

Guantánamo: The struggle for our children...

Reports of chronic abuse bring more anguish -- but new reason to hope as well

by Khalid Al-Odah, the father of Guantánamo detainee Fawzi Al-Odah

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I open each day's newspaper with a persistent foreboding that has lately proven only too justified. One headline after another reports or confirms chronic abuse and torture at the Guantánamo Bay Naval Base. My son, Fawzi Khaled Abdullah Fahad Al-Odah, has been held prisoner without cause at that compound since the final months of 2001.

Our consolation is that these ongoing revelations may powerfully abet efforts to secure due process for Fawzi and for all the the USA's prisoners in Cuba. Like Fawzi, these young men are being held with neither the right to trial accorded accused criminals under US law nor the benefits of the Geneva Conventions provided prisoners of war (POWs).

The Kuwaiti Family Committee, which I founded in January 2002 to secure due process for the 12 Guantánamo detainees from Kuwait, has relied on support from Amnesty International, the International Committee of the Red Cross (ICRC), Human Rights Watch and the United Nations High Commissioner for Human Rights. We have been amply and generously supported by these institutions. Our position is also supported by journalists at all ends of the political spectrum. Blessedly, the United States Supreme Court unequivocally affirmed our claims to due process in three separate June 2004 rulings.

Now, the daily reports of human rights abuse may allow us to go even further.

As Guantánamo grows disturbingly similar to Abu Ghraib in the public consciousness, we are hoping to reach the greatest and most diverse audience possible with a chorus of protestation so universal that President Bush will have no choice but to listen. It is our prayer that the President will, at long last, find support for the Guantánamo detainees among many more of his key constituencies.

Even the voices of his own lieutenants and former lieutenants should continue to be heard loud and clear. Former CIA director George Tenet, for one, admitted that at least nine of the twelve, including Fawzi, are innocent of any crime.

While there was strong speculation as far back as 2002 that these nine men would be released, the public must be made to understand the political strategy that keeps Guantánamo in business. Many of us, both Kuwaitis and Americans, believe that Guantánamo is purposefully high-profile, a controversy that the Bush administration actually welcomes. As long as the public focuses on Guantánamo, the public remains unaware of 24 secret detention facilities revealed in a Human Rights First report.

It is, in any event, imperative that our actual motive be absolutely clear. We are seeking either due process or immediate release, as the Supreme Court ruled. We will rejoice in immediate release, but we will be content with due process -- especially in light of court papers released in December 2004 confirming the twelve Kuwaitis were in the wrong place at the wrong time when they were snared by bounty hunters and sold to the US.

Our evidence that these young Kuwaitis were charity workers, fulfilling religious duties, will stand up in any equitable court of law.

Fawzi had been involved with charity efforts in the region since 1996. Every Ramadan, he would collect donations to build classrooms and wells. He was always borrowing money from me because he had given his away. As a Quran teacher, he was entitled to summer vacations and, in 2000, he decided to use some of that time to teach in Pakistani villages. After he was captured, we received a letter forwarded by the Red Cross in Kandahar. It said, "Dad, mum, don't worry about me. I am in the custody of the Americans who will interrogate me and find me innocent. I will be back home in no time."

After that, we received nine letters, but none since November 2002. Fortunately, a delegation sent by the Kuwaiti government created a channel of communication. They saw Fawzi in January, 2004. At that time, he was reportedly in good spirits and still confident of his eventual release.

Yet, when I come home from work, my wife is weeping in a corner. I don't know what to do. I try to comfort her, but I awake sometimes at night and find her in Fawzi's bedroom. "We shouldn't abandon this room, we should keep it warm until he comes back," she says.

All the families are suffering greatly. For some of them, their breadwinners are trapped at Guantánamo. Six of the 12 are married with children. Fortunately, the Kuwaiti government has been providing some financial help. We have all been supporting each other and helping. And we press on, in courts of law, in the media, through official diplomatic channels, on our website (**kuwaitifreedom.org**) and in collaboration with organizations like Amnesty International.

We are additionally heartened by the recent landmark ruling in the case of Salim Ahmad Hamdan affirming his rights under the Geneva Conventions. Judge James Robertson's decision is a nail in the coffin of the military commission and the military's stubborn insistence that the Guantánamo detainees represent a unique class of humanity, neither accused criminals nor POWs. Common law, which is the applicable legal regimen in the US, says that Judge Robertson's decision applies to other detainees as well. It is an obviously useful tool in our legal arsenal.

It seems, then, that at least one of the three branches of the US government is doing its job. But, as the President's apparent indifference to the Supreme Court rulings suggests, one nail is hardly enough. The coffin, where we hope to bury this ongoing perversion of American justice, requires many such nails.

Today, as I write, the Kuwaiti parents have a number of immediate practical concerns. An October federal court ruling has granted my son, and two other detainees, an unmonitored meeting with their lawyers. We are very worried that our boys might not trust them, as Guantánamo personnel have been imitating lawyers in order to extract information. Guantánamo personnel have posed as ICRC representatives as well.

We have prepared letters of introduction for our lawyers that should solve this problem, since our family members will recognize the handwriting. We also made a videotape that shows family members sitting and talking with the attorneys. I very much want the American people to know that we were compelled to go to these lengths, if only as a further indication of the totalitarian environment that exists in Guantánamo.

Like Anne Frank during the dark days of Nazi concentration camps, I still believe that most people are good at heart. Having fought in the Gulf War alongside US troops, I believe that the American people are especially kind and compassionate. There is a great tie between the American and Kuwaiti peoples, or at least there used to be. My fear is that the political actions of the Bush administration will destroy those ties -- and that is exactly what the terrorists want.

The Kuwaiti Family Committee has made every effort to reach the American people, even though we cannot do so on American soil, as we cannot obtain visas. We have marched in London, where the popular support is significant. Whenever we march, we wear yellow ribbons. I trust that the American people can recognize in that abiding symbol a link between our humanity and their own.

This article was written by an outside contributor and does not necessarily reflect Amnesty International policy.

Further information:

<http://www.kuwaitifreedom.org>>Project Kuwaiti Freedom