoners have gone back, and all are free except two.

In the case of Algeria, Amnesty International said this weekend that U.S. authorities planned to send Bel Bacha and three other Algerians home Monday. Clive Stafford Smith, the legal director for Reprieve, said Monday that his client had been granted another week. It was unclear whether that might have an impact on the three others.

Algeria is still trying to turn the page on an Islamic insurgency that has killed as many as 200,000 people since 1992, and anyone suspected of terrorist activities or knowledge of Islamist groups there "faces a real risk of secret detention and torture in Algeria," Amnesty says.

Beatings and electric shock treatments are often reported in Algeria, as is a method of tying victims down and forcing them to ingest dirty water, urine or chemicals through a rag stuffed in their mouths, Amnesty has said.

Bel Bacha lived for a time in Britain where he worked as a hotel cleaner before his capture in Pakistan, where he had gone to study the Quran, his family said. His brother, Mohammed Bel Bacha, complained that Algerian authorities gave the family little information on the case and that his lawyers had not been allowed to visit the country.

"If authorities are afraid to let the lawyers in, who can guarantee that my brother is going to come back to Algeria safe and sound?" he asked.

The Pentagon alleged Bel Bacha had weapons training in Afghanistan and met Osama bin Laden twice, declaring him an "enemy combatant." A later review found, however, found he no longer posed a threat to the United States and could be released.

Bel Bacha has been held at Guantanamo since February 2002 and is held in a solid-wall cell by himself for as many as 22 hours a day. Twenty-four Algerians are being held there, according to the New York-based Center for Constitutional Rights.

"If anyone comes back to Algeria it's a golden opportunity for Algeria to show that they have changed, that there is a new page in Algeria," said Katznelson of Reprieve. "Because the world will be watching."

<http://www.iht.com/articles/ap/2007/08/06/africa/AF-GEN-Africa-Leaving-Guantanamo.ph>
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