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## USA

### Who are the Guantánamo detainees?

**Cruel. Inhuman. Degrades us all.**

**Stop torture and ill-treatment in the 'war on terror'**

#### **CASE SHEET 6: UPDATE**

Turkish/German detainee: Murat Kurnaz

Full name: Murat Kurnaz

Nationality: Turkish

Family status: Married, no children

Occupation: Apprentice shipbuilder

### **Background**

Murat Kurnaz was born in Bremen, Germany, in 1982. His parents, Rabiye and Metin Kurnaz, had emigrated from Turkey in the 1970s.

Murat Kurnaz went to school in Bremen. He was interested in sports, played keyboard and guitar in a band with friends, attended the local mosque, and became an apprentice shipbuilder. His mother describes him as a "helpful, credulous and cordial person, who always treated everyone with respect". In July 2001 he married his fiancée in Turkey.

After his marriage, Murat Kurnaz became an increasingly devout Muslim. He started attending Abu Bakr mosque instead of the family mosque, and reportedly became more and more incensed at what he saw as the persecution of Muslims around the world. Less than a month after the 11 September 2001 attacks in the USA, he went to Pakistan. His mother, Rabiye Kurnaz, recalls that he said that he wanted to travel there "to see and live the Qur'an".

*"Thank God, I am well, but just God that created us knows when I will come back"*

Murat Kurnaz' last postcard home, in May 2002

On arrival in Pakistan, Murat Kurnaz reportedly went from one madrassa (Islamic school) to another. He was arrested by Pakistani authorities in mid-November 2001. Soon afterwards he was transferred to US custody in Kandahar, Afghanistan. His family learned that he was held in Guantánamo Bay in January 2002 and received the first letter from him in March that year. The last postcard they received from him was in May 2002.

*"For over two years I have been begging for a sign that my son is alive, that he is being treated justly, that he has not been tortured, that his dignity has been preserved as he sits alone in a cell in Guantánamo"*

Rabiye Kurnaz

### **Torture allegations**

In the US air base in Kandahar, Murat Kurnaz says that:

- interrogators repeatedly forced his head into a bucket of cold water for long periods;
- interrogators gave electric shocks to his feet;
- he was held for days shackled and handcuffed with his arms secured above his head;
- on one occasion, a military officer loaded his gun and pointed it at Murat Kurnaz' head, screaming at him to admit to being an al-Qa'ida associate;
- he witnessed other detainees being beaten, one of whom apparently died as a result.

In Guantánamo Bay, Murat Kurnaz says that:

- he suffered sexual humiliation and taunting by young women in the interrogation room where he was shackled to the floor. When one of them began to caress him from behind, he jerked his head back, hitting her head. A response team of guards in riot gear entered the room, beat him and sprayed him with pepper spray. He was subsequently taken to an isolation cell, where he was left on the floor with his hands tied behind his back for

about 20 hours.

## German/Turkish authorities

As with all detainees in Guantánamo Bay, Murat Kurnaz is in legal limbo. His position is worsened by problems over his citizenship. Although he was born and brought up in Germany and lived there all his life, he is the son of Turkish *gastarbeiter* (guest-workers) and is therefore not a German citizen.

The US authorities say that the status of detainees in Guantánamo Bay is a matter for bilateral diplomacy between them and the government of the detainee. The German Foreign Minister, however, informed the Kurnaz family by letter that there was no possibility of Germany making diplomatic representations on behalf of Murat Kurnaz. The Turkish government originally viewed Murat Kurnaz as “German-Turkish”. Only after intense lobbying by Rabiye Kurnaz did the Turkish authorities come to accept him as their responsibility. Despite this recognition, the Turkish government has shown little interest in pressuring the US government over Murat Kurnaz’ case.

In August 2004 Thomas Röwekamp, the Senator for Interior Affairs in Bremen, declared that Murat Kurnaz’ indefinite residence visa had lapsed because he had been out of Germany for over six months and had not reapplied. The Senator stated that “if [Murat Kurnaz] were to arrive now at a German airport with his pass-port... he wouldn’t be allowed to enter the country”.

In January 2005 a new immigration law came into force in Germany which restricts access to Germany for those suspected of any involvement in “terrorism”. This means that even if Murat Kurnaz is released from Guantánamo Bay he will have to apply for a visa to Germany, which could be rejected because the US authorities have by their actions labelled him as a “terrorist”. In this case he could be sent to Turkey, possibly never to be allowed back to the country of his birth and where his family continues to live.

On 13 April a US Federal Court ruled that the US authorities could not send Murat Kurnaz to a prison in another country without giving his lawyers a chance to challenge the move.

*“[I]t would appear that the government is indefinitely holding the detainee – possibly for life – solely because of his contacts with individuals or organizations tied to terrorism and not because of any terrorist activities that the detainee aided, abetted, or undertook himself. Such detention... would be a violation of due process.”*

US District Judge Joyce Hens Green

## Combatant Status Review Tribunal

On 30 September 2004, a Combatant Status Review Tribunal determined that Murat Kurnaz was an “enemy combatant”. However, on 31 January 2005 Federal Judge Green found that the Combatant Status Review Tribunals are an inadequate vehicle by which detainees could challenge their detention. She cited the case of Murat Kurnaz to illustrate “the fundamental unfairness of the [tribunals’] reliance on classified information not disclosed to the detainees” in reaching decisions on the detainees’ “enemy combatant” status.

Since this ruling, evidence has come to light suggesting that the US authorities themselves do not believe there is a case for holding Murat Kurnaz. Previously classified statements in his file include:

*“CITF [Command Information Task Force] has no definite link/evidence of detainee having an association with al-Qaida or making any specific threat toward the US.”*

*“The Germans confirmed that this detainee has no connection to an al-Qaida cell in Germany.”*

*“CITF is not aware of any evidence that Kurnaz has knowingly harboured any individual who was a member of al-Qaida or who has engaged in, aided or abetted, or conspired to commit acts of terrorism against the US, its citizens or its interests.”*

*“If I go back home, I will prove that I am innocent. If I learn of any terrorist groups or plots, I will notify the German authorities to show them that I don’t support terrorism, so I can sleep well.”*

Murat Kurnaz

*“I am here having lost a few years of my life because of Usama Bin Laden. His beliefs show Islam in the wrong way. I am not angry with Americans. Many Americans died on 11 September in the terrorist attack. I realize the Americans are trying to stop terrorism... I went to study in Pakistan at the wrong time...”*

Murat Kurnaz

## TAKE ACTION FOR MURAT KURNAZ

### Write to the US authorities:

- Stating that Murat Kurnaz and all others held must be given full and fair trials or released;
- Seeking assurances that there is a full and impartial investigation into the allegations of torture and ill-treatment of Murat Kurnaz and other detainees in Guantánamo Bay, and that all those found responsible will be brought to justice;
- Reminding the US authorities that they cannot forcibly return anyone to a country where they might be tortured or ill-treated;
- Calling for the US government to set up a commission of inquiry into “war on terror” detentions.

## **Write to the German authorities:**

- Seeking assurances that if released, Murat Kurnaz will be allowed to return to Germany;
- Seeking information as to the efforts made by the German authorities on Murat Kurnaz’ behalf and assurances that his family is being kept fully updated on his status;
- Urging the German authorities to support AI’s call for an independent inquiry into “war on terror” detentions.

## **WRITE TO:**

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If you want to take further action on this case, please contact your national AI office

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