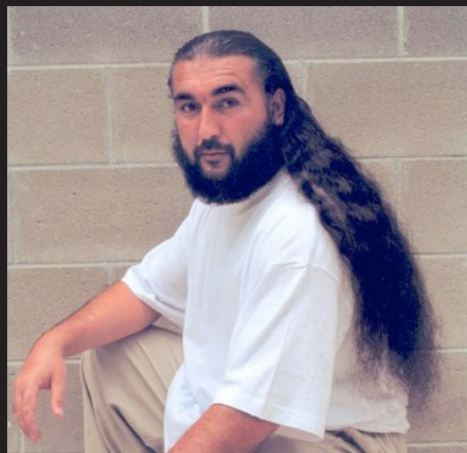


APPENDIX

50



11 Years and Counting: Profiles of Men Detained at Guantánamo



***11 Years and Counting: Profiles of Men Detained at
Guantánamo***

Name and Internment Serial Number (ISN)	Citizenship
Shaker Aamer (ISN 239)	Yemen
Umar Abdulayev (ISN 257)	Tajikistan
Ahmed Abdul Aziz (ISN 757)	Mauritania
Abu Zubaydah (ISN 10016)	Palestinian Territories
Ahmed Ajam (ISN 326)	Syria
Mohammed al-Adahi (ISN 33)	Yemen
Sa'ad Muqbil Al-Azani (ISN 575); Jalal bin Amer (ISN 564) and Suhail Abdu Anam (ISN 569)	Yemen
Ghaleb al-Bihani (ISN 128)	Yemen
Ahmed al-Darbi (ISN 768)	Saudi Arabia
Mohammed al-Hamiri (ISN 249)	Yemen
Sharqawi Ali al-Hajj (ISN 1457)	Yemen
Sanad al-Kazimi (ISN 1453)	Yemen
Musa'ab al Madhwani (ISN 839)	Yemen
Hussain Almerfedi (ISN 1015)	Yemen
Saad Al Qahtani (ISN 200)	Saudi Arabia
Abdul Rahman Al-Qyati (ISN 461)	Yemen

Ali Hussein al-Shaaban (ISN 327)	Syria
Djamel Ameziane (ISN 310)	Algeria
Tariq Ba Odah (ISN 178)	Yemen
Ahmed Belbacha (290)	Algeria
Jihad Dhiab (ISN 722)	Syria
Fahd Ghazy (ISN 26)	Yemen
Saeed Mohammed Saleh Hatim (ISN 255)	Yemen
Obaidullah (ISN 762)	Afghanistan
Mohamedou Ould Slahi (ISN 760)	Mauritania
Mohammed Tahamuttan (ISN 684)	Palestinian Territories

** The following profiles are intended to provide the Commission with personal information about the men at Guantánamo because the United States will not grant the Commissioners access to the prisoners themselves. The information has been taken from phone calls, letters, or in-person interviews. None of the information herein has been deemed "classified" by the U.S Government. Where possible, original source material has been included (usually transcribed for ease of reading).*

Shaker Aamer

ISN 239

Citizenship: Saudi Arabia

Detained Since: February 2002

Shaker Aamer

Shaker Aamer, born in 1968, is the last British resident in Guantánamo. He grew up in Saudi Arabia with four siblings, but his parents divorced when he was a child and, after his father remarried, his stepmother was unkind to her new family. At the age of seventeen, Shaker left home, traveling first to America, where he stayed with a family he knew in Saudi Arabia, and then around Europe and the Middle East.



Shaker eventually moved to London, where he met his wife-to-be and was soon married. The couple has four children, although the youngest, Faris, was born in 2002, after Shaker was seized and sent to Guantánamo, and, as a result, he has never seen his father. While in London, Shaker worked as an Arabic translator for the solicitor who advised him on his immigration case, and, as his lawyers at the legal action charity Reprieve have explained, “Shaker is a natural leader who is known for his concern for others ... Helping refugees put Shaker where he loved to be—as counsel, listening and advising. But in the end, it was his dedication to the welfare of others that led to his detention in Guantánamo Bay.”

In June 2001, he traveled to Afghanistan with his family to establish a girls’ school and to pursue well digging projects for an Islamic charity. He lived in Kabul, and was joined by his friend, British national Moazzam Begg (who was also held at Guantánamo, but released in January 2005) and his family.

After the U.S.-led invasion began, in October 2001, Shaker made sure that his family escaped to safety in Pakistan, but, fearing that he would be seized, because Arab men could be sold for bounties, he took shelter with an Afghan family. However, Afghan soldiers took him from the house where he was staying, and, for two weeks, he was sold to various groups of soldiers, who accused him of killing their leader and beat him mercilessly.

Shaker was then driven out of Kabul with four other men and, fearing that he was about to be executed, was relieved when he was handed over to U.S. forces. However, when he was taken to Bagram Airbase at the end of December 2001, he was immediately subjected to terrible abuse. For nine days, he was deprived of sleep and denied food, and he lost 60 pounds in weight. He was also drenched with freezing cold water on a regular basis, and this, combined with the effects of the Afghan winter, caused his feet to become frostbitten. Despite his suffering, he was chained for hours in positions that made movement unbearable, his frostbitten feet were beaten, and he was refused painkillers.

As a result of his torture, Shaker began to say whatever his U.S. captors wanted, whether it was true or not, and only then was he sent to Guantánamo, arriving in February 2002. Throughout his imprisonment, however, Shaker has stood up for the rights of his fellow prisoners, and in summer 2005, when a prison-wide hunger strike began after a prisoner was assaulted during an interrogation, Shaker was part of six-man Prisoners’ Council, who were briefly allowed to negotiate improvements in living conditions.

However, promises made by the authorities were soon broken, and when the hunger strike resumed in September 2005, Shaker was placed in solitary confinement, where he spent at least a year and a half. He was told in 2007 that he was cleared for release, but although the British government requested his return to the

U.K. in 2007, negotiations with the U.S. apparently ceased in December 2007.

In 2010, after a new coalition government came to power in the U.K., ministers promised to raise Shaker's case with the Obama administration. However, Shaker is still being held, even though it recently became apparent, in a letter to Congress by four British Members of Parliament, that he was cleared for release at least two years ago, when President Obama's interagency Guantánamo Review Task Force issued its report on the prisoners.

In November 2011, Clive Stafford Smith, Reprieve's director, visited Shaker, and, on departure, wrote a letter to the British foreign secretary William Hague listing numerous physical ailments that Shaker suffers from—a list that has just been cleared through the U.S. censorship process—and calling for an end to the excuses preventing Shaker's release. The British government has said it wants Shaker back and the U.S. government has said that it wants to release him; therefore, it is difficult not to conclude that Shaker is still held because he knows too much, not only about the many injustices of Guantánamo, but also about two particularly disgraceful episodes.

The first episode involves Shaker's claims that he was tortured by U.S. forces in Afghanistan, while British agents were in the room. This is a claim that was aired in a British court two years ago, and led to disclosures being made to U.S. counsel concerning this abuse. The second involves his claim that, in Guantánamo, on June 9, 2006, he was tortured by unidentified U.S. intelligence agents, on the same evening that three other prisoners died. The deaths of those three men were described by the authorities as a coordinated suicide pact, but in January 2010, Harper's Magazine published an article by the lawyer and journalist Scott Horton, drawing on statements made by soldiers serving in Guantánamo at the time, which cast profound doubts on the official story, in which Shaker's account was also significant.

Testimony by prisoners held by the US at Guantanamo Bay, Cuba

Shaker Aamer (ISN 239)

The following is a letter written by Shaker Aamer on his wedding anniversary: 4 September 2011 demonstrating the pain he feels at even attempting to recall the abuse he has suffered. (Edited for spelling and grammar):

My dear lawyer,

I am happy to see you today,. The as I told you is my greatest day of my hard life. The day of my marriage. Yes it's the best thing happened to me in my 20 years of living on this earth. Still is the best I cherish I am in good mood just by remembering this day. I don't know how the day is going to pass for my wife. May God give her the patience to go through the memory of this day and give her the strength to carry on this hard ship that fell about us.

You asked me to write about all the torture that happened to me since the beginning, because it will help me to shed the light on how brutal USA and UK government are and to wakeup the people so we can bring justice to me, my family and others all over the world. I know from your perspective it is going to help me but please forgive me to tell you it is really hard on me to bring back all these memory of torture and agony and hard ship to the surface. I try my best to forget them so I can sleep and live normal life. I know it is a deep wound and I need it to close and not to re opened even if it help me to open it and clean it again.

Today please forgive me to live a few moments with my wife and the memory that can bring me some peace of mind and happiness, I pray to my Lord to get every couple together and make their life happy ever after. Thank you to let me share these moments with you at this beautiful day. Please tell my wife and kids:

They are the breath of my lungs
They are the beat of my heart
They are the light of my eyes
They are the reason why I am alive
God witness no lies
If tears could build me a way
And memory could build me a lane
I will walk over the Ocean to be with them again
This is how I feel

Yours,
Shaker Aamer

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4-9-2012

12:45 P.M

My Dear Lawyer:

I am happy to see you today. The day as I told you is my greatest day of my hard life. The day of my marriage yes it's the best thing happened to me in my 30 years of living on this earth. Still is the best day I cherish. I am in good mood just by remembering this day. I don't know how this day is going to pass for my wife. May god give her the patience, to go through the memory of this day and give her the strength to carry on in this hard ship that fell upon us.

You asked me to write about all the torture that happened to me since the beginning, because it will help me to shed the light on how brutal USA and UK government are. and to wake up the people so we can bring justice to me my family and others all over the world. I know from your perspective it is going to help me but please forgive me to tell you it is really hard on me to bring back all these memory of torture and agony and hard ship to the surface. I try my best to forget them so I can

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Sleep and live normal life I know it is a deep wound and I need it to close not to ~~re-open~~ re opened even if it help me to open it and clean it again

Today please forgive me to live a few moments with my wife and the memory that can bring me some peace of mind and happiness. I pray to my Lord to get every couples ~~to~~ together and made their life happy ever after thank you to let me share these moment with ~~you~~ at this beautiful day please tell my wife and my kids they are the breath of my lungs they are the beat of my heart they are the light of my eyes they are the reason why I am alive god witness ~~no~~ lies if tears could build me away and memory could build me a lane I will walk over the ocean to be with them again This is truly how I feel.

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Yours,
Shaker Amer

DECLARATION OF SHAKER AAMER

I, Shaker Aamer, make this declaration under oath in the knowledge and expectation that it will be used in a court of law concerning the torture and abuse that I suffered in American hands:

1. I am a long-term British resident. I am married to a British citizen and we have four young British children, the youngest of whom I have never been allowed to meet.
2. This witness statement is prepared in support of my complaint about my torture and abuse in Bagram Air Force Base, in Kandahar Air Force Base, and in Guantánamo Bay, as well as during the travel in between.
3. I was first detained in Afghanistan in December 2001 by Afghan villagers, before being turned over to Northern Alliance irregulars. While some terrible things happened to me at this time, before I was taken into US custody, I understand that these are only incidentally relevant for the purposes of this particular statement, so I am not going to go into details for now.

Bagram Air Force Base

4. I was then handed over to the US military, following the payment of a bounty. I was flown by helicopter to Bagram Air Force Base. I arrived there on or around Christmas Day in 2001. I have been detained in US custody continuously ever since.
5. I underwent mistreatment at the hands of the Americans upon his arrival by helicopter, [REDACTED] at Bagram. They took us out of the chopper and threw us on the ground of the airport with no shoes and very thin clothes and no food or water. They kept us lying on the ground for a long time. It was bitterly cold because it was mid-winter.
6. They started shouting, who can speak English? So I spoke to them and then they took me inside a concrete room with a square in the middle and so many people with masks on and with weapons and some with big sticks that looked

like axe handles. They ordered me to take off my clothes. While I did this, they were taking photos. I took off all my clothes except my shorts. They started shouting and threatening to hit me with an axe handle. So I complied unwillingly, and took off my shorts. They then told me to squat. They frisked me and told me if I moved out of the square they would shoot me.

7. After that, they took me to the next room and inside there was another square and there were people sitting in front of me and starting to ask questions. An Algerian translator was sitting with them. I told them I did not need his translating. After a short interrogation, they gave me a very thin jumpsuit—blue in colour, made in Kuwait -- and something like socks to wear on my feet with no shoes. They also gave me a very thin blanket made in India (it was roughly 150 x 120 cm). [REDACTED]

8. They put me in a big cage with barbed wire around. [REDACTED]

9. When I was ordered into a particular place in the cage, the soldiers told me not to move from the spot I was in, or look at anybody, or talk to anyone. They said that if I disobeyed this, I would be punished very badly. That was around 4 a.m. in the morning, probably on the morning after Christmas or thereabouts. It was not possible to be sure about dates after what I had been through, but I remember the soldiers celebrated New Year's Eve a few days after I arrived.

10. It seemed like we were the first group they had received. The soldiers were so angry and full of hatred that they were looking for any excuse to beat us or shout at us, especially if we spoke English. From that day until 28 or 29 January, I was in the worst nightmare of my life. I can't believe what happened to me is real, and that it happened by the American military and intelligence teams was so unreal.

11. I was abused in a number of ways by the US military from the day I arrived to Bagram Air Force Base.
12. Humiliation: I had to strip naked in front of 15 people or more, who were just standing watching me squat and frisked at arrival. I had to use the hole in the ground with two big doors on the top of it as a toilet and I had to use one hand to clean myself. There was no water allowed and all the MPs were watching me making rude remarks. They were both male and female. They would point their M-16 rifles at me while I used the toilet and force me to get up before I finished.
13. The result was that I did not go to the toilet for 25 days. I had horrible, painful constipation and they refused to give me a laxative. When I eventually went to the toilet after 25 days I was bleeding badly and crying in pain. They were laughing at me. Sometimes they refused to let us use the drum or the hole in the ground they called a toilet so I end up peeing on myself—especially when it was freezing cold.
14. Beating: This was a common thing in their interrogations. Once, after a few days of sleep deprivation, they took me to the interrogation room. Intelligence team members starting coming one after another until the room was full, with perhaps [REDACTED] people there. One of them was a British secret service agent. They started shouting at me in different languages—[REDACTED] [REDACTED] I started shouting back at them and after that I do not know precisely what happened. I felt someone grab my head and start beating my head into the back wall—so hard that my head was bouncing. I later learned that this was a special technique that they used called 'Walling', but at the time I had no understanding of what they were doing, it was just terrifying. They were shouting that they would kill me or I would die.
15. After this, they left the room and told to think and tell them the truth or I would die. They left a gun on the table top. They left me alone with the gun. I did not know what to make of this. Did they want me to kill myself? Or do they want me to touch it so they could shoot me, and say that I tried to shoot them? I just stayed still, terrified.

16. The soldiers used to hit us any time and for any reason.
17. Cold water treatment: they would throw cold water on me. This was particularly bad, because it was the middle of winter. We had essentially no protection from the cold, since being held in a cage in the huge hangar was as cold as being outside. To have water thrown on you on top of that was torturous. I thought I was going to die from hypothermia.
18. Hog tying: I would be tied up like a hog, with my wrists tied behind my back, and then a rope tied from there to my ankles. Another loop would go around my neck, so that if I struggled I would begin to strangle myself.
19. Strappado: I did not know the name for this until much later, when I learned that it had been a favourite of the Spanish Inquisition. The US soldiers would tie my wrists together and then hang me either with my feet just touching the ground, or even just off the ground. This would gradually result in the dislocation of the shoulders in a way that was excruciating. This would be done particularly when the soldiers thought that one of the prisoners had been talking in the cages, or done something else against the petty rules that they were enforcing. For example, there was an entrance way into the cages with one gate, a space, and then a second gate. They would hang a prisoner up near there, and leave him for a long time.
20. Sleep deprivation: Sleep deprivation was a major way of trying to destroy the prisoners' will. It was so cold, and we were so poorly clothed, that it was difficult to sleep anyway. But the guards were under orders to keep us awake by making noise and constantly disturbing any attempt that we would make to sleep. I went several days without any sleep.
21. Threats of rendition: they threatened to render me to various countries where I would be tortured more (Egypt, Israel and Jordan). This was a common threat that was made against most, if not all, of the prisoners who were with me in Bagram. I believed they were going to do it. Who would not? Indeed, some of the prisoners who were there in Bagram with me were rendered.

Shab

22. Threats against my family: The interrogators would also threaten my family. I did not know what had happened to my wife and children, and I was very afraid for them. The interrogators would tell me that they were being held, and they were going to be tortured unless I said what they wanted to hear.

(IN KANDAHAR, NOT BAGRAM)

23. Holding me in a secret location: At one point, I was held in a secret place where the ICRC could have no access. This was a particularly terrifying aspect of my mistreatment, since I thought it meant that I was going to be "disappeared". Nobody, as far as I was aware, knew where I was, so I could just vanish and never be heard of again. The fact that particular steps had been taken to hide me from the ICRC was therefore very frightening.

24. These are only some of the methods of abuse that were used against me. I do not find it easy to talk about all of this because it was all so horrible. Also, I do not like to talk about it, as I sometimes wonder whether the people who listen in to my conversations, or who read this document, want to know what I most hated

[REDACTED] y).

25. British intelligence officers were complicit in my torture whilst I was held at Bagram Air Force Base, Afghanistan in January 2002. I was interrogated by a multi-national team, which included at least one officer of the UK security and intelligence services. As I have said, this British officer was present when I was being walled. The British officer made no attempt to stop the torture and made no enquiries into my health or well-being.

26. I learned later from other prisoners that the same British agent, and perhaps others, also went to Bagram to take part in interrogations.

27. The abuse and torture of prisoners at Bagram was so routine and blatant that it would have been impossible for any visitor there – including any British agent – not to realise what was going on, and how prisoners were being flagrantly mistreated.

28. I will add additional details of my time in Bagram, and the British personnel who visited me there, in a separate declaration.

Kandahar

29. I was moved to Kandahar near the end of January 2002.
30. I was also interrogated by two British officers there. The two officers told me that the Security Services had been watching me in the UK and they wanted to interview me. They offered me no help or assistance. My torture by the US authorities continued throughout this period.
31. I will add details of my time in Kandahar, and the British personnel who visited me there, in a separate declaration.

Guantánamo Bay

32. [REDACTED], I was flown to Guantánamo Bay, where I have remained ever since.
33. The flight to Guantánamo Bay was itself a torturous experience. The US military tried to deprive me of all sensory perception for many hours – except, perhaps, the sense of pain. [REDACTED]
[REDACTED] I was told I would be beaten if I tried to move or say anything. If I wanted to use the toilet, I either had to urinate on myself, or be taken [REDACTED] to a toilet where I would be watched by a guard while I used the toilet.
34. As soon as I arrived in Guantánamo Bay, I was met with further abuse. I will add additional details of my time in Guantánamo Bay, and the [REDACTED] personnel who visited me there, in a separate declaration, and what I state below is only a very limited and cursory description of what I have been through.
35. From the very start, I was subjected to beatings, sleep deprivation, temperature extremes, denied access to fresh air and recreation, and kept for several years in solitary confinement.
36. In Guantánamo Bay, I have generally lived in isolation in a cell [REDACTED]
[REDACTED] It contains a steel or concrete bunk, and generally a steel toilet, steel sink, a Qur'an and an isomat (an approximately inch-thin

mattress). This has not always been the case. For example, more recently I have been held in a cell in Camp V where there was no toilet, just a hole in the ground.

37. Generally, the actual floor area of the cell is only [REDACTED]
38. Much of the time, even though I can be observed by guards [REDACTED] [REDACTED] the guards come to my door every few minutes to check on me.
39. The lights in the cells are very bright and the constant opening and closing of the door prevents me from ever getting a proper night's sleep.
40. For much of the time, I have been required to wear thin cotton orange trousers, a thin cotton orange shirt and flip-flops.
41. I have often been deprived of any other item whatsoever, including sometimes a toothbrush or even a cup.
42. My religious traditions have been regularly and routinely flouted. For example, the guards have intentionally tried to provoke the prisoners (including myself) by desecrating the Holy Qur'an. On various occasions, they have defaced it, and even thrown it into the toilet.
43. They have trampled upon my other religious rights. I have never been allowed a religious gathering in all the time I have been in US custody, something that is provided as a very basic right in international law. On a more personal level, according to Muslim tradition, I am meant to wash myself after using the toilet, rather than use toilet paper. However, without a cup, I am forced to use my hand to wash myself.
44. Generally there is no air conditioner, leaving me sweltering in the Cuban heat. However, sometimes the air conditioner is turned up full blast so the cell is freezing cold. Then, I have been deprived of a blanket.
45. I have been subjected to the noise treatment. This involves a number of different mechanisms that appear to have two goals: one, to blast prisoners with noise in order to break them psychologically; and two, to prevent a prisoner

from having any kind of communication with other prisoners, to isolate him even further than the use of a solitary cell.

46. From the earliest days of my time in Guantánamo Bay, the noise used against prisoners has sometimes been loud music or other unpleasant sounds (the sound of jet engines, and that kind of thing). On other occasions, and more long term, the military has used loud fans and machines that sound like large vacuum cleaners to generate noise on the blocks. The combined effect of this has been to prevent sleep as well as conversation, and to wear me down psychologically.
47. I have been subjected to sleep deprivation as well as what they call sleep adjustment. Sleep deprivation is when they keep you awake for days and nights on end; this includes the [REDACTED] program" where they move you from cell to cell all the time, to prevent you from getting any rest. Sleep "adjustment" is where they don't let you sleep at night, but may let you sleep some of the daytime. That is apparently intended to disorient the prisoner. Either way, I had no idea what a terrible psychological impact this could have on a person until I was subjected to it, and I also saw the effect on others around me.
48. From the very beginning, the military has used bright lights to keep me awake at night. This has another effect: the neon lights seem to have a direct mental health impact as well. My lawyer has described to me what they apparently call "ICU Psychosis" where patients in intensive care sometimes have become psychotic when exposed to too much neon light. I think something similar has happened to me at times.

Lack of Medical care

49. I suffer from many medical problems, including: asthma, edema, arthritis in my knees and ankles, kidney pain, tinnitus, constant constipation, and stomach pains. My living conditions greatly exacerbate these problems, causing extreme pain and discomfort. The medical care is effectively non-existent. While the authorities boast that there is liberal medical care, this is not true. Also, as a punishment, I have been deprived such medical care as there is, as part of the effort to break me.

Lack of family contact

50. I was held effectively incommunicado in Bagram, Kandahar and Guantánamo from December 2001 until I first saw a lawyer in 2005, more than four years later.
51. My very limited communications with my family have been used against me as part of the interrogation process. For example, I was often told that I would not be permitted letters or photographs from my family unless I "cooperated" (generally defined as saying I was guilty of something or saying what the interrogator wanted to hear about other prisoners).
52. I was not allowed to have any direct contact with my family (even something as limited as a phonecall) for more than eight years. In recent times, I have been allowed rare, very limited, censored calls with my family. I got to see my youngest child in one such call for the first time. I have never touched my youngest child, even though he was born more than ten years ago, on February 14, 2002. I have not touched any member of my family in more than ten years.

The Impact of Indefinite and Arbitrary Detention

53. One of the most difficult aspects of my detention has been the uncertainty of it all. It is perhaps one matter to have a conviction and a punishment – no matter how harsh the punishment, at least it is defined and known. From the very beginning of my time in Guantánamo Bay, I have been told repeatedly that I might be held here forever without any charges or any trial. Of course, this was uncertain. I watched others leave, including every single British national and British resident. Sometimes I would think that I was going to leave. Sometimes I was even told I was going to leave. But always there was the uncertainty and the seemingly random quality of my detention.
54. This was very bad even after a few months. Indeed, in a way, the first months were the worst, when there was much more hope that it would all get sorted out quickly. But as the months turned into years, and the years into a decade, there were other ways in which this arbitrary detention impacted me.

Signed:

Shaker Amer

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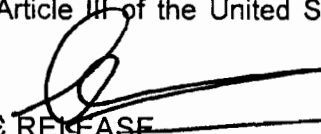
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55. For example, I was cleared for release in 2007. Given that, I half-thought I would be leaving at once. But nothing came of it.
56. After December 2007, my lawyers were told on at least five occasions by informed sources that I would be leaving "soon" or "very soon." Yet, for reasons that are unclear, I remain a prisoner in Guantánamo Bay.
57. Then, on January 22, 2009, President Barack Obama issued an Executive Order calling for the closing of Guantánamo Bay within a year, and for "a comprehensive interagency review" of the status of all individuals imprisoned at Guantánamo Bay. At the very least, then, I expected to be gone from here by January 2010. But here I remain.
58. In terms of the review, the US Attorney General was designated as the lead official in this review, which is to include also at least the Secretaries of Defense, State, and Homeland Security, the Director of National Intelligence, and the Chairman of the Joint Chiefs of Staff. Specifically, the President ordered:
 - a. The Review shall determine, on a rolling basis and as promptly as possible with respect to the individuals currently detained at Guantánamo, whether it is possible to transfer or release the individuals consistent with the national security and foreign policy interests of the United States and, if so, whether and how the Secretary of Defense may effect their transfer or release. The Secretary of Defense, the Secretary of State, and, as appropriate, other Review participants shall work to effect promptly the release or transfer of all individuals for whom release or transfer is possible.
 - b. In accordance with United States law, the cases of individuals detained at Guantánamo not approved for release or transfer shall be evaluated to determine whether the Federal Government should seek to prosecute the detained individuals for any offenses they may have committed, including whether it is feasible to prosecute such individuals before a court established pursuant to Article III of the United States

Signed:



Witnessed:



Constitution, and the Review participants shall in turn take the necessary and appropriate steps based on such determinations.

- c. With respect to any individuals currently detained at Guantánamo whose disposition is not achieved under paragraphs (2) or (3) of this subsection, the Review shall select lawful means, consistent with the national security and foreign policy interests of the United States and the interests of justice, for the disposition of such individuals. The appropriate authorities shall promptly implement such dispositions.

59. Once again, this gave a promise of due process and a final conclusion to my years of detention. The US Attorney General has established the Guantánamo Review Task Force, with representatives from all the agencies mentioned in the Executive Order. I was again cleared for release. Again, I remained here.

Hunger striking

60. I have gone on many hunger strikes of varying durations. I began this in Bagram Air Force Base, and have continued with other hunger strikes as a non-violent form of protest at my mistreatment ever since.

61. Over the years, I have been force fed, and I have been threatened with force feeding. It has always been against my will.

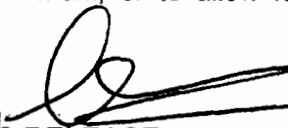
62. In December 2005, the practice of [REDACTED] force feed us was introduced. [REDACTED]

[REDACTED] A tube the thickness of a finger was forcibly inserted up the nose and down into the stomachs. Large quantities of liquid formula was pumped through the tube. This was often be more than the stomachs could hold and the effect was sometimes a painful bout of nausea, vomiting, bloating, and shortness of breath. We would be kept [REDACTED] to the chairs for a period after "feeding" to prevent us from purging the formula, or to allow for more feeding if we were sick.

Signed:

Shaker Aamer

Witnessed:



63. To begin with, they would insert the tube and leave it in. This caused long-term discomfort. But then one of the US generals announced that they were going to change the routine in order to make it less "convenient" (his word) for us: the tubes would be inserted and pulled out twice a day, which was far more painful. This was done to try to "dissuade" us from our right to non-violent protest at our mistreatment. In my view, it was barbaric.

Statement of truth

I make the following statement under the penalties of perjury; the foregoing statement is true and accurate to the best of my information and belief. I must stress that it only begins to touch upon my knowledge about the foregoing matters, and there is a great deal more that I can say on the subject. Done this 25th day of April, 2012.

XXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX

I HAD TO DO THIS MUCH TOO FAST SO THERE MAY BE ERRORS AND AMBIGUITIES - AND THERE IS A HUGE AMOUNT OMITTED.

Signed:

Shak



Umar Abdulayev

ISN 257

Citizenship: Tajikistan

Detained Since: 2002

Umar Abdulayev

Umar Abdulayev, a native of Tajikistan, born in 1978, has not lived in the country of his birth since 1992, when he fled with his parents, two brothers, and two sisters to escape the civil war that was beginning to tear the country apart. His father was killed in 1994 while returning to Tajikistan to investigate the situation.



Umar lived in Afghanistan until early 2001, when he moved with his family to a refugee camp near Peshawar, Pakistan. It was there, on November 25, 2001, that he was seized in a bazaar by police who handed him over to Pakistani intelligence officials and then imprisoned him.

In Pakistani custody, Umar was beaten and coerced into copying incriminating information, in his own hand, into a number of notebooks, with a promise that he would be returned to his mother if he did as directed. Instead, he was blindfolded and driven to Kohat prison in Pakistan, where, after nine days, he was turned over, along with approximately 30 others, to the custody of the U.S. military.

Speaking about the circumstances of his detention in U.S. custody, Umar explained, “The Pakistanis are making business out of this war, including myself. The detainees are not being captured by U.S. forces, but are being sold by the Pakistani government. They are making [up to] \$10,000 to sell detainees to the U.S. ... they knew that the more evidence they created, the more dangerous they made me, the more money they would make from the Americans.”

After a month in the U.S. prison in Kandahar, Afghanistan, Umar was flown to Guantánamo, where he has been held ever since without charge or trial. President Obama’s Guantánamo Task Force approved Umar to be transferred out of Guantánamo, yet it appears that the U.S. government continues to hold him with no end in sight.

Irrespective of whether he is able to obtain a writ of habeas corpus, Umar appears to have few prospects for leaving Guantánamo. Umar fears for his life in Tajikistan and refuses to return there voluntarily. He needs a safe country in which to rebuild his life, but currently there is no indication that the U.S. government is taking any steps to resettle him in a third country.

Ahmed Abdul Aziz

ISN 757

Citizenship: Mauritania

Detained Since: October 2002

Notes from client visit with Ahmed Abdulaziz, ISN 757, February 2013
(edited for clarity)

P. 2

WEDS. Jan 2 2013

BIG REC

[I have] come from 30 days in Camp V

(NOTE: Camp V is a maximum security cell-block)

Our REC time

Soccer in Big Area

Detainee stuck half in/out. Shouting to be heard by tower.

Many people now mentally ill. Little self-control.

Climbed 1 yard – we do it all the time to get balls that a stuck.

Spray [from a water hose] most that ever happens.

Guard pointed rifle at the detainee.

Detainees shouted. He pointed gun at them.

Threw little stones at him.

He shot not at the man climbing but in the REC.

P.3

On detainee cut in the throat on adams apple.

Other scratched near eye etc.

OIC [officer-in-charge] said this was normal and justified.

No investigator talked to prisoners – cover up.

Imposed REC restrictions.

P.7

[I am] now voluntarily back in [Camp] V.

New rule on meds – you can only get them with hassle. So most now refusing.

[I am]: not getting various meds now.

- Ulcers & hyperacidity in stomach - Nexium
- Creams for hemorrhoids & suppositories
- Irritable Bowel Syndrome
 - Dyclophonax or Elavil
 - Elavil or Tylenol
 - Migraines
 - Great pain in eyes b/c migraines & lights. Blurry sight.
 - Lower and upper back – Arthritis
 - RSI

P.11

Still interrogating 1 x week OR 1 x month.

No message from wife and child since June '11.

P.12

Nov. 2009: [I was] cleared for release.

It makes no sense to insist on rehabilitation or repatriation but no start in Gitmo.

What they do here is “dis-abilitation”.

SOP = Severe Oppressive Procedures

Want just to enforce one SOP – send cleared people home.

Cleared Prisoners should be in a waiting room to leave.

In Gitmo it is like having a ticket but there is no airport.

Drives me to craziness. No legal status. No charge, no proof of guilt. Time has no border no limits. Living with a mirage. But we know we are thirsty.

P. 13

They say I can walk anywhere, I have free access to the path, but I am on a tether (a bungee rope) and they pull me back.

Much worse to be told I am cleared.

People are getting more angry. Smallest things get irritating.

They voted the prayer mats as contraband – then they gave it to us.

That makes me furious.

They have embezzled my life and my health.

Age is accelerated here. A martian day is 2 earth days.

Proposition to science community: 1 Gitmo day = 10 martian days.

[I] arrived Oct 22, 2002 at 32.

[I am] now 43 years old or $32 + (22 \times 10) = 232$ years.

There is missing time, & condensed time.

①

UNCLASSIFIED 757

2013.02.04

WEBB. JAN 2 2013.

Big Rec.

Δ ~~was~~ ^{AAA} ~~coming~~ from 30 days in V.

OUR REC TIME.

SOCCER IN BIG AREA.

DETAINEE STUCK ~~WAS~~ HALF IN/OUT. SHOUTING
TO BE HEARD BY TOWER.

MANY PEOPLE NOW MENTALLY IN - LITTLE
SELF-CONTROL.

CLIMBED 1 YARD - WE DO THIS ALL THE
TIME TO GET BALLS THAT ARE STUCK.

SPRAY IS MOST THAT EVER HAPPENS.

GUARD POINTED RIFLE AT THE DETAINEE.

DETAINEES SHOUTED. HE POINTED GUN AT
THEM.

THREW LITTLE STONES AT HIM.

HE SHOT NOT AT THE MAN CLIMBING BUT
IN THE REC.

UNCLASSIFIED

757 UNCLASSIFIED (2)

2013.02.04

ON BETAHAGE CUT IN THE THROAT ON ADAMS
APPLE

OTHERS SCRATCHED NEAR EYE ETC.

OIC SAID THIS WAS NORMAL & JUSTIFIED.

NO INVESTIGATOR TALKED TO PRISONERS - COVER UP.

IMPOSED REC RESTRICTIONS.

UNCLASSIFIED

Δ NEW VOLUNTARILY BACK IN V

NEW RULE ON MEDS - YOU CAN ONLY GET THEM WITH AARLE, SO MOST NOW REFUSING.

Δ: NOT GETTING VARIOUS MEDS NOW

* ULCERS & HYPERACIDITY IN STOMACH. → NEXIUM.

* OINTMENTS FOR HEMORRHOIDS & SUPPOSITORIES

* IRRITABLE BOWEL SYNDROME → ANCLOPHANAX
OR ELAVAL

* MIGRAINES

— ELAVIL OR TRENTOL.

* GREAT PAIN IN EYES B/C MIGRAINES & LIGHTS -
BLURRY SIGHT.

* LOWER & UPPER BACK.

↳ ARTHRITIS

* RSI

757

UNCLASSIFIED 2013.02.04.

STILL INTERROGATING. 1X WEEK OR 1X MONTH.

NO MESSAGE FROM WIFE & CHILD SINCE JUNE '11.

(1)
UNCLASSIFIED

2013.02.04.

Nov. 2009 A CLEARED FOR RELEASE

IT MAKES NO SENSE TO INSIST ON REHABILITATION
ON REPATRIATION BUT NOT START IN GITMO

WHAT THEY DO HERE IS "DIS-ABILITATION"

SOP = SEVERE OPPRESSIVE PROCEDURES

WANT JUST TO ENFORCE ONE SOP - SEND CLEARED
PEOPLE HOME.~~THE~~ CLEARED PRISONERS SHOULD BE IN A WAITING-
ROOM TO LEAVE. IN GITMO IT IS LIKE HAVING
A TICKET BUT THERE IS NO AIRPORT.DRIVES ME TO CRAZINESS. NO LEGAL STATUS.
NO CHARGE. NO PROOF OF GUILT. TIME HAS TO
RENDER, NO LIMITS. LIVING WITH A MIRAGE.
BUT WE KNOW WE ARE THIRSTY.

UNCLASSIFIED

757

(TO) UNCLASSIFIED 2013.02.04.

THEY SAY I CAN WALK ANYWHERE, I HAVE FREE ACCESS TO THE PATH, BUT I AM ON A TETHER (A BUNGEE ROPE) AND THEY PULL ME BACK.

MUCH WORSE TO BE TOLD I AM CLEARED.

PEOPLE ARE GETTING MORE ANGRY. SMALLEST THINGS GET IRRITATING. THEY LOOTED THE PRAYER MATS AS CONKRAMS - THO! THEY GAVE IT TO US. THAT MAKES ME FURIOUS.

THEY HAVE EMBEZZLED MY LIFE & MY HEALTH.

AGE IS ACCELERATED HERE. A MARTIAN DAY IS 2 EARTH DAYS. ~~THE~~ PROPOSITION TO SCIENCE COMMUNITY: 1 CIVILIAN DAY = 10 MARTIAN DAYS.

I ARRIVED OCT 22, 2002 AT 32.

I IS NOW 43 ~~YEARS~~ ^{OLD} YEARS, OR $32 + (20 \times 10) = 232$ YEARS OLD.

THERE IS MISSING TIME, & CONDENSED TIME.

UNCLASSIFIED

Abu Zubaydah

ISN 10016

Citizenship: Palestinian Territories

Detained Since: September 2006

Abu Zubaydah — and other “high-value detainees”

Abu Zubaydah, born in 1971 in Saudi Arabia, is a stateless Palestinian. His formal name is Zayn al-Abidin Muhammad Husayn, and his torture was central to the Bush administration’s decision to subject prisoners seized in the “war on terror” to torture.



Abu Zubaydah immediately after being apprehended by the U.S.

Within a matter of days after Abu Zubaydah was taken into custody by U.S. forces, President Bush began publicly describing him as a “top operative plotting and planning death and destruction on the United States.” In short order, after being seized during a house raid in Faisalabad on March 28, 2002, wherein he was shot three times, leaving him unconscious and in critical condition, Abu Zubaydah was flown out of Pakistan and into a secret CIA prison in Thailand. Later in 2002, he was transferred to another CIA facility in Poland, and, from September 2003 until March 2004, was one of a handful of “high-value detainees” held in a secret prison within Guantánamo (whose existence has never been publicly acknowledged), which was closed when the Bush administration began to realize that the Supreme Court was likely to grant the prisoners habeas corpus rights. From then until September 2006, he and other “high-value detainees” were moved around a network of CIA prisons that included facilities in Romania, Lithuania and Morocco. In September 2006, he was one of 14 “high-value detainees” flown to Guantánamo from these secret facilities.

During his nearly four-and-a-half years of secret imprisonment, Abu Zubaydah was subjected to a battery of well-documented torture. He is one of only three prisoners who the government has admitted to having waterboarded, and, by the government’s own account, this was done to him in excess of 80 times in a single month alone. Moreover, waterboarding is only one of the many “enhanced interrogation techniques” which the August 1, 2002 Office of Legal Counsel memorandum listed as being authorized for use against Abu Zubaydah personally. (This memorandum was written specifically for Abu Zubaydah.) Other such “techniques” included, but were not limited to, prolonged sleep deprivation, placement in stress positions, and confinement in a coffin-sized box. Abu Zubaydah is also one of two prisoners who the government has openly admitted to having tortured and videotaped, and then, in violation of several court orders, to having destroyed this videotaped evidence of torture.

When Abu Zubaydah was moved to Guantánamo in 2006, President Bush continued to describe him as “a senior terrorist leader and a trusted associate of Osama bin Laden,” and claimed that, because he had become “defiant and evasive” after his capture, “the CIA used an alternative set of procedures” for him. According to Bush, “These procedures were designed to be safe, to comply with our laws, our Constitution, and our treaty obligations. The Department of Justice reviewed the authorized methods extensively and determined them to be lawful.”

President Bush was mistaken in both his claims. First, the torture techniques approved by John Yoo were plainly illegal, although the Obama administration has done all in its power to prevent any prosecutions from proceeding. Second, Abu Zubaydah was not “a senior terrorist leader,” but was, instead, at most a mere gatekeeper for Khaldan, an independent military training camp in Afghanistan (which had been

used to prepare jihadists to fight the communists in Russia in the 1990s) that was forcibly closed down by the Taliban in 2000 when its emir, Ibn al-Shaykh al-Libi, refused to allow it to be taken over by Osama bin Laden. The government's quick labeling of Abu Zubaydah as a "high-value detainee", "the number three man in al Qaeda", and "al Qaeda's chief of operations" reveals a disturbing failure of intelligence in the Bush administration at the start of its "war on terror." Moreover, the torture of this man, who was so monstrously mischaracterized from the start, also yielded no useful intelligence. In 2009, summing up the results of his torture, a former U.S. intelligence official stated, "We spent millions of dollars chasing false alarms."

The extent of these failures has even been acknowledged by the Obama administration, although this has taken place in court documents submitted by Justice Department lawyers who have tried to portray Abu Zubaydah as a different kind of threat. In a submission in 2009, in response to 213 requests by Abu Zubaydah's attorneys for discovery in his habeas corpus petition, the government revealed that it "has not contended ... that Petitioner was a member of al-Qaeda or otherwise formally identified with al-Qaeda." The Government further stated that they were not "detaining [Abu Zubaydah] based on any allegation that [Abu Zubaydah] views himself as part of al-Qaeda as a matter of subjective personal conscience, ideology, or worldview." The Government also "has not contended that Petitioner had any personal involvement in planning or executing...the attacks of September 11, 2001," nor that he had any "advance knowledge of the terrorist attacks of September 11, 2001," nor that he had "knowledge of any specific impending terrorist operations" being planned by al-Qaeda.

Instead, the government now claims that the ongoing detention of Abu Zubaydah "is based on conduct and actions that establish Petitioner was 'part of' hostile forces and 'substantially supported' those forces," and that he "facilitat[ed] the retreat and escape of enemy forces" after the U.S.-led invasion of Afghanistan in October 2001. In response, his attorneys are engaged in attempts to establish that the government has no evidence that their client was "part of hostile forces," and that the people he assisted in escaping Afghanistan included "women, children, and/or other non-combatants," and that the government has evidence to support those assertions.

As one of his attorneys, Brent Mickum, has explained, "I'm not surprised at all that the government has dropped the old charges against our client and is alleging new charges against him. That is their tried-and-true modus operandi ... [W]hen their case falls apart, they re-jigger the evidence, and come up with new charges and [say], 'we will defend the new charges with the same zeal we defended the earlier bogus charges.'"

Despite the horrors of Abu Zubaydah's case, since his arrival at Guantánamo in September 2006, even his attorneys have been unable to provide much information to the public. The blunt truth, shockingly, is that every word spoken between the "high-value detainees" and their attorneys since their arrival has remained classified, and none of it has been unclassified through a Pentagon review process, as has happened with all the other prisoners.

In the cases of the six "high-value detainees" who have faced military commission hearings—Khalid Sheikh Mohammed and four other men under President Bush, and Abd al-Rahim al-Nashiri under President Obama—some information has emerged. However, in the cases of six other "high value detainees" who

arrived in September 2006 (Majid Khan, Abu Faraj al-Libi, Riduan Isamuddin, aka Hambali, Modh Farik Bin Amin, Mohammed Bin Lep and Gouled Hassan Dourad), and two others who arrived at Guantánamo in 2007 and 2008 (Abd al-Hadi al-Iraqi and Muhammad Rahim), no information has been made publicly available.

This leaves them in an information black hole as severe as when they were held in CIA “black sites.” Additionally, this embargo on available information has encouraged the public to completely forget about these men, even though all the prisoners subjected to the “high-value detainee” torture program represent the nadir of the Bush administration’s lawlessness and hubris.

OPINIONS

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Why hasn't Abu Zubaida been tried?

By Amanda L. Jacobsen, March 28, 2012

This week marks 10 years that my client [Abu Zubaida](#) has been held in U.S. custody. After a decade of imprisonment, Abu Zubaida has never been charged with a crime, much less found guilty. This week there was movement: Charges were unveiled — not against Abu Zubaida but [against a senior government official involved in the CIA's rendition program](#).

The development occurred in Poland, where the former head of the Polish intelligence services is charged with unlawful deprivation of liberty, abuse of office by a public official, unlawful corporal punishment (i.e., torture) and — notably — unlawful deprivation of access to a court of justice.

Since 2007 Abu Zubaida has had an active habeas corpus case — brought by him against the U.S. government to challenge his detention. But in five years this case has not yielded any finding that Abu Zubaida is a danger to the United States. To the contrary, since my co-counsel and I first filed a discovery request in 2009, seeking access to the evidence in the government's possession, his habeas case has been at a standstill. We have more than a dozen motions pending before the D.C. District Court, many of which have been waiting since 2009. We continue to await the production of the government's evidence. We have repeatedly asked for a status conference, to move his case forward. Each time the government has opposed our request.

While Europe is moving forward and seeking accountability from its officials for illegal conduct, the United States is not.

We must ask why no charges have been brought against U.S. officials. But we must also ask why charges have never been brought against Abu Zubaida — and what is really known about my client.

U.S. officials have said that Abu Zubaida was a [senior al-Qaeda terrorist](#). They claimed that he was the “No. 3 man” in al-Qaeda, its [chief of operations, who worked directly with Osama bin Laden](#). They said that he was personally involved in the Sept. 11, 2001, attacks and every other major al-Qaeda operation and knew the details of future attack plans.

But all of [these assertions were wrong](#).

To the contrary, the government has explicitly conceded in Abu Zubaida's habeas corpus case that he was [never a member of al-Qaeda](#) and had no knowledge of al-Qaeda operations. These allegations are not the basis on which the government requests that Abu Zubaida continue to be detained.

While the media continue to parrot the early mischaracterizations, the U.S. government has quietly airbrushed every reference to him out of the charge sheets of other detainees.

In September 2006, President [George W. Bush announced that he was transferring Abu Zubaida](#) from a secret prison, beyond the reach of the law, to the U.S. naval base at [Guantanamo Bay, Cuba](#), so that he could be charged, prosecuted and brought to justice. Bush said that America had a duty to bring to justice those responsible for acts of terrorism. When President Obama took office, he said he would close Guantanamo and tasked officials with categorizing the detainees, identifying prisoners whom the government wanted to prosecute, those it wanted to release and those who could seek relief through habeas corpus.

Despite having top-secret security clearance as Abu Zubaida's counsel, I haven't been allowed to see that list, so I don't know which category the administration put Abu Zubaida in. What's clear, unfortunately, is that this categorization system makes no difference to the fate of these men. Imprisonment at Guantanamo Bay is not about justice. More than half of the men still there were “cleared for release” years ago. Even prisoners who win their habeas cases or are found innocent of charges brought against them may remain at Guantanamo indefinitely.

We must ask: If Abu Zubaida is a terrorist, why does the government refuse to charge him and bring him to justice?

The reason is: The government got it wrong. U.S. officials made hyperbolic assertions about Abu Zubaida and relied on these false allegations in their efforts to justify his rendition, secret detention and [torture](#), as well as the torture of many others — acts that Europe, at least, admits are grave legal violations. By [U.S. government reports](#), Abu Zubaida was waterboarded 83 times in one month. And despite court orders to preserve evidence, the government

We Recommend

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destroyed 90 videotapes of his torture and interrogations.

People assume that the government has not prosecuted Abu Zubaida because he was tortured. But the government has admitted to waterboarding two other men, [Khalid Sheik Mohammed](#) and [Abd al-Rahim al-Nashiri](#), both of whom face criminal prosecution.

I have visited Abu Zubaida in Guantanamo every few months for three years. I am, along with prison guards, among the very few people with whom he is allowed to speak. But everything I know about him — as a person and about his legal case — is shrouded in secrecy. If I tell anyone anything that I've learned about Abu Zubaida from speaking with him directly, I risk imprisonment myself.

When people ask me whether Abu Zubaida is guilty, I can say only: Isn't it time we find out?

The government has had 10 years to get its case together. Those who believe that Abu Zubaida is a terrorist should bring charges against him and allow him to defend himself.

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Comments



joanne_kh wrote:

3/29/2012 7:58 PM EDT

What has been -- and is being -- done to Abu Zubaida (and others in his position) is beyond shameful and despicable. I really don't have words to describe how angry and upset this makes me. What kind of "advanced democracy" does this to people!?



arcticriver responds:

4/1/2012 10:29 AM EDT

I don't like injustice, either.

But in discussions like this, it is important to recognize that many respondents who consider themselves patriotic Americans are nevertheless willing to abandon the presumption of innocence, and thinking holding men without charge on untested allegations can be justified through claiming it is a necessary sacrifice required for public safety.

I think the claim public safety requires torture, requires holding men without charge on untested allegations, is not supportable. I think, when looked at in detail, the public record shows holding men without charge on flimsy allegations, that taking confessions and denunciations wrung from captives through abuse or genuine torture at face value is not only unjust, but has put the public at much greater risk.

Taking confessions wrung out from Ibn al Shaykh al Libi is the worst instance of the use of torture in all of human history, as believing those tortured confessions was a key trigger for the disastrous invasion of Iraq. (I covered this in more detail in an earlier comment.)

Ahmed Ajam

ISN 326

Citizenship: Syria

Detained Since: 2002

Ahmed Ajam

Ahmed Adnan Ajam is a 35-year-old man, born and raised in Aleppo, Syria. Ahmed grew up in comfortable economic circumstances, in an open-minded family that exposed him to Western ideas and traditions. He spent many hours on his computer. He socialized with European visitors to Syria. He enjoyed Western music. He developed a fondness for pizza, burgers, and fries.

Ahmed has a high school education. He speaks some English. He has a philosophical turn of mind and a keen sense of humor. For his mandatory two years of service in the Syrian military, Ahmed served as an aide to a high-ranking officer. This was an office job, performing secretarial duties.

In his twenties, Ahmed began to feel that the life he was leading was shallow and unfulfilling. He wanted to deepen his Islamic faith and practice. He decided to visit Afghanistan, to see how that country implemented Islamic law, and to get help to become a better Muslim. He lived in Kabul for approximately 11 months. While living there, he volunteered for a charity organization, delivering food to the poor.

In fall 2001, after the war started, Ahmed fled Kabul. He had been told that Arabs, if captured by the Northern Alliance, would be killed. Accompanied by several Syrian friends, he made his way through the mountains of Afghanistan to Pakistan, where the Pakistani authorities arrested him at the end of 2001. He was unarmed. He was transferred to Guantánamo in the winter of 2002.

Syria has a consistent record of human rights abuses, including the use of torture in detention (which has resulted in death), arbitrary detention, prolonged detention without trial, and fundamentally unfair trials in the security courts.

Amnesty International reported in 2005 that “[d]ozens of Syrians were reportedly arrested on their return from exile,” often because of “suspected ... personal or family links with the Muslim Brotherhood” even when they had returned with the permission of the Syrian authorities. In recent years, the Supreme State Security Court has prosecuted many such people under Law 49 (1980), which makes affiliation with the Muslim Brotherhood punishable by death.

It appears that Syrian authorities would consider Ahmed a threat simply because the United States has imprisoned him at Guantánamo. The ongoing upheaval and deadly repression in Syria emphasizes that he cannot return there. His only hope for freedom is that another country will receive him.

Mohammed al-Adahi

ISN 33

Citizenship: Yemen

Detained Since: 2002

Mohammed al-Adahi

Mohammed al-Adahi, born in 1962, is a Yemeni, whose case is emblematic of the way in which the D.C. Circuit Court has gutted habeas corpus of all meaning. Married with two children, al-Adahi had never left Yemen until July 2001, when he took a vacation from the oil company where he had worked for 21 years to accompany his sister to her wedding in Afghanistan. Afterwards, as he traveled through Pakistan to take a plane home, he was seized on a bus and sent to Guantánamo.

In August 2009, Judge Gladys Kessler granted al-Adahi's habeas corpus petition, ruling that the government had not established that, as alleged, he "was part of the inner circle of the enemy organization al-Qaeda," even though there was "no question that the record fully supports the Government's allegation that Petitioner had close familial ties to prominent members of the jihad community in Afghanistan," and that his brother-in-law was, apparently, "a prominent man in Kandahar," and even though it was "undisputed" that Osama bin Laden "hosted and attended [the] wedding reception in Kandahar," and that al-Adahi "was briefly introduced to bin Laden."

Drawing on al-Adahi's own statements, who she saw testify live from Guantánamo, Judge Kessler accepted that there was no reason to doubt his explanation about why he traveled to Afghanistan, and noted that he had freely admitted to briefly meeting Osama bin Laden. She also refused to accept his brief attendance at the al-Farouq training camp as evidence of anything sinister, acknowledging that he "pursued training at al-Farouq to satisfy 'curiosity' about jihad, and because he found himself in Afghanistan with idle time," and noting in particular that the camp leaders expelled him after seven to ten days "for failing to comply with the rules," which included a ban on smoking.

Other ludicrous allegations—that al-Adahi was an instructor at al-Farouq in February 2000 (18 months before his arrival in Afghanistan) and that he was a bodyguard for bin Laden—were dismissed because Judge Kessler identified that both claims had been made by a prisoner for whom "the record contains evidence that [he] suffered from 'serious psychological issues,'" and another prisoner who "suffers from serious credibility problems that undermine the reliability of his statements."

Instead of releasing him, however, the government appealed and, in July 2010, Judge Randolph reversed Judge Kessler's, ruling, which Judge Randolph described as "manifestly incorrect—indeed startling." Judge Randolph claimed that Judge Kessler had considered each piece of evidence on its own merits, instead of as part of a whole, and described this as a "fundamental mistake that infected the court's entire analysis." Judge Kessler had, in fact, examined the evidence as part of what the government contended was a "mosaic" of intelligence, to be viewed as a whole, rather than being examined in isolation, but had found the "mosaic" to be unpersuasive. In a startling departure from precedent, Judge Randolph gave no credence to Judge Kessler's opportunity to see al-Adahi testify live and subject to the government's cross examination.

Responding to the ruling, in which Judge Randolph also indicated that he believed the "preponderance" standard used in the habeas cases to be too high, one of Mohammed al-Adahi's attorneys, John A. Chandler, "criticized the appeals court for reassessing the evidence being used to hold al-Adahi instead of assessing the trial court's ruling for errors of law," as was noted in an article at the time. Chandler explained, "The ap-

pellate court pretty clearly wanted to find he was al-Qaeda and substituted their judgment on the facts for the judgment of the trial court, when the trial court is supposed to make decisions of fact.”

These were entirely valid complaints, but disturbingly Judge Randolph has prevailed. Since his ruling in the case of Mohammed al-Adahi, every habeas corpus petition since July 2010 has been denied, as the lower court judges have been obliged to follow Judge Randolph’s order to give more credence to the government’s unverified allegations than they had been doing. In addition, five other successful petitions have been either reversed (like al-Adahi) or vacated, and sent back to the lower court to reconsider.

Sa'ad Muqbil Al-Azani
ISN 575

Jalal bin Amer
ISN 564

Suhail Abdu Anam
ISN 569

Citizenship: Yemen

Detained Since: Spring 2002

Sa'ad Muqbil Al-Azani, Jalal bin Amer, Suhail Abdu Anam

Sa'ad Muqbil Al-Azani, ISN 575, detained at Guantánamo since Spring of 2002.

Jalal bin Amer, ISN 564, detained at Guantánamo since Spring of 2002.

Suhail Abdu Anam, ISN 569, detained at Guantánamo since Spring of 2002.

All three of these men were captured at the same time in February 2002 in Karachi, Pakistan. Mr. Al-Azani and Mr. bin Amer have been Cleared for Transfer by the Obama Task Force in 2009, but still they sit in detention, with no charges having ever been brought against them.

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Ghaleb al-Bihani

ISN 128

Citizenship: Yemen

Detained Since: 2002

GHALEB AL-BIHANI, ISN 128

IN DIRE HEALTH & DETAINED FOR OVER A DECADE WITHOUT CHARGE

Ghaleb Al-Bihani is a young man from Yemen who is in seriously ill health and who has been detained at Guantánamo for over a decade without any charge.¹ He has been imprisoned for 11 years and will continue to be held indefinitely—on the basis of allegations that he was an assistant cook for a group that no longer exists. Ghaleb sought justice all the way up to the U.S. Supreme Court, but that court, his last hope for legal redress in the United States, refused to hear his case in April 2011.

Ghaleb lives with physical illness, including diabetes, and suffers from pain and psychological anguish. He recently expressed that the “current circumstances have become unbearable.” In his more hopeful moments, he imagines rebuilding a peaceful life beyond the prison walls. Despite his depression, he is trying to learn languages and other skills to improve himself in detention, and still dreams of the chance to rebuild his life. He would accept both repatriation to his country or safe resettlement in a third country.

Ghaleb’s health status

Ghaleb has been described by the Joint Task Force Guantánamo (JTF-GTMO) as being “on a list of high risk detainees from a health perspective.” His ailments include Type 2 Diabetes, asthma, chronic migraine headaches, chronic neck and lower back pain, depression, and anxiety. His blood sugar level fluctuates dangerously, rising as high as 700. He has been hospitalized for weeks at a time over the past several months, and medical personnel at Guantanamo have told him they are gravely concerned about his health. Ghaleb’s physical and psychological health have declined markedly over the last several months, and his attorneys assess that he is now in critical condition.

Ghaleb’s attempts to challenge his detention in U.S. courts

In January 2009, Judge Richard Leon denied Ghaleb’s habeas petition, ruling that Ghaleb could continue to be detained indefinitely at Guantánamo without charge, on the basis of allegations that he was a kitchen aide for Arab forces in Afghanistan supporting the Taliban in a local conflict against the Northern Alliance pre-9/11. In January 2010, the decision was affirmed by the D.C. Circuit in an opinion that disavowed the relevance of international law in determining the scope of the government’s detention authority—a position even the government rejects.

¹ Ghaleb’s Internment Serial Number (ISN) at Guantánamo is 128.

In August 2010, the full circuit court reviewed the January 2010 ruling, declining to endorse the claims about the irrelevance of international law, but affirming the denial of Ghaleb's habeas petition. In April 2011, the Supreme Court, Ghaleb's last hope, denied his petition for certiorari. As a result, an alleged kitchen aide, who was never accused of having raised arms against U.S. or allied forces, has lost 11 years of his life at Guantanamo and continues to be held indefinitely.

More information

Ghaleb Al-Bihani is represented by attorneys at the Center for Constitutional Rights. For more information, the Commission should contact:

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'Non-lethal round' fired at Gitmo detainees in soccer field incident, US military confirms

By Michael Isikoff, National Investigative Correspondent, NBC News
Updated 22 hours ago

NBCNews.com



John Moore / Getty Images file Camp Delta in the Guantanamo Bay detention center in 2010.

U.S. military officials confirmed Thursday that a guard at the U.S. detention facility at Guantanamo Bay last January fired a "non-lethal round" to disperse detainees after one of them sought to climb a fence and others threw rocks at the guard tower.

No one was injured during the incident, which appears to be the first shooting involving rubber bullets in the 11-year history of the Guantanamo facility. Nonetheless, it has

fueled claims by defense lawyers – denied by camp officials – that the detainees have been engaged for weeks in widespread protests, including hunger strikes and refusing to sleep in their cells.

The conflicting claims about conditions come as the detention facility in Cuba – which began under President George Bush in 2002 – is once again in the spotlight. Congressional Republicans, led by South Carolina Sen. Lindsey Graham, on Thursday sharply criticized the Obama administration for flying the recently captured Sulaiman Abu Ghaith, Osama bin Laden's son in law, to New York to stand trial in federal court rather than sending him to Guantanamo.

[Al-Qaida spokesman and bin Laden son-in-law captured](#)

"When it comes to people like this ... we want them to go to Gitmo to be held in military custody for interrogation purposes," Graham said in a news conference.

But Obama administration officials say they have ruled out sending any more terror suspects to Guantanamo because it would undercut their intention to shut down the facility. On his first full day in office in January 2009, President Barack Obama vowed to close Guantanamo, but he has been blocked from doing so by Congress, leaving most of the 166 detainees remaining there in perpetual limbo – even though at least 55 of them have been publicly cleared for release by an administration task force consisting of U.S. intelligence agencies.

The shooting incident, [first reported by the Miami Herald](#), occurred on the grounds of a new \$744,000 soccer and recreation field that was opened last year and touted by base officials as an example of new and more permissive conditions at the facility. The new soccer field was featured in [an NBC News report on Guantanamo](#) last June.

[Read more at The Isikoff Files](#)

Navy Capt. Robert Durand, chief public affairs spokesman at Guantanamo, told NBC News in an email that on the afternoon of Jan. 2, the incident occurred "after a detainee attempted to climb the fence" in the new recreation field and a "small crowd of detainees began throwing rocks at the guard tower."

"After repeated warnings were ignored, the guard force was forced to employ appropriate crowd-dispersal measures, in accordance with standard operating procedures," Durand wrote.

In response to follow-up questions, Durand said that the measures involved the shooting of a "non-lethal round" consisting of "several small rubber balls with limited ability to penetrate skin and little ability to cause injury." One of these balls "hit a detainee," he added. (During a May 2006 disturbance at Guantanamo, guards fired pepper spray at detainees, Durand said.)

Information only began to emerge in recent weeks when some of the detainees began informing their lawyers – whose communications with their clients are tightly regulated. One detainee, Bashir al-Marwalah, wrote his New York lawyers in a letter received Feb. 22: "We are in danger. One of the soldiers fired on one of the brothers a month ago. Before that, they send the emergency forces with M-16 weapons into one of the brothers' cell blocks."

The letter, a copy and translation of which was obtained by NBC News, further alleged that a copy of the Quran had been "desecrated" during a search the day before and that guards were going from "cell block to cell block" and taking away detainee possessions.

"Now they want to return us to the darkest days under Bush. They said this to us. Please do something," the letter stated. It then concluded: "We asked that this be announced to the media so that people know what the Obama administration is doing to prisoners now. All the brothers are now on a hunger strike in protest of mistreatment and the desecration of the Quran."

The claims in the letter have been echoed in the last few days by lawyers for other detainees, who have said their clients [have told them about large-scale hunger strikes](#) – with some detainees "losing consciousness" and "coughing up blood." The claims of widespread hunger strikes have been vigorously denied by Guantanamo officials, who say there are now seven who are doing so – about the same number as have for the past year.

Pardiss Kebriaei, a lawyer for the Center for Constitutional Rights, said she spoke to one of her clients, Ghaleb Al-Bihani, also a Yemeni, by phone this week and he said he has refused food for a month. "He's dropped 23 pounds, he's a diabetic, and medical staff have told him his life is in danger," Kebriaei said.

Kebriaei said her client told her that there is now a "mass hunger strike" in Camp 6 – the largest and most permissive of the camps at Guantanamo – and that all but two detainees are participating. In addition, she said, the detainees are protesting in other ways – by refusing to sleep in their cells, instead taking their mats outside and sleeping there. The trigger for the protests appears to be new restrictions and more comprehensive searches of cell blocks imposed by the new camp commander, Rear Adm. John Smith.

Durand, the Guantanamo spokesman, disputed the lawyers' claims across the board.

"In broad terms, what we are seeing is a coordinated effort by detainees and their attorneys to take routine camp events and create a false picture of conditions," he wrote in an email. "Every day, to some degree, there are a few hunger strikers, a few detainees who assault or threaten guards. To describe the current conditions in the camp as 'deteriorating' is patently false."

He added: "Detainees, their attorneys, family members and sympathetic organizations routinely attempt to gain sympathy for detainees in the media by initiating and spreading falsehoods regarding conditions of detention, allegations of abuse by guards, denial of medical treatment, abuse of the Quran and reports of mass unrest or hunger striking. These tactics have been employed off and on since Joint Task Force Guantanamo opened in 2002."

Read more from Open Channel:

- [Iran was holding bin Laden son-in-law Abu Ghaith, US officials say](#)

Ahmed al-Darbi

ISN 768

Citizenship: Saudi Arabia

Detained Since: March 2003

Ahmed al-Darbi

Ahmed al-Darbi, born in 1975, is a Saudi, who was seized as he tried to enter Azerbaijan in June 2002. Held for two months, he was transferred to U.S. custody in August 2002, and, as he explained in a court submission in July 2009, he was then flown to Bagram Air Base in Afghanistan, where he was held in isolation for two weeks, and subjected to sleep deprivation and the use of agonizingly painful stress positions. He also said that he was prohibited from praying, that his cell was very hot and brightly lit, and that loud music was regularly pumped into his cell.



After two weeks, Ahmed was imprisoned with the general population at Bagram, but his abuse did not come to an end, as this was the period when at least two prisoners died at Bagram as a result of persistent, violent abuse by the guards. Ahmed's complaints about his abuse during this period eventually surfaced in a trial at which a number of U.S. personnel received prison sentences, although none of the senior officials who sanctioned the abuse have been held accountable for their actions.

In March 2003, Ahmed was moved to Guantánamo, but there too he was subjected to abuse, as one of the one in six prisoners subjected to the techniques approved by Donald Rumsfeld, according to the former interrogator who spoke to The New York Times in January 2005. As Ahmed described it: "Painfully loud music was often played in my cell. Sometimes they played a repetitive song composed of what sounded like a cat's meow. It was very hard to sleep because the cells were chilled to extremely cold temperatures, and there was extremely bright lighting and also the loud music."

As a result of the pressure exerted on Ahmed, which included threats that he "would be sentenced to death and executed," or "would be tortured, raped, and sexually abused," or "sent back to Bagram or to other countries," he made numerous false statements, based on statements he had first made while being tortured in Afghanistan.

Ahmed also described the longstanding effects of his torture and abuse as follows: "To this day, I frequently feel anxious, depressed and worried. I feel not quite right, not quite like myself. I have recurring nightmares of the U.S. guards and interrogators from Bagram chasing me. Whenever anybody wakes me, I wake up screaming in shock and panic. I have headaches. I feel that I am emotionally unstable, and I know that I go through personality changes and mood swings, which were not typical for me before I came into U.S. custody. Sometimes I lose physical control."

During the Bush administration, Ahmed was put forward for a trial by Military Commission, and in September 2009, under President Obama, he had a pre-trial hearing, at which Ramzi Kassem, one of his attorneys, attempted to persuade the military judge, Army Col. James Pohl, to refuse to accept as evidence any of Ahmed's 119 statements because, as he explained, they were obtained "through beatings, threats of rape, sleep and sensory deprivation, and sexual humiliation," at Bagram and Guantánamo.

The military commission charges against Ahmed were withdrawn and dismissed in 2009, then sworn out again in August 2012, with no movement since.

Mohammed al-Hamiri

ISN 249

Citizenship: Yemen

Detained Since: February 2002

MOHAMMED AL-HAMIRI, ISN 249

***CLEARED YEMENI DETAINEE IN NEED OF URGENT RELEASE FROM GUANTÁNAMO;
CLEARED FOR TRANSFER SINCE 2009***



“The U.S. government has all the power in its hands: If it wants us to walk out of Guantánamo on our feet, they can make it so. If they want us to leave Guantánamo in coffins, they can do that too.”

-Mohammed al-Hamiri, September 24, 2012

Name: Mohammed Abdullah al-Hamiri, ISN 249

Date of Birth: 1982

Place of Birth: Yemen

Residence: Jeddah, Saudi Arabia

Family: Large family network in Jeddah, Saudi Arabia

Education: Imam Sha'abi School, Jeddah, Saudi Arabia, Standard 8

Medical Status: Hunger-striking as of September 2012 and being force-fed; cranial fracture and reconstructive metal plate in skull; chronic headaches and other adverse side effects

Place of Detention: Guantánamo base hospital

Repatriation/Resettlement Options: Mr. al-Hamiri should be returned to Jeddah, Saudi Arabia where his family has a home, financial resources, and has pledged to support him. He is now roughly 30 years old and wants nothing more than to regain his freedom and have the chance to begin rebuilding his life.

SUMMARY

Mohammed al-Hamiri is a 30 year old Guantánamo detainee who has been held without charge since 2002. He is cleared for release by President Obama's Inter-Agency Task Force. Mr. al-Hamiri was transferred to the Guantánamo base hospital in September 2012, in the immediate wake of the death of Adnan Latif. Mr. al-Hamiri remains at the hospital under supervision. His continued detention – despite his clearance and his compromised health – is indefensible. The U.S. government must immediately release Mr. al-Hamiri for humanitarian reasons. He could be immediately and seamlessly reintegrated into his large family network in Jeddah, Saudi Arabia or returned to Yemen, his country of origin.

BACKGROUND

Mr. al-Hamiri is a Yemeni citizen and lifetime resident of Saudi Arabia. His father emigrated from Yemen more than thirty years ago. Mr. al-Hamiri comes from a large, stable, and devoted family. Mr. al-Hamiri's mother, grandparents, siblings and extended family all live in Jeddah. He enjoyed a nurturing upbringing there and was known and well-liked throughout his community.

As a boy, Mr. al-Hamiri was injured in an accident that left him with a cranial fracture. His family took him to the Saudi-German Hospital in Jeddah for treatment. A reconstructive metal plate was inserted into Mr. al-Hamiri's skull. Physicians at the Saudi-German Hospital instructed Mr. al-Hamiri that he would require follow-up treatment for his recovery to be complete. The cost was too prohibitive, however, and Mr. al-Hamiri did not return to the hospital for additional care. He subsequently suffered a second injury, which aggravated his condition.

Mr. al-Hamiri traveled to Pakistan in 2001 in search of cheap medical care. While in Pakistan, he crossed the border into Afghanistan, but left in the wake of the U.S. invasion. He was subsequently arrested by Pakistani police and transferred to U.S. custody.

The U.S. government has never alleged that Mr. al-Hamiri engaged in any acts of terrorism or that he engaged in any armed conflict.¹ The government's reflexive allegation that Mr. al-Hamiri supported the Taliban and Al Qaeda rests on uncorroborated photographic identifications from a handful of current and former Guantánamo detainees. The government's own records reveal that the credibility of each is severely compromised by a range of factors, including in one case by a government-diagnosed mental illness. For his part, Mr. al-Hamiri has stated emphatically that he traveled to the region for only one reason – to obtain medical care – and that he never fought, trained, or associated in any way with the Taliban or Al Qaeda. His statements have been consistent for more than ten years. The Inter-Agency Task Force cleared al-Hamiri for release in 2009.

¹ Mr. al-Hamiri's petition for a writ of habeas corpus was argued before Judge Henry Kennedy in January 2010. The case was transferred to Judge Thomas Hogan on November 4, 2011 after Judge Kennedy retired. A decision is still pending.

MR. AL-HAMIRI'S CURRENT CONDITION AND NEED FOR URGENT RELEASE

Mr. Al-Hamiri is on a hunger-strike at the Guantánamo base hospital under close medical and psychological supervision. He has spent one-third of his life in arbitrary, indefinite detention at Guantánamo. Though the government conceded in 2009 that it no longer has an interest in detaining Mr. Al-Hamiri, he remains imprisoned with no end in sight. He is also acutely aware that, as a Yemeni, he currently stands no chance of leaving Guantánamo – unless the government chooses to spare him. This is why he says that *“the U.S. government has all the power in its hands: If it wants us to walk out of Guantánamo on our feet, they can make it so. If they want us to leave Guantánamo in coffins, they can do that too.”*

The only workable solution that remains is for the government to implement its Task Force determination and immediately release Mr. Al-Hamiri. The government can no longer afford to be indifferent to his suffering. To do so is reckless.

LEGAL REPRESENTATION

Mr. al-Hamiri is represented by attorneys at the Center for Constitutional Rights and Clifford Chance US LLP. For more information, the Commission should contact:

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Freedom or Death at Guantánamo

By: [Center for Constitutional Rights](#) Friday
January 25, 2013 8:45 am



by Omar Farah, staff attorney at the [Center for Constitutional Rights](#).

Adnan Latif and Mohammed al-Hamiri arrived at Guantánamo through strikingly similar twists of fate. Adnan Latif is the most recent of nine men – four since President Obama took office – to die in U.S. custody at Guantánamo.

Mohammed al-Hamiri is a Yemeni prisoner I have represented and visited since 2008 who remains trapped at Guantánamo, housed at the prison's medical clinic, fighting to stave off despair. Like all Guantánamo prisoners, he grapples daily with the haunting thought that he many never leave the island prison alive.

January 11 marked 11 years since the first of these men arrived at Guantánamo, and this week marks four years since the president's signing an executive order mandating the closure of Guantanamo within the year. As we observe these anniversaries, I question what, if anything, the Obama administration learned from Adnan's senseless death. For better or for worse, the answer will say a lot about what lies ahead for Mohammed.

Both Adnan and Mohammed suffered severe injuries as boys that left them with cranial fractures. There is a noticeable scar under Mohammed's hairline, and he suffers from chronic headaches caused by the reconstructive metal plates in his skull. Mohammed's first round of treatment at the Saudi-German Hospital in Jeddah, Saudi Arabia is well documented. The necessary follow-up treatment was financially prohibitive, so, like Adnan, Mohammed traveled to Pakistan in search of cheap medical care.

Following the U.S. invasion of Afghanistan, Mohammed was arrested in Pakistan by local police. In that respect, his story and Adnan's are typical. Since the prison first opened, the government has cynically perpetuated the myth that Guantánamo prisoners were "captured on the battlefield." Nothing could be further from the truth: the troubling reality is that in the months after September 11, the U.S. military ran a slipshod bounty system that offered handsome compensation to Afghan and Pakistani locals for turning over anyone who seemed out of place. That is how Adnan ended up at Guantánamo, and the circumstances surrounding Mohammed's arrest point to the same explanation.

Hooded and shackled, Mohammed was then rendered to Guantánamo in 2002. He was just 19 or 20 years old. Since then, he has endured more than a decade of arbitrary, indefinite detention, with no end in sight. He has never been charged with a crime. He never will be. In 2009, he, like Adnan, was approved for release by unanimous consent of an Inter-Agency Task Force that President Obama convened. The Task Force included representatives from every military, law enforcement, and national security agency with a stake in detainee affairs. But within months, the President instituted a moratorium on transfers to Yemen, effectively rescinding Mohammed's clearance in favor of a policy of crude collective punishment – one that bases the detention of Guantánamo's Yemeni prisoners on citizenship alone.

The results are at once shameful and predictable: it has been 30 months since a Yemeni has been repatriated or resettled. Of the 166 prisoners who remain at Guantánamo, roughly 90 are from Yemen. Fifty-six Yemenis are already cleared for transfer – 57 before Adnan died.

Death is rapidly becoming the only way out of Guantánamo. That is the inevitable byproduct of the administration's inaction. It is a chilling fact that is not lost on Mohammed, who was housed in a cell near Adnan, his dear friend and countryman. It was there, in the harsh, isolative conditions of Camp V, that Mohammed came face-to-face with the grim toll indefinite detention takes on the men at Guantánamo. That is where his path and Adnan's parted. It is no wonder that Mohammed is – in his words – at a "breaking point."

But Mohammed's continued torment is unnecessary: President Obama has the power to free him with the stroke of a pen. He should do so immediately, or history will not judge him kindly. The cost of delay has never been so high or potentially irrevocable. The president now confronts a grave moral question: had he foreseen Adnan's death, would he have done anything differently? For Mohammed's sake, and for the others languishing at Guantánamo, I hope the answer is yes.