



Close  
Guantánamo  
symbol of  
injustice

amnesty  
international



# AN ICON OF LAWLESSNESS

**H**undreds of men of many different nationalities have been transported to the USA's offshore prison camp at Guantánamo Bay, Cuba. At every stage of their ordeal, their dignity, humanity and fundamental rights have been denied.

*"The United States Government will work to advance human dignity in word and deed, speaking out for freedom and against violations of human rights."*

National Security Strategy of the USA, March 2002

down like cargo. They were the first of more than 750 people of some 45 nationalities who would be taken to the base in this way, among them children as young as 13. They have included people who were simply in the wrong place at the wrong time, dozens of whom were handed over to the USA by Pakistani or Afghan agents in return for thousands of dollars.

*"I am dying here every day, mentally and physically... We have been ignored, locked up in the middle of the ocean for four years."*

Guantánamo detainee Shaker Aamer, a Saudi Arabian national and UK resident, November 2005

The first detainees were flown from Afghanistan to Guantánamo in January 2002 – hooded, shackled and tied

The US authorities have branded the detainees as loosely-defined "enemy combatants" in a global conflict.

That they see the world as the "battlefield" is illustrated by the fact that Guantánamo's detainees were picked up in places as far apart as Bosnia and Herzegovina, Egypt, Gambia, Indonesia, Mauritania, Thailand, the United Arab Emirates and Zambia, as well as Afghanistan and Pakistan.

The US authorities see "enemy combatants" as a potential source of intelligence and a potential threat to

national security. Access to lawyers is perceived as detrimental to the interrogation process. Access to the courts is seen as disruptive of military operations. Arbitrary detention has been the result.

Five years on, hundreds of men are still held in Guantánamo. None has been tried. None has appeared in court. All, in Amnesty International's opinion, are unlawfully detained. Many have been tortured or ill-treated, whether in Afghanistan or elsewhere prior to their transfer to Guantánamo, or during their transfer, or as part of the interrogation process in the base, or just through the harshness of the Guantánamo regime – isolating, indefinite and punitive. By association, their families too have suffered the cruelty of this virtually incommunicado island incarceration.

Three days after the first transfers to Guantánamo, Amnesty International urged the USA to respect the detainees' fundamental human rights. USA: AI calls on the USA to end legal limbo of Guantánamo prisoners (AMR 51/009/2002) was the first of numerous documents published by the organization in the continuing campaign to expose and end the human rights violations associated with Guantánamo.

Amnesty International was among the first to call for the closure of Guantánamo, a prison that symbolizes the US government's manipulation of the law in its "war on terror". However, closing Guantánamo would only be a first step and must not result in the transfer of human rights violations elsewhere. Guantánamo is simply the tip

## GUANTÁNAMO TIMELINE

2001

**11 September** – Nearly 3,000 people are killed when four hijacked planes are crashed in the USA. US President George W. Bush declares a "war on terror".

**7 October** – The USA leads military action against the Taleban government and al-Qa'ida in Afghanistan.

**13 November** – President Bush issues a Military Order, which allows for the indefinite detention without charge of non-US citizens suspected of involvement in terrorism and prohibits such detainees from seeking any remedy in any US, foreign or international court. Any trial would be by military commission – an executive body, not an independent court.

**28 December** – A Justice Department memorandum advises that because Guantánamo Bay is not sovereign US territory, the federal courts should not be able to consider habeas corpus petitions from "enemy aliens" detained at the base.

2002

**11 January** – The first detainees are transferred to Guantánamo from Afghanistan and are held in wire mesh cages in Camp X-Ray.

**28 April** – Detainees are moved from Camp X-Ray to Camp Delta.

**1 August** – A Justice Department memorandum advises that the President can authorize torture, that interrogators may cause severe pain before crossing the threshold to torture, and that there is "a significant range" of cruel, inhuman or degrading acts that would not amount to torture and therefore not be prosecutable under a US law prohibiting torture by US agents outside the USA.

**2 December** – Secretary of Defense Donald Rumsfeld approves interrogation techniques for discretionary use at Guantánamo that include hooding, stripping, sensory deprivation, isolation, stress positions and the use of dogs to "induce stress". He rescinds this blanket approval six weeks later, stating that his authorization of such techniques should be sought on a case-by-case basis.

2003

**April** – Secretary Rumsfeld authorizes interrogation techniques including isolation, "environmental manipulation" and "sleep adjustment" at Guantánamo.

**3 July** – The US Department of Defense announces that President Bush has made six Guantánamo detainees eligible for trial by military commission. Two of the six were subsequently released without charge or trial to the UK.

**July** – The International Committee of the Red Cross, the only organization with access to the Guantánamo detainees, reveals its concern about the serious impact the indefinite detentions is having on the psychological health of the detainees.



**Detainees in orange jumpsuits sit in a holding area at Camp X-Ray at Guantánamo Bay, January 2002.**

© DoD



of the iceberg, the most visible – albeit far from transparent – part of a global detention web that the USA has spun in the “war on terror”.

Most of the detainees glimpsed in their orange jumpsuits have been in Guantánamo for years. If the authorities have evidence that these men have committed crimes, they should charge and try them. If they do not have such evidence, they should release them.

Governments have a duty to protect the safety of the public. They should take all reasonable and lawful steps to prevent acts of terror and bring to justice those responsible for committing or planning such acts. But governments also have a duty to do this in a framework of protecting the human rights of us all.

Guantánamo is emblematic of the US government’s failure to fulfil that duty. It is a legal and moral disgrace. It should be closed.

**A full list of Amnesty International’s documents on Guantánamo, referenced in this briefing by their AI Index number (for example, AMR 51/009/2002), can be found at: <http://web.amnesty.org/pages/guantanamobay-library-eng>**

2004

**28 June** – The US Supreme Court rules in *Rasul v. Bush* that US courts can consider challenges to the legality of the detention of the Guantánamo detainees.

**7 July** – The Pentagon announces the formation of the Combatant Status Review Tribunals – panels of three military officers allowed to rely on secret and coerced evidence against detainees denied legal representation and presumed to be “enemy combatants” unless they prove otherwise.

**November** – A challenge brought on behalf of Yemeni detainee Salim Ahmed Hamdan in a federal court leads to the suspension of trials by military commission.

2005

**25 May** – Amnesty International calls for Guantánamo to be closed. The call is subsequently joined by UN experts, former US Presidents Carter and Clinton, heads of state from Europe and elsewhere, and other human rights and legal organizations.

**June** – A military investigation finds “no evidence of torture or inhumane treatment” at Guantánamo, while confirming that methods used against detainees included use of loud music, strobe lighting, extremes of temperature, sleep deprivation, exposure to dogs and isolation.

**30 December** – President Bush signs into law the Detainee Treatment Act of 2005, which bans the use of cruel, inhuman or degrading treatment of detainees but severely curtails the right of Guantánamo detainees to judicial review of the lawfulness or conditions of their detention.

2006

**10 June** – Three detainees die at Guantánamo, apparently after committing suicide.

**29 June** – The US Supreme Court, in *Hamdan v. Rumsfeld*, rules that the military commissions as constituted under the 2001 Military Order are illegal.

**6 September** – President Bush announces the transfer to Guantánamo of 14 detainees who had been held in secret CIA-run “black sites” for up to four and a half years.

**17 October** – President Bush signs into law the Military Commissions Act, which undermines basic principles of justice, and announces that the Act will allow the CIA’s secret detention programme to continue.

**October/November** – The government seeks to have all pending habeas corpus petitions filed on behalf of Guantánamo detainees prior to the enactment of the Military Commission Act thrown out of court.

# WHO ARE THE GUANTÁNAMO

**M**ost of the Guantánamo detainees are Muslims. They come from Africa, Asia, Europe and the Middle East. Some were arrested in or near conflict zones; others were picked up far from any fighting in countries as disparate as Bosnia and Herzegovina and Egypt, Gambia and Indonesia. Some had jobs, others were students or unemployed. Some have children, others were children themselves when arrested.

Now they are sharing the distress of indefinite detention, isolation, ill-treatment, and numerous other abuses of their fundamental rights.

Almost all of the detainees have been held without charge for years. Some have had no contact with their families whatsoever, others have received occasional, often heavily censored, letters. Some have children they have never met.

Amnesty International has issued many Case Sheets on Guantánamo detainees, at least 17 of whom have been released or transferred to the custody of their home government. These action documents seek to protect the detainees – when the world knows about prisoners, it is more difficult for their jailers to abuse them. They are no longer “forgotten prisoners”, but individuals with names, faces, occupations, families – and human rights.

© AI



*“Who has the right to split families up, to take these men away illegally without any procedures?”*

Nadja Dizdarević, wife of Guantánamo detainee Boudella al-Hajj

**Right top to bottom: Guantánamo detainees Fawzi al-Odah, Abdul Salam al-Hela, Mustafa Ait Idir, Mamdouh Habib, Salim Ahmed Hamdan and Omar Khadr. All © Private**

## Released but not free

Hundreds of detainees have been transferred out of Guantánamo. The overwhelming majority were never charged and are now at liberty.

However, release has not necessarily meant return to their old lives. Some have been detained in their home countries. Some have faced harassment and ostracism at home. Many carry physical or psychological scars as a result of their ordeal. Not one has received an apology for the human rights violations they suffered in US custody, let alone compensation.

Some of those released have been sent to countries where their safety is at risk or where they have no family, friends or prospects. Five ethnic Uighurs from China were sent to Albania in May 2006 and were granted asylum there. The men could not be returned to China for fear of human rights violations, including possible execution. There is no Uighur community in Albania and integration is proving extremely difficult. One of the five, Abu Bakker Qassim, told the New York Times:

*“I was locked up and mistreated for being in the wrong place at the wrong time during America's war in Afghanistan. Like hundreds of Guantánamo detainees, I was never a terrorist or a soldier. I was never even on a battlefield. Pakistani bounty hunters sold me and 17 other Uighurs to the United States military like animals for \$5,000 a head. The Americans made a terrible mistake.”*



# 0 DETAINEES?

## GUANTÁNAMO IN NUMBERS

- ▶ About **775** detainees have been held in Guantánamo since 11 January 2002.
- ▶ About **395** detainees of over **30** nationalities were still held in Guantánamo in late 2006.
- ▶ Up to **17** detainees were under **18 years old** when arrested; **four** of them remain in Guantánamo.
- ▶ Some **14** detainees were transferred to Guantánamo in September 2006 after being held incommunicado in secret CIA detention for up to **four and a half** years.
- ▶ An analysis of **500** detainees found that only **5 per cent** were captured by US forces; **86 per cent** were arrested by Pakistani forces or Afghanistan-based Northern Alliance forces and turned over to US custody, often for a reward of thousands of dollars.
- ▶ Some **380** have been transferred out of Guantánamo to countries including Afghanistan, Albania, Australia, Bahrain, Bangladesh, Belgium, Denmark, Egypt, France, Germany, Iran, Iraq, Jordan, Kazakhstan, Kuwait, Libya, Maldives, Morocco, Pakistan, Russia, Saudi Arabia, Spain, Sudan, Sweden, Tajikistan, Turkey, Uganda, the UK and Yemen.
- ▶ **No** Guantánamo detainee has been convicted of a criminal offence by a US court.
- ▶ **Ten** detainees were charged for trial by military commissions, which were then ruled unlawful by the US Supreme Court.
- ▶ More than **40** suicide attempts in Guantánamo have been reported; **three** men died at Guantánamo in June 2006 after apparent suicides.
- ▶ Up to **200** detainees have staged hunger strikes to protest against their circumstances and conditions of detention.



*Anticlockwise from top right: Guantánamo detainees Jumah al-Dossari, Sami al-Hajj, David Hicks and Yousef al-Shehri. All © Private*

### Children's torment

At least 17 children have been held at Guantánamo Bay. Four of them, possibly more, remain there – Mohamed al-Gharani, aged 15 when detained, Omar Khadr, 15, Hassan bin Attash, 17, and Yousef al-Shehri, 16. All are now adults.

Yassar al-Zahrani, who was reportedly 17 when detained, died in Guantánamo in June 2006, after apparently hanging himself.

In January 2004 the US Department of Defense stated that "these juveniles were considered enemy combatants that posed a threat to US security. Age is not a determining factor in detention."

All but three of the children held in Guantánamo were detained in the same harsh conditions as the adults, even though international law requires special protection for detainees under 18 years old. In 2004 the International Committee of the Red Cross (ICRC), the only organization with access to the detainees, expressed its particular concern about "the possible psychological impact this experience could have at such an important stage in their development."

Many other children elsewhere in the world are tormented by the absence of their fathers, brothers and other relatives trapped in Guantánamo. Zahra Paracha, the 14-year-old daughter of Guantánamo detainee Saifullah Paracha, told Amnesty International:

"How would you feel if you find out that your father, the person who is trying to give you the education... who tried to help you to walk your first steps has been thrown onto the floor, has been tortured, and been given all these weird methods to try to get something out of him?"

# TORTURE AND ILL-TREATMENT

*"Frequent loud noises are made during the night time while I am trying to sleep."*

Fawzi al-Odah

**(Who are the Guantánamo detainees? Case Sheet 18, AMR 51/156/2006)**

*"My health condition is very poor, and so is my psychological state. I do not think that I will carry on much further. I feel very unwell, and I feel that my end is imminent."*

Letter sent in June 2006 by Jumah al-Dossari, who has made at least 12 suicide attempts in Guantánamo

**(Who are the Guantánamo detainees? Case Sheet 11, AMR 51/007/2006)**

*"Cages not even fit for wild animals."*

Sami al-Hajj

**(Who are the Guantánamo detainees? Case Sheet 16, AMR 51/013/2006)**

*"We were put in isolated rooms, we were often deprived of sleep, given mental torture or kept in a cold room."*

Habibul Rehman, one of around 50 Afghan nationals released and returned to Afghanistan

*"If torture and abuse had a smell, none of the American soldiers would be able to sit next to anyone else."*

Omar Deghayes, a Libyan national and UK resident, held in Guantánamo

**(Who are the Guantánamo detainees? Case Sheet 9, AMR 51/088/2005)**

*"I have been forced to run in leg shackles that regularly ripped the skin off my ankles."*

David Hicks, an Australian Guantánamo detainee

**(Who are the Guantánamo detainees? Case Sheets 4 and 5, AMR 51/069/2005, AMR 51/115/2004)**

*"The United States is committed to the worldwide elimination of torture and we are leading this fight by example."*

President Bush, June 2003

**O**n 24 January 2003, a man in an orange jumpsuit was brutally treated in a cell at Guantánamo, and suffered traumatic brain injury and seizures as a result. He says that a special team of five guards slammed him to the floor, put him in a painful chokehold, and pounded his head repeatedly against the steel floor. What the team did not know was that their victim was a US military guard who had volunteered to pose as an unco-operative detainee in a training exercise.

The case symbolized the extent to which brutality had infected Guantánamo. It was also just one of numerous cases of torture and ill-treatment that have emerged from the base in the past five years. These cases have provided a stark rebuttal to the familiar refrains of US officials that the USA is leading the struggle against torture; that all detainees in US custody are treated humanely; and that there is full accountability on the rare occasions that this standard is not met.

The reality is that since September 2001, the US government has sought to rewrite the rules banning torture and other cruel, inhuman and degrading treatment – and Guantánamo has been a testing ground for

these new rules. Interrogation techniques developed for use in Afghanistan and Guantánamo subsequently emerged in Abu Ghraib prison in Iraq, where torture was exposed in photos that shocked the world.

On 7 February 2002, President Bush signed a memorandum confirming that Article 3 common to the four Geneva Conventions would not apply to any Taliban or al-Qa'ida detainee. This included all the detainees sent to Guantánamo. Common Article 3 prohibits torture, cruel treatment and "outrages upon personal dignity, in particular humiliating and degrading treatment." President Bush had been advised that not applying common Article 3 would protect US interrogators from prosecutions for war crimes under the USA's War Crimes Act.

Six months later a Justice Department memorandum advised that the President could override the prohibition on torture; that interrogators could cause a great deal of pain before crossing the threshold to torture; and that there were a wide range of acts that might amount to cruel, inhuman or degrading treatment but would not amount to torture. Agents who used them, the memorandum

## Mohamed al-Qahtani

Mohamed al-Qahtani, a Saudi Arabian national, was kept in complete isolation in Guantánamo for three months in late 2002 and early 2003. He was forced to wear a woman's bra. He had a thong placed on his head. He was tied by a leash, led around the room and forced to perform dog tricks. He was made to dance with a male interrogator while wearing a towel "like a burka". He was forced to stand for long periods. His hair and beard were forcibly shaved during interrogation. He was strip-searched in front of women. He was sexually humiliated, and subjected to sexual insults about his female relatives. He had water repeatedly poured over his head. He was subjected to hooding, loud music, white noise, and to extremes of heat and cold. He was forced to urinate in his clothing. All this happened while Mohamed al-Qahtani was interrogated for 18-20 hours a day for 48 out of 54 consecutive days.

A military investigation into allegations of abuse at Guantánamo concluded that while Mohamed al-Qahtani's treatment had been cumulatively "degrading and abusive", it did not amount to "prohibited inhumane treatment". It also found there was "no evidence of torture or inhumane treatment" at Guantánamo.

Mohamed al-Qahtani remains in Guantánamo; no one has been held to account for his torture.



argued, could not be prosecuted under the USA's extraterritorial anti-torture law.

The euphemistically termed "stress and duress" techniques that emerged in Guantánamo and US detention facilities elsewhere included forced standing and crouching, sleep deprivation, subjection to noise, prolonged isolation, and hooding. Some techniques, such as the use of dogs, forced nudity, forcible shaving, sexual humiliation by female interrogators, and removal of religious items, have discriminatory undertones.

To date, there has not been a single prosecution of US personnel under the anti-torture law or the War Crimes Act. This is despite the numerous allegations of torture and the confirmation in 2004 by a US military investigation that from 2002 onward US interrogators in Afghanistan were stripping detainees, isolating them for long periods, using stress positions, exploiting fear of dogs and using sleep and light deprivation. Such techniques, annually condemned by the US State Department when occurring in other countries, have been used in Guantánamo.

More recently, at a Senate hearing in July

2006, six military lawyers all agreed that some of the interrogation techniques authorized in the "war on terror" had violated common Article 3.

President Bush's 7 February 2002 memorandum, which has not been withdrawn, states that detainees would be treated humanely, "including those who are not legally entitled to such treatment." There are no such detainees. All detainees, everywhere, have the right to be free from torture or other ill-treatment. This is not a policy choice. It is a legal obligation on all governments.

Amnesty International has persistently campaigned against torture and ill-treatment in Guantánamo, through publications such as USA: Human dignity denied – Torture and accountability in the "war on terror" (AMR 51/145/2004) as well as Urgent Actions and Case Sheets on behalf of individuals.

Acts of terrorism negate the very basis of human dignity and decency. So do acts of torture. And to torture, to degrade, to humiliate, is to flout the rule of law and undermine long-term security. Just as terrorism should be rejected absolutely, so should torture and other ill-treatment.

## Hunger strikes

"When they vomited up blood, the soldiers mocked and cursed them, and taunted them with statements like 'look what your religion has brought you.'"

Saudi Arabian detainee Yousef al-Shehri

During 2005 over 200 detainees participated in a hunger strike at Guantánamo to protest against conditions of detention and their long-term indefinite detention without trial. Hunger strikers were reportedly placed in isolation cells, strapped into restraint chairs, subjected to painful force feeding methods and deprived of "comfort items" such as blankets and books. Lawyers said that some hunger strikers were moved into isolation in cold rooms. Guards allegedly taunted these detainees by rattling the doors of their cells, interrupting their prayers and disrupting their sleep.

## Suffering of relatives

"Where are these human rights that allow my husband's freedom to be snatched away and to have him put in a cage? ... My heart feels sad for my children who are growing every day... Their questions are increasingly difficult and painful for me to answer: Am I an orphan? Is my dad still alive? ... Their questions make me cry inside every day."

Letter of the wife of Jamil al-Banna, a Jordanian national with refugee status in the UK who remains in Guantánamo

Thousands of people around the world have been condemned to a life of suffering because a relative has been detained in Guantánamo. They are tormented by the indefinite nature of the detention and the persistent accounts of cruelty and degradation emerging from the camp. They face ostracism by people who fear their links with terrorist suspects. They suffer poverty with the loss of their relative's income and possibly their own.



**A protest march on behalf of UK residents held at Guantánamo to the US embassy in London.**

Amnesty International has campaigned on their behalf over the years, including by jointly organizing with Reprieve a conference in London, UK, that brought together former Guantánamo detainees as well as relatives of those still held.

Relatives of Guantánamo detainees are being stigmatized and punished as a result of the US government's unlawful "war on terror" detention policy. That policy must be changed.

## Indefinite detention

"We made this camp for people who would be here forever. You should never think about going home. You'll be here all your life... Don't worry. We'll keep you alive so you can suffer more."

Alleged statement of a US interrogator to Mohamed al-Gharani, a Chadian national held in Camp V

In May 2006, the UN Committee against Torture told the USA that indefinite detention without charge violates the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It urged the USA to close Guantánamo.

# SNAPSHOT OF A GLOBAL CAMPAIGN

selected AI reports

## 2001

**USA:** Letter from Amnesty International Secretary General to President George W. Bush – Attacks of 11 September 2001 (AMR 51/144/2001)

**USA:** Presidential order on military tribunals threatens fundamental principles of justice (AMR 51/165/2001)

**USA:** Apologists for torture must be challenged (ACT 30/063/2001)

**USA:** Pursuing Justice, Not Revenge (ACT 30/068/2001)

## 2002

**USA:** AI calls on the USA to end legal limbo of Guantánamo prisoners (AMR 51/009/2002)

**USA:** Military commissions – Second-class justice (AMR 51/049/2002)

**USA:** Memorandum to the US Government on the rights of people in US custody in Afghanistan and Guantánamo Bay (AMR 51/053/2002)

**USA:** Beyond the law – Update to AI's April memorandum to the US government on the rights of detainees held in US custody in Guantánamo Bay and other locations (AMR 51/184/2002)

## 2003

**USA:** Guantánamo detainees – the legal black hole deepens (AMR 51/038/2003)

**USA:** The Guantánamo scandal continues (AMR 51/078/2003)

**USA:** It is time for the legal limbo to end (AMR 51/104/2003)

**USA:** The threat of a bad example – undermining international standards as “war on terror” detentions continue (AMR 51/114/2003)

**USA:** Guantánamo detainees – Human rights are not negotiable (AMR 51/141/2003)

**USA:** Holding human rights hostage (AMR 51/164/2003)



**Australia:**

Supporters of Australian Guantánamo detainee David Hicks hold rallies around Australia calling for his release.

**Austria:**

AI stages a joint public action in Vienna city centre, with hooded activists wearing orange jumpsuits held in metal cages, to press for the closure of Guantánamo in advance of the European Union-US Summit in Vienna.

**Bahrain:**

AI members organize a public event around the film “Road to Guantánamo” and a “Close Guantánamo” web petition.

**Belgium:**

AI members set up a Guantánamo jail in the centre of Brussels, with singers calling on people to campaign for Guantánamo’s closure.

**Canada:**

AI members organize several “Close Guantánamo” activities, including postcards, email petitions and demonstrations ([www.noexceptions.ca](http://www.noexceptions.ca)).

**Chile:**

AI members organize street activities on Guantánamo in Santiago and screened “Road to Guantánamo”.

**Denmark:**

AI members campaign on behalf of Kuwaiti detainees in Guantánamo. Tens of thousands of Danes press their Prime Minister into condemning Guantánamo.

**Finland:**

AI presses the Finnish EU-presidency to stop rendition flights through Europe to Guantánamo.

**France:**

AI members demonstrate in front of the US embassy calling for Guantánamo to be closed.

**Germany:**

AI members in Weiden ask passers-by to send letters of protest about Guantánamo to the US President.

**Greece:**

AI organizes stalls and other activities at the European Social Forum held in Athens, to raise awareness about abuses in Guantánamo.

**Iceland:**

AI organizes screenings of “Road to Guantánamo”, a postcard action and a seminar with former Guantánamo detainees.

**Ireland:**

Over 200 people in Guantánamo orange jumpsuits and black chains march through Dublin.

**Israel:**

AI runs a stall at a music concert calling for an investigation into illegal activities in Guantánamo.



AI FRANCE



AI BELGIUM & EU



# CAMPAIGN



- Kuwait:** Around 200 people march in silent protest and release white doves to demand the closure of Guantánamo.
- Luxembourg:** AI releases 200 orange balloons, each calling for the closure of Guantánamo.
- Malaysia:** AI members campaign on behalf of Australian detainees in Guantánamo.
- Netherlands:** AI members set up a web-based campaign on behalf of Guantánamo detainee Omar Deghayes.
- Paraguay:** AI members protest about Guantánamo outside the US embassy.
- Slovenia:** AI activists dress up in orange jumpsuits and masks to highlight the abuses in Guantánamo.
- Poland:** AI members organize street theatre in Warsaw against torture in Guantánamo and other secret US-run prisons, and collect signatures.
- Turkey:** AI members organize an Air Torture stall at a music festival in Istanbul and collect signatures calling for the closure of Guantánamo.
- Uruguay:** AI members erect a huge banner in front of the US embassy calling for the closure of Guantánamo.
- USA:** AI members campaign against the proposed Military Commissions Act, staging demonstrations and vigils, and send appeals to members of Congress.
- Yemen:** Around 1,000 demonstrators, including families of detainees, march in front of the Yemeni Parliament to highlight abuses in Guantánamo.

## 2004

- USA:** Despite releases, Guantánamo remains an affront to the rule of law (AMR 51/041/2004)
- USA:** Restoring the rule of law – the right of Guantánamo detainees to judicial review of the lawfulness of their detention (AMR 51/093/2004)
- USA:** The US Supreme Court takes a step towards restoring the rule of law to Guantánamo (AMR 51/110/2004)
- USA:** Administration continues to show contempt for Guantánamo detainees' rights (AMR 51/113/2004)
- USA:** A deepening stain on US justice (AMR 51/130/2004)
- USA:** Human dignity denied – Torture and accountability in the “war on terror” (AMR 51/145/2004)

## 2005

- USA:** Guantánamo – an icon of lawlessness (AMR 51/002/2005)
- USA:** Guantánamo – trusting the executive, prolonging the injustice (AMR 51/030/2005)
- USA:** Guantánamo and beyond – the continuing pursuit of unchecked executive power (AMR 51/063/2005)

## 2006

- USA:** Guantánamo – Lives torn apart: the impact of indefinite detention on detainees and their families (AMR 51/007/2006)
- USA:** Military Commissions for “War on Terror” detainees (AMR 51/050/2006)
- USA:** Justice at last or more of the same? – Detentions and trials after *Hamdan v. Rumsfeld* (AMR 51/146/2006)
- USA:** Military Commissions Act of 2006 – turning bad policy into bad law (AMR 51/154/2006)
- USA:** Five years on “the dark side” – a look back at “war on terror” detentions (AMR 51/195/2006)

# A SECRET NETWORK

Secrecy has shrouded Guantánamo, even though the camp itself has been the most well known part of the USA's "war on terror" detention network. The secrecy is dangerous for the detainees, distressing for relatives, and detrimental to the rule of law.

For more than four years the US Department of Defense kept secret the identities of those incarcerated in Guantánamo, finally providing a list of names only after legal action was taken against it in the courts. It has always given only approximate numbers of those held there, providing a loophole for detainees to be taken to and from Guantánamo, or between different US agencies, without public knowledge.

The CIA is known to have run its own facility at the camp, and reportedly held "high-value" detainees there, as well as participating in interrogations of detainees held in military custody. However, many questions about the CIA's activities in the camp remain unanswered.

Such secrecy, which allows torture and other ill-treatment to flourish, has been replicated in the USA's programme of secret detention, renditions and torture around the world.

## Renditions

Guantánamo has been a major cog in the secret US programme of unlawful transfers of "war on terror" suspects between countries. These renditions have been

### Mohamedou Ould Slahi

*"My country turned me over, short-cutting all kinds of due process of law, like a candy bar to the United States. They sent me to Jordan for torture and later on to Bagram and then to this place... I have been kept out of the world for more than four years and I really don't know what is going on outside."*

Guantánamo detainee Mohamedou Ould Slahi, 13 December 2005

Mohamedou Ould Slahi was detained by the Mauritanian authorities in late November 2001 after he handed himself in. Eight days later he was transferred to Jordan, where he says he was tortured. In July 2002, after eight months' incommunicado military detention, he was put on a CIA-leased plane, flown to Afghanistan, and again allegedly ill-treated.

In August 2002 he was transferred to Guantánamo. There, the ICRC was denied access to him for more than a year on the grounds of "military necessity". During this period in incommunicado detention, his treatment included being subjected to extremes of temperature, to threats against his family (he was told that his mother was in US custody and only his co-operation could help her), and being taken off the base in a boat and threatened with death or disappearance. Mohamedou Ould Slahi remains in Guantánamo.

**USA: Rendition – torture – trial? The case of Guantánamo detainee Mohamedou Ould Slahi (AMR 51/149/2006)**



**Above: AI Greece "Torture Free Skies" Action at the 4th European Social Forum in Athens, May 2006.**

**Right: A detainee being taken into Camp X-Ray at Guantánamo, January 2002.**

used to transfer detainees to states such as Egypt, Jordan and Syria, where torture is routine, as well as to US custody in Afghanistan and secret facilities known as "black sites" run by the CIA. Many victims of rendition have ended up in Guantánamo.

Amnesty International has persistently investigated and campaigned against these illegal transfers, and from November 2001 it urged the USA not to resort to this practice in the "war on terror".

In January 2002 Amnesty International alerted the world to the impending rendition of six Algerians – Bansayah Belkacem, Lahmar Saber, Mustafa Ait Idir, Hadz Boudella, Lakhdar Boumediene and Mohamed Nechle – from Bosnia and Herzegovina to US custody (EUR 63/001/2002 and EUR 63/013/2003). The men are still in Guantánamo.

The same year the organization tried to prevent the transfer to US custody and eventually to Guantánamo of UK residents Bisher Al-Rawi and Jamil al-Banna after they were detained in Gambia (AFR 27/006/2002). Amnesty International also took early action in the case of Canadian citizen Maher Arar, who was seized by US authorities in 2002 and secretly transported to his native Syria, where he was tortured (AMR 51/159/2002 and AMR 51/139/2003). Maher Arar was eventually released, and his case was the subject of a commission of inquiry in Canada.

### Muhammad Saad Iqbal Madni

Muhammad Saad Iqbal Madni was arrested by Indonesian intelligence agents in January 2002, allegedly on the instructions of the CIA. CIA agents then flew him to Egypt, where he "disappeared" and was rumoured to have died. In fact, he had been secretly transferred to Afghanistan via Pakistan in April 2002, held there for 11 months, and then sent to Guantánamo in March 2003. It took another year for word to get out that he was there and alive.

Amnesty International analysed numerous flight records of CIA-leased planes and matched them with its interviews with victims to help uncover the USA's renditions programme and its link to Guantánamo. One of the planes, a Gulfstream V variously registered as N379P, N8068V and N44982, made numerous trips to Guantánamo, earning it the nickname "The Guantánamo Bay Express".

The results of Amnesty International's research, published in *USA: Below the radar – secret flights to torture and "disappearance"* (AMR 51/051/2006), helped to expose the unlawful programme and fed into official investigations in several countries shown to have facilitated renditions.

## Secret detention network

"The [USA] should investigate and disclose the existence of any [secret detention] facilities and the authority under which they have been established and the manner in which detainees are treated. The [USA] should publicly condemn any policy of secret detention." UN Committee against Torture, 19 May 2006

The US authorities have held an unknown number of detainees in secret. Secret detention is banned under international law for a simple reason – it facilitates torture,

enforced disappearance and other serious violations of human rights that are crimes under international law.

In addition to the secret detentions in known prisons, including Guantánamo, secret US facilities allegedly run by the CIA have been reported in Afghanistan, Diego Garcia, Egypt, Jordan, Pakistan and Thailand, and in Eastern Europe.

In September 2006, 14 "high-value" detainees who had been held in secret custody by the CIA in undisclosed locations outside the USA were transferred to Guantánamo. The detainees had been held incommunicado for up to four and a half years. Announcing the transfers, President Bush defended the use of secret detention and undefined "alternative" interrogation techniques used to break the resistance of detainees. In court, the government has sought to ensure that anything the 14 detainees know about the CIA programme, including the location of detention facilities and what has gone on in them, remains secret.

The fact of US secret detentions is now out in the open, but the facts about who has been held and what they have suffered remain in the dark. Many more than the 14 men transferred to Guantánamo have been held in the CIA programme. Where are they now? Among them are believed to be at least 17 men – nationals of Tanzania, Pakistan, Syria/Spain, Libya, Algeria, Egypt, Tunisia – whose fate and whereabouts remain unknown.

## Abdulsalam al-Hela

Abdulsalam al-Hela, a Yemeni national, was apparently abducted while on a business trip to Egypt by Egyptian state agents in September 2002 and interrogated using what he says was "degrading treatment". He was then taken to an airport, handed to US officials, stripped naked and blindfolded, hooded and gagged, and flown to an unknown destination. His family heard nothing from him for a year, but were told by the Egyptian embassy in Yemen that he had been taken to Azerbaijan.

At some point he was taken to Afghanistan, where he was held in secret, illegally and incommunicado, for two years. He was also tortured.

In September 2004 he was transferred to Guantánamo, where he says he was again tortured and ill-treated, including by beatings, verbal abuse and being bitten by a guard.

**Who are the Guantánamo detainees?**  
Case Sheet 15 (AMR 51/012/2006)

**USA: Amnesty International calls for a commission of inquiry into "war on terror" detentions** (AMR 51/087/2004)

**USA/Yemen: Secret detention in CIA "Black Sites"** (AMR 51/177/2005)



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# LEGAL BLACK HOLE



**Moazzam Begg**

*“The biggest suffering everybody has in Guantánamo Bay... is the sheer lack of any ability to prove your innocence because you remain in legal limbo, and have no communication at all, no meaningful communication with your family.”*

UK national Moazzam Begg, who was detained in US custody in Afghanistan, Pakistan and Guantánamo Bay for three years. He was never charged.

The US authorities established a detention centre at its naval base in Cuba precisely because it believed it was beyond the jurisdiction of the US courts. They then branded the Guantánamo detainees as “killers” and “terrorists”, flouting the presumption of innocence and jeopardizing the safety of detainees in the event of their future release.

Since 2002 the US authorities have consistently sought to block any meaningful access to justice for Guantánamo detainees. When US courts have ruled against the government, the authorities have sought to drain such rulings of any real meaning in order to keep the detainees in their legal limbo. Hundreds of detainees have been held for five years without any judicial review of the lawfulness of their detention or how they have been treated.

**USA: Justice at last or more of the same?** (AMR 51/146/2006)

## Mohamed el-Gharani

Mohamed el-Gharani (Mohamed C), a Chadian national born and raised in Saudi Arabia, went to Pakistan to study English and computer skills. In October 2001, when aged just 15, he was arrested while praying in a mosque in Karachi.

He says he was tortured in Pakistan and then felt “overjoyed” when his captors handed him to US custody as he believed his torture would end. Instead, he was hooded, shackled, beaten and threatened with death, then flown by helicopter to US custody in Kandahar in Afghanistan, where he alleges he was tortured.

In January 2002 he was one of the first detainees sent to Guantánamo. He says he has been tortured there, including by exposure to extremes of cold temperatures and loud music, sleep deprivation and sexual humiliation. He says he has also faced constant racial abuse.

Mohamed el-Gharani is no longer a child. He is a young man who remains in Guantánamo with no knowledge of when he will be released, and who is suffering depression that has twice led him to attempt suicide.

**Who are the Guantánamo detainees? Case Sheet 10**, AMR 51/110/2005

On 17 October 2006 President Bush signed the Military Commissions Act, which codifies in US law a substandard and discriminatory system of justice for those held in Guantánamo, Afghanistan and elsewhere. The Act disregards international standards of justice.

Habeas corpus is a fundamental safeguard against arbitrary detention, torture and enforced disappearance. Yet, among other things, the Act strips the US courts of jurisdiction to consider habeas corpus appeals from foreign nationals held in US custody anywhere as “enemy combatants”. It also provides for such detainees to be tried by military commissions with the power to hand down death sentences after unfair trials. Amnesty International is campaigning for the repeal or substantial amendment of this law, in conformity with international law and standards.

Lasting security and real justice for the victims of terrorism cannot be achieved without fair trials for terror suspects and respect for the human rights of all detainees. As long as the Military Commissions Act remains as it is and Guantánamo remains open, the US government will be seen as violating fundamental human rights and international law.

## Ahmed Errachidi

Ahmed Errachidi, a Moroccan national with indefinite leave to remain in the UK, remains in Guantánamo. He is accused of training in an Afghan camp to learn about weapons and bomb making in July 2001. His lawyer claims that this is impossible as he was working as a chef in London and that there are payslips and timesheets to prove this. In March 2006, while Ahmed Errachidi was thought to be taking part in a hunger strike at Guantánamo, he wrote:

*“I do not want to die; I want to live, and I am not living here. My struggle is not to die, but it is a struggle for the truth.”*



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## Omar Deghayes

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*“Omar has already been held for over four years without charge or trial – a complete travesty of justice. We’ve always said that we’re not looking for special favours for my brother – just for his fundamental human rights to be respected.”*

Omar Deghayes’ sister Amani, speaking to Amnesty International. Omar Deghayes, a Libyan national granted political asylum in the UK, was detained in Pakistan in April 2002 and subsequently transferred to Guantánamo in September that year. Amnesty International activists in the UK, particularly those in Omar’s home town of Brighton, have campaigned tirelessly for his release.

**Who are the Guantánamo detainees?**  
Case Sheet 9, AMR 51/088/2005

**A US soldier watching from the outer perimeter as detainees sit in a holding area in Camp X-Ray at Guantánamo, January 2002.**

### “First poem of my life” by Guantánamo detainee Mohamed el-Gharani, aged 15 when detained in 2002

Be careful, my brother,  
when in Pakistan;  
They understand money –  
the price of a man.

I came here to study,  
I learned just deceit;  
The Mosque was a war zone,  
surrounded. Police.

Were shouting for silence;  
“Hands up! Come in peace!”  
They took us by truckloads,  
thrown, bound hand and feet;

Then marched us eight hours,  
then eight hours more –  
We cried for relief, but we  
suffered, footsore.

They kicked us, they beat us,  
they told us – their guests –  
They’d sell us for money,  
and Yankees paid best.

We’re slaves of our century,  
the slave ship a plane  
To humiliation, abuse  
and disdain.

Respect was abandoned,  
the Holy Koran  
Downtrodden there with us.  
Their madness, a plan

To torture us, beat us,  
encouraged by drink –  
Send priests with their crosses  
to save us, they think

They take us to Cuba,  
pursue without qualm  
Crusades of injustice,  
their war on Islam.

# FRAMEWORK FOR

**// Guantánamo is an embarrassment, and so it has to be solved one way or the other, it is necessary to have the people in Guantánamo get a fair trial. //**

Jean-David Levitte, French ambassador to the USA, 21 February 2006

**// The State party should cease to detain any person at Guantánamo Bay and close this detention facility, permit access by the detainees to judicial process or release them as soon as possible. //**

UN Committee against Torture, Conclusions and Recommendations on the USA, 25 July 2006

**// I think sooner or later there will be a need to close the Guantánamo (camp), and I think it will be up to the government to decide, and hopefully to do it as soon as is possible. //**

Kofi Anan, UN Secretary-General, February 2006

**// Of course we support [the closure of Guantánamo] and hopefully all the Saudis there will be returned to their homeland. //**

Prince Nayef bin Abdul-Aziz, Saudi Arabia's Interior Minister, 26 June 2006

**// A model like Guantánamo is an insult to countries that respect laws... It delegitimizes us. It is a place that needs to disappear immediately. //**

Baltasar Garzón, Spanish investigative magistrate, 4 June 2006

**// The focus of attention should be on closing Guantánamo. //**

Jose Diaz, spokesman for the UN High Commissioner for Human Rights, 13 June 2006

*"No one's comfortable with the situation in Guantánamo, but if we really all want to reduce the numbers to send people back, progress cannot be made by just simply saying Guantánamo should be closed, we have to have practical suggestions, practical ways to move forward."*

John Bellinger III, Department of State Legal Advisor, 20 October 2006

- ▶ Guantánamo detainees should be released immediately unless they are to be charged and given a fair trial.
- ▶ Released detainees should not be forcibly sent to any country where they may face serious human rights abuses.
- ▶ There must be a fair and transparent process to assess the cases of each detainee to be released, in order to establish whether they can return safely to their country of origin or whether another solution should be found.
- ▶ Those to be tried must be charged with recognizably criminal offences and given a fair trial before an independent and impartial tribunal, such as a US federal court. There should be no recourse to the death penalty.
- ▶ No evidence obtained under torture or other cruel, inhuman or degrading treatment or punishment should be admissible.
- ▶ All US officials should desist from further undermining the presumption of innocence



# CLOSURE

Amnesty International was among the first to call for the closure of the Guantánamo detention camp, a place that has become an icon of lawlessness in the “war on terror”. The responsibility for finding a solution for the Guantánamo detainees that complies with international law rests with the USA. Amnesty International makes the following recommendations to the US government regarding the closure of Guantánamo:

in relation to the Guantánamo detainees.

- ▶ The Military Commissions Act 2006 should be repealed or substantially amended, in conformity with international law, as it does not guarantee fair trial rights, denies habeas corpus rights and entrenches impunity for human rights violations.
- ▶ The US authorities should invite the five UN experts – four Special Rapporteurs and the Chairperson of the Working Group on Arbitrary Detention – to visit Guantánamo without

the restrictions that led them to turn down the USA’s previous invitation. There should be no restrictions on the experts’ ability to talk privately with detainees.

- ▶ The USA must provide prompt and adequate reparation, including restitution, rehabilitation and fair and adequate financial compensation, to released detainees.

The full version of Amnesty International’s “Framework for Closure” can be found at: [web.amnesty.org/library/Index/ENGAMR511462006](http://web.amnesty.org/library/Index/ENGAMR511462006)



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A detainee being taken to a medium security facility at Guantánamo.

**“ AI is calling on the US Administration to ‘close Guantánamo and disclose the rest.’ ”**

Irene Khan, AI’s Secretary General, 25 May 2005

**“ It is time, in my view, that it should close. ”**

Lord Goldsmith, UK Attorney General, 7 May 2006

**“ [The European Parliament] calls on the US Administration to close the Guantánamo Bay detention facility. ”**

European Parliament, February 2006

**“ Our government needs, first of all, to close down Guantánamo. ”**

Jimmy Carter, former US President, 9 June 2005

**“ The USA should close Guantánamo and transfer the detainees to proper court proceedings. ”**

Jan Eliasson, 10 June 2006

**“ [Guantánamo] represents the gravest insult to human dignity in modern history and is closest to the rule of the jungle than to the rule of law... close this sinister detention camp. ”**

Petition by members of Bahrain’s House of Representatives, 2006

**“ An institution like Guantánamo can and should not exist in the longer term. ”**

Angela Merkel, Chancellor of Germany, 7 January 2006

**“ The issue of this facility in the long term, medium and short term indeed is that it should be closed. ”**

Dermot Ahern, Irish Foreign Minister, 23 February 2006

"Thank you so much for your email, your sympathy, support and to your efforts... This indeed enhances our hopes, keeps our morale high and lets us feel that we are not alone and abandoned."

**Khaled al-Odah, father of Kuwaiti detainee Fawzi al-Odah, responding to a letter sent by an AI member in Denmark**



## Amnesty International

Amnesty International is a worldwide movement of people who campaign for internationally recognized human rights to be respected and promoted.

Amnesty International has a vision of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

Amnesty International is independent of any government, political ideology, economic interest or religion. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the impartial protection of human rights.

Amnesty International is a democratic, self-governing movement. It has more than 1.8 million members and supporters in over 150 countries and territories in every region of the world.

Amnesty International is funded largely by its worldwide membership and public donations. No funds are sought or accepted from governments for Amnesty International's work investigating and campaigning against human rights abuses.



**“This was part of the structure of the camp to try to break you physically, mentally and spiritually.”**

Martin Mubanga, who was held without charge at Guantánamo for 23 months.

Read more about former Guantánamo detainees on Amnesty International's website:

- ▶ <http://web.amnesty.org/pages/guantanamobay-index-eng>
- ▶ <http://web.amnesty.org/pages/stoptorture-reallives-eng>

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*Cover image: US military police escort detainee, Guantánamo Bay.*  
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First published in January 2007 by Amnesty International Publications International Secretariat  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW  
United Kingdom  
[www.amnesty.org](http://www.amnesty.org)

© Amnesty International Publications 2007

ISBN: 978-0-86210-420-7  
AI Index: AMR 51/001/2007

Original language: English  
Printed by: Lynx DPM, Chalgrove, UK

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