

Faces of Guantánamo: Torture



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Torture is outlawed under the U.N. Convention Against Torture, to which the United States is a signatory. Article 2.2 of the Convention makes it clear that the prohibition against the use of torture is absolute: “No exceptional circumstances whatsoever, whether a state of war, or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture.”

Similarly, Common Article 3 of the Geneva Conventions is designed to ensure that every individual seized in wartime is protected from torture and abuse. It prohibits “violence to life and person,” “cruel treatment and torture,” and “outrages upon personal dignity, in particular humiliating and degrading treatment.” In the 2006 case of *Hamdan v. Rumsfeld*, the United States Supreme Court recognized that Common Article 3, at a minimum, applies to all suspected Al Qaeda or Taliban members in U.S. custody.

Torture is also a crime under U.S. law.

These prohibitions notwithstanding, torture was prevalent and pervasive in Guantánamo and inflicted in a particularly brutal fashion in the first three years of its existence. A great number of detainees who suffered from torture and abuse at the hands of the Bush administration have spoken eloquently and at length about their ordeal, subsequent to their release. Yet many of the 171 prisoners who continue to be subjected to indefinite detention in Guantánamo without charge or trial endured similar torture and abuse. They are unable to speak directly about their suffering. This Report attempts to tell some of their stories.

The Bush Administration’s Rejection of the Geneva Conventions

The Bush administration categorically rejected the legal and moral force of the Geneva Conventions. The administration concluded, against the weight of all legal authority, that members of the Taliban’s Armed Forces could not receive the protections of the Geneva Conventions, even though the Taliban government had been a state party to the Conventions. Likewise, the Bush administration rejected the obvious applicability of the Geneva Conventions in its executive order on November 13, 2001, governing the “Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism.” This order purported to authorize military trial of individuals for “violations of the laws of war,” but dismissed the corollary protections of these laws necessary to make such military trials legitimate under international law.

Although President Bush stated that those detained by the U.S. would be “treated humanely,” we know that they decidedly were not. Conditions in the U.S. prisons in Afghanistan were brutal, and when Guantánamo opened on January 11, 2002, the open-air cages in which the prisoners were held, known as Camp X-Ray were shocking and dehumanizing.

Moreover, on January 9, 2002, just two days before Guantánamo opened, John Yoo and Robert Delahunty, lawyers in the Justice Department's Office of Legal Counsel (which was supposed to provide impartial legal advice to the Executive Branch) wrote a memo to Pentagon General Counsel William J. Haynes II entitled "Application of Treaties and Law to Al Qaeda and Taliban Detainees." In it, they claimed that the laws of war, including the Geneva Conventions, did not apply to Al Qaeda or Taliban prisoners. In their judgment, no international laws apply to the U.S. detention operations because such laws do not have any binding status under U.S. federal law. "As a result," Woo and Delahunty wrote, "any customary international law of armed conflict in no way binds, as a legal matter, the president or the U.S. armed forces concerning the detention or trial of members of Al Qaeda and the Taliban."

On January 25, 2002, White House Counsel Alberto Gonzales, with considerable assistance from Cheney's legal counsel David Addington, followed up with a memo urging President Bush to declare that the Geneva Conventions did not apply to the prisoners at Guantánamo. Gonzales wrote: "In my judgment, this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions."

On February 7, 2002 permission to torture was, in effect, granted when President Bush issued an executive order entitled, "Humane Treatment of Taliban and Al Qaeda Detainees" in which he concluded, based on the OLC's advice, that "none of the provisions of Geneva apply to our conflict with Al Qaeda in Afghanistan or elsewhere throughout the world," and that "common Article 3 of Geneva does not apply to either Al Qaeda or Taliban detainees." Bush cynically added that "as a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva."

The Bush Administration's Torture Program

Despite Bush's public pronouncement about treating detainees humanely (countered in part by Cheney's insistence that the U.S. would have to go to the "dark side"), the reality was starkly different. Indeed, facing the paucity of evidence or intelligence emerging from interrogations at Guantánamo regarding Al Qaeda, future plots, and the whereabouts of Osama bin Laden, Bush administration officials learned the wrong lesson—it still believed that brutal interrogations were necessary to bleed information from detainees. The correct lesson from the absence of meaningful intelligence was that the overwhelming majority of detainees had no meaningful connection to terrorism or Al Qaeda in the first place.

How did this happen? First, the military in Afghanistan had been told not to hold so-called Article 5 tribunals, even though they represent a critical part of the Geneva Conventions. Held close to the time and place of capture and designed to separate combatants from civilians caught in the fog of war, these tribunals had been standard procedure for decades. (In the first Gulf War, for example, out of 1,196 cases, tribunals concluded that 886 prisoners had been wrongly detained.)

A second major problem was that the U.S. military had been making bounty payments to their allies in Afghanistan and Pakistan for Al Qaeda and Taliban suspects, averaging \$5,000 a head, which was a huge amount of money in both countries. This led to the filling of Guantánamo not with terrorists, but with innocent people and insignificant foot soldiers for the Taliban in an inter-Muslim conflict with the Northern Alliance that preceded the 9/11 attacks.

Senior Bush Administration officials ignored evidence of their mistakes and decided that the only plausible explanation for poor information was that the prisoners were withholding information. The administration had gone beyond the looking glass. For example, an alleged Al Qaeda manual, reportedly discovered during a house raid in the U.K., apparently instructed prisoners to lie and allege torture upon capture. From this stray document, Administration officials concluded that every refusal by a prisoner to incriminate himself or others was regarded as proof of membership in Al Qaeda, as was every allegation of torture. The result was that any attempts by prisoners to protest their innocence were treated with the same level of credulity as the protestations of innocence made by victims of the witch hunts of the seventeenth century.

Moreover, in pursuing ways to “break” prisoners, senior officials disregarded the advice of law enforcement officials, especially that of trained interrogators in the FBI and other agencies, regarding the legal, moral and practical reasons for not using torture. The Bush Administration also deployed the CIA as travel agents for torture, delivering prisoners for “interrogations” to the torture dungeons of an array of dubious allies (Egypt, Jordan, Morocco and Syria). It also established the CIA as torturers in secret prisons hosted in other countries, in particular Thailand, Poland, Romania and Lithuania, as well as facilities in Afghanistan and Iraq.

The first moves towards establishing a global torture program took place soon after 9/11, when President Bush sent a 12-page memorandum to the Director of the CIA through the National Security Council, which authorized the CIA to detain terrorists and set up detention facilities outside the United States. This memo was issued on September 17, 2001 but has never been publicly released.

By December 2001, according to a 2008 report on detainee treatment by the Senate Armed Services Committee, William J. Haynes, (the Pentagon’s Chief Counsel), had “already solicited information on detainee ‘exploitation’ from the Joint Personnel Recovery Agency (JPRA),” which ran the U.S. military’s SERE programs (Survival, Evasion, Resistance, Escape). The program was designed to train U.S. personnel in how to withstand interrogation techniques considered illegal under the Geneva Conventions. As the Senate Committee explained, the techniques used “include stripping students of their clothing, placing them in stress positions, putting hoods over their heads, disrupting their sleep, treating them like animals, subjecting them to loud music and flashing lights, and exposing them to extreme temperatures. It can also include face and body slaps and until recently, for some who attended the Navy’s SERE school, it included waterboarding”—a form of controlled drowning, known to the inquisitors of the Spanish Inquisition as “tortura del agua.”

The Senate Committee also noted:

Typically, those who play the part of interrogators in SERE school neither are trained interrogators nor are they qualified to be. These role players are not trained to obtain reliable intelligence information from detainees. Their job is to train our personnel to resist providing reliable information to our enemies.

As the Deputy Commander for the Joint Forces Command (JFCOM), JPRA's higher headquarters, put it: "the expertise of JPRA lies in training personnel how to respond and resist interrogations—not in how to conduct interrogations."

Ignoring numerous well-qualified critics within JPRA, the administration found instructors - two psychologists, Bruce Jessen and James Mitchell, both of whom had zero experience in actual interrogations—who enthusiastically agreed to reverse-engineer SERE techniques as part of the "war on terror."

In the summer of 2002, John Yoo wrote two more memos, which will forever be known as the "Torture Memos." These purported to redefine torture and otherwise interpret criminal and international law prohibitions on torture in impossibly narrow terms, all to give CIA officials a "golden shield" against future criminal prosecution for torture. The memos were issued on August 1, 2002; one surfaced publicly when it was leaked in 2004; the other was released by President Obama in 2009. In the first, Yoo attempted to claim that "[p]hysical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death."

In the second Torture Memo, co-authored by Jay Bybee (later appointed by Bush to the federal bench), Justice Department lawyers provided a checklist of techniques that could be—and were—used in the interrogation of the first supposed "high-value detainee," Abu Zubaydah, seized in Faisalabad, Pakistan on March 28, 2002. The techniques included waterboarding, stress positions, sleep deprivation, confinement in small boxes, and various acts of physical violence. The memo also approved playing on a phobia of Zubaydah's by introducing an insect into a "confinement box" in which he was held, though this technique was not used.

Donald Rumsfeld's Introduction of Torture to Guantánamo

While Yoo's memos provided legal approval for torture, Defense Secretary Donald Rumsfeld also approved his own torture program for use at Guantánamo beginning in September 2002, when interrogators and behavioral scientists stationed in Guantánamo attended SERE training sessions at Fort Bragg. On September 25, 2002, senior administration lawyers, including David Addington, William J. Haynes and John Rizzo (the CIA's senior lawyer), visited Guantánamo. Shortly thereafter, two of the behavioral scientists who had attended the training at Fort Bragg drafted a memo proposing harsh new interrogation techniques for use at Guantánamo.

On October 11, 2002, Major General Michael Dunlavey, the Commander of the Joint Task Force running Guantánamo, sent a memo to General James Hill, the Commander of U.S. Southern Command, requesting the authority to use aggressive interrogation techniques, “including stress positions, exploitation of detainee fears (such as fear of dogs), removal of clothing, hooding, deprivation of light and sound, and the so-called wet towel treatment or the waterboard,” as the Senate Armed Services Committee described it.

Lt. Col. Diane Beaver, Guantánamo’s Staff Judge Advocate, was required to write a legal analysis justifying the legality of the techniques. Although she expected that her own review would be thoroughly analyzed at a higher level, it never was. On October 25, 2002, General Hill forwarded the request to General Richard Myers, the Chairman of the Joint Chiefs of Staff. When the request for “enhanced interrogation techniques” was then forwarded to lawyers for the various branches of the military, the response was so generally unfavorable that, in the end, Haynes ignored it, and instead sent Rumsfeld a one-page memo recommending that he approve all but three of the 18 techniques in the request, including “stress positions, removal of clothing, use of phobias (such as fear of dogs), and deprivation of light and auditory stimuli.”

On December 2, 2002, Rumsfeld approved Haynes’ endorsement of the torture of Mohammed al-Qahtani, a Saudi who the administration then claimed was the 20th hijacker for the 9/11 attacks. A distressing log documenting al-Qahtani’s interrogation from November 23, 2002, (nine days before Rumsfeld’s approval) until January 11, 2003, that detailed the use of torture, was released in 2006.

The torture of al-Qahtani was not unique. In January 2005, “former intelligence officers and interrogators” told *The New York Times* about prisoners “being shackled for hours and left to soil themselves while exposed to blaring music or the insistent meowing of a cat-food commercial,” adding that “some may have been forcibly given enemas as punishment.” Crucially, the article also explained, “While all the detainees were threatened with harsh tactics if they did not cooperate, about one in six were eventually subjected to those procedures, one former interrogator estimated.”

The torture program was eventually dropped—*after* the Supreme Court granted the prisoners habeas corpus rights in June 2004—but torture techniques had already been exported to Iraq. Maj. Gen. Geoffrey Miller, the commander who oversaw the worst of the torture program at Guantánamo, was considered such a success by the administration that he was sent to “Gitmo-ize” Abu Ghraib, with the disastrous results that emerged in April 2004, when the world first learned of the abuse scandal that had taken place there.

The Continuing Open-ended, Arbitrary Detention at Guantánamo is a Form of Torture

Although the Bush administration's specific torture program is over, the remaining prisoners of Guantánamo, who are indefinitely and arbitrarily detained without trial, are subject to a form of psychological torment resulting in mental deterioration that constitutes a different form of torture. In the fall of 2003, Christophe Girod, a spokesperson for the International Committee of the Red Cross, broke with protocol to voice the ICRC's concerns about the effects of torture taking place at Guantánamo. Girod said, "The open-endedness of the situation and its impact on the mental health of the population has become a major problem." In January 2004, the ICRC published an overview of its Guantánamo work on its website, reiterating that it had "observed a worrying deterioration in the psychological health of a large number of" the prisoners.

Eight years after those comments, almost all the prisoners still at Guantánamo are held without charge or trial, their detention as "open-ended" as it was in 2003. Although the majority of prisoners are held in somewhat more humane conditions under President Obama than under Bush, with some socializing and occasional calls to their families permitted, they are still not allowed to receive visits from family members, unlike convicted prisoners on the U.S. mainland where even those convicted of the most serious crimes are permitted family visits. Prisoners regarded as influential are still isolated from their fellow prisoners, hunger strikers are still force-fed and armored rapid-response teams of five or more soldiers (the Immediate Reaction Force) are still on hand to punish infringements of the rules with violence. Partly in reaction to these phenomena, there is a growing consensus of human rights and international law experts that indefinite detention causes such severe psychological harm that in itself is a form of torture. According to a report by Physicians for Human Rights, "medical literature provides convincing evidence that the indeterminacy of an indefinite detention creates a degree of uncertainty, unpredictability, and uncontrollability that causes severe harms in healthy individuals independent of other aspects or conditions of detention."

Profiles of prisoners who have been subjected to torture follow:

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, as briefly mentioned above, his torture is absolutely 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 that the government has admitted to having waterboarded, and, by their 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, which was written specifically about Abu Zubaydah, list as being authorized for use against him personally. Other such “techniques” included, but were not limited to, prolonged sleep deprivation, stress positions, and confinement into a coffin-sized box. Abu Zubaydah is also one of two prisoners that the government has openly admitted to having videotaped their torture of, and then, in violation of several court orders, to having destroyed the videotaped evidence regarding.

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.” 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 him 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 in the hearings. 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.

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.

Mohamedou Ould Slahi

Mohamedou Ould Slahi, born in 1970, is a Mauritanian, who was seized by the Mauritanian authorities on November 20, 2001, at the request of the Bush administration. As he explained in his Combatant Status Review Tribunal at Guantánamo in 2004: “My country turned me over, shortcutting all kinds of due process of law, like a candy bar to the United States.”

After Mohamedou was seized, he was transferred by the CIA to Jordan—one of at least 15 prisoners rendered to Jordan by the CIA between 2001 and 2004—where he was held for eight months, and where, he said, what happened to him was “beyond description.”

He was then transferred to the U.S. prison at Bagram in Afghanistan, where he was held for two weeks, and he arrived at Guantánamo in August 2002.

In Guantánamo, Mohamedou was the second prisoner subjected to a specifically tailored torture program, which included prolonged isolation, prolonged sleep deprivation, beatings, death



threats, and threats that his mother would be brought to Guantánamo where she would be the lone female prisoner. The program, which began in May 2003, was augmented with further techniques authorized by defense secretary Donald Rumsfeld, and culminated, in August 2003, in an incident in which Mohamedou was taken out on a boat wearing isolation goggles while agents whispered, within earshot, that he was “about to be executed and made to disappear.”

The torture of Mohamedou was so severe that, in May 2004, Lt. Col. Stuart Couch of the Marine Corps, who had been assigned his case as a prosecutor, refused to prosecute the case. He told the chief prosecutor, Army Col. Bob Swann, that, in addition to legal reasons, he was “morally opposed” to the interrogation techniques, and for that reason alone “refused to participate” in the Slahi prosecution “in any manner.”

The use of torture not only led to Stuart Couch’s refusal to prosecute his case; it also led to Mohamedou telling his torturers whatever they wanted to hear. As he explained in a letter to his attorneys in November 2006, “I yes-ed every accusation my interrogators made ... I just wanted to get the monkeys off my back.” Despite this, he is regarded by the authorities as one of “the most significant informants ever to be held at Guantánamo,” as *The Washington Post* reported in March 2010.

Although Mohamedou was initially touted as a significant al-Qaeda operative, and was alleged to have been involved with the 9/11 hijackers while he lived in Germany, by the time his habeas corpus petition was granted by Judge James Robertson in March 2010, the government acknowledged that he “probably did not even know about the 9/11 attacks.” Another key claim—that he was involved in the foiled “Millennium Plot” to blow up Los Angeles airport—was also dropped, and although Judge Robertson noted that he continued to have knowledge of people connected to al-Qaeda, he granted his habeas corpus petition. After the government appealed, the case was remanded to the district court where he must essentially begin again.

Mohammed al-Qahtani

The Center for Constitutional Rights (CCR) client Mohammed al-Qahtani, born in 1979, is a Saudi, who was seized in December 2001 while crossing the border from Afghanistan to Pakistan. He was sent to Guantánamo in February 2002, and from August to November 2002, prior to the approval of a torture program for use on him by defense secretary Donald Rumsfeld (known as the “First Special Interrogation Plan”), he was held in severe isolation in a cell with constant bright lights. His suffering was so severe that FBI Deputy Assistant Director T.J. Harrington reported to the Army that in November 2002 he observed a detainee—later identified as Mohammed al-Qahtani—exhibiting symptoms of “extreme psychological trauma.”

Once the official torture program began, the methods used against Mohammed included the following:

- severe sleep deprivation combined with 20-hour-per-day interrogations, continuing for months at a time;
- prolonged solitary confinement (including severe isolation for several months prior to November 23, 2002);
- religious and sexual humiliation, including strip searching and forced nudity in the presence of female personnel, and being forced to wear a bra and a woman's thong on his head;
- various other forms of humiliation (being forced to bark like a dog, wear a leash like a dog, dance with a mask on his face, and pick up piles of trash with his hands cuffed while being called "a pig");
- denial of the right to practice his religion, including prohibiting him from praying for prolonged times and during Ramadan, threatening to desecrate the Koran in front of him, shaving his beard, and forcing him to pray to Osama bin Laden;
- forcible administration of IVs by medical personnel during interrogation;
- denial of access to a toilet so that he would be forced to urinate on himself;
- repeatedly placing him in tight restraints and in stress positions; beatings; threats and attacks by military working dogs;
- exposure to low temperatures for prolonged times, often while doused with water;
- exposure to loud music for prolonged times;
- threats made against his family, including female members of his family;
- threats of extraordinary rendition to countries that torture more than the United States.

The military's mistreatment of Mohammed, and the command authority sanctioning the use of these interrogation methods, has been the subject of several military investigations into reports of abuse, and was the subject of a lengthy memo prepared by the former General Counsel of the Navy, Alberto J. Mora, who warned that the use of these impermissible interrogation methods could make U.S. personnel vulnerable to war crimes prosecutions.

The ill-treatment of Mohammed began after he was identified in August 2002 as an individual who had tried and failed to enter the United States prior to the 9/11 attacks. As a result, he was regarded as the intended 20th hijacker for the 9/11 attacks and a member of al-Qaeda, although he has adamantly and consistently denied ever taking up arms against the United States, or ever

being a member of the Taliban or al-Qaeda. In his first statement that was made publicly available, after his Administrative Review Board at Guantánamo in 2007, he explained that all of the government's claims against him originated from statements obtained through torture.

In February 2008, Mohammed was charged with involvement in the 9/11 attacks, along with five “high-value detainees” who had been held in the CIA’s secret prisons, and put forward for a trial by Military Commission, but in May 2008, when Susan Crawford, the Convening Authority for Military Commissions, issued final charges for the other five men, she dismissed all charges against Mohammed. In January 2009, she admitted that she had withdrawn the charges because of the clear evidence of his torture at Guantánamo. “We tortured Qahtani. His treatment met the legal definition of torture. And that’s why I did not refer [his] case [for prosecution],” she said.

Sanad al-Kazimi

Sanad al-Kazimi, born in 1970, is a Yemeni, who was seized in the United Arab Emirates in January 2003, and was subsequently handed over to U.S. forces, and was rendered to an unidentified secret CIA prison, and then to the “Dark Prison” and Bagram Air Base. During this period, he told his attorney, Martha Rayner, that “his interrogators beat him; held him naked and shackled in a cold dark cell; dropped him into cold water while his hands and legs were bound; and sexually abused him.”

After this Sanad was relocated to the “Dark Prison,” where, he said, “he was always in darkness and ... was hooded, given injections, beaten, hit with electric cables, suspended from above, made to be naked, and subjected to continuous loud music.” He told Martha Rayner that eventually “[h]e made up his mind to say ‘Yes’ to anything the interrogators said to avoid further torture.”

At Bagram, he said, he was isolated, shackled, “psychologically tortured and traumatized by guards’ desecration of the Koran” and interrogated “day and night, and very frequently.” He added that he “tried very hard” to tell his interrogators the same information he had told his previous interrogators “so they would not hurt him.”

In August 2007, Ramzi Kassem, another of Sanad’s attorneys, added further details, telling Jane Mayer of *The New Yorker* that Sanad was “suspended by his arms for long periods, causing his legs to swell painfully ... It’s so traumatic, he can barely speak of it. He breaks down in tears.” He also said that Sanad stated that, “while hanging, he was beaten with electric cables,” and explained that he also told him that, while in the “Dark Prison,” he “attempted suicide three times, by ramming his head into the walls.” Ramzi Kassem added, “He did it until he lost consciousness. Then they stitched him back up. So he did it again. The next time he woke up, he was chained, and they’d given him tranquilizers. He asked to go to the bathroom, and then he did it again.” On this last occasion, he “was given more tranquilizers, and chained in a more confining manner.”

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.

Sharqawi Ali al-Hajj

Sharqawi Ali al-Hajj, born in 1974, is a Yemeni, who was seized in a house raid in Karachi, Pakistan in February 2002, and is one of at least 15 prisoners whose torture was outsourced to the Jordanian authorities between 2001 and 2004. In Jordan, he was held for over two years before being transferred to the CIA's "Dark Prison" near Kabul, and then, via Bagram Air Base, to Guantánamo.

Initially questioned by American interrogators, he freely answered questions about his business in Pakistan, explaining that he was doing what he could to help Yemeni refugees. He was promised that, if he continued to answer questions, he could go home to Yemen. However, his transfer

to Jordan came about because, as his attorney, John A. Chandler, explained, “The CIA lied about his going home; it decided to torture Sharqawi in the hope that they might get more information from him.”

Prior to his rendition, his Pakistani guards told him, “May your mother pray for you,” and other such exhortations, knowing that he was on his way to the Jordanian secret police. In Jordan, Sharqawi was again told that, if he cooperated, he could go home. The cooperation, it soon became apparent, involved obtaining information from him about prisoners held in Guantánamo, but there was no way he could please his captors, and no way that he was going home.

As John Chandler also explained, “Sharqawi was shown pictures of men who he later met in Guantánamo. He was asked a series of questions from Americans posed by his Jordanian captors. If his answers were not satisfactory, he would be beaten. He randomly identified men as terrorists and was beaten. He identified every third man as a terrorist and was beaten. No answers were satisfactory.”

Tortured daily for nine months, Sharqawi was subjected to falanga, a Jordanian specialty, in which the sensitive nerve endings on the bottom of his feet were struck repeatedly, causing excruciating pain. He was also held in isolation, kept naked in the cold, threatened with rape, and subjected to electric shocks.

Afterwards, for another year and a half, Sharqawi was moved to another part of the facilities in Jordan, where the torture ceased, and, he said, the guards treated him well and occasionally lent him a cell phone to call home.

Rather than sending him home, however, the CIA chartered a plane, which flew from Frankfurt, Germany, to Amman, Jordan, and picked him up and delivered him to Bagram, where, yet again, he was promised that, if he cooperated, he could go home. Instead, Sharqawi was kept in a 2 foot by 3 foot closet for several days before a female interrogator from the Naval Criminal Investigative Service came to question him, and who later followed him to Guantánamo.

As John Chandler also observed, “After years of torture, an FBI clean team came in to start interrogations anew in the hope of obtaining information that was admissible and not the product of torture. The Courts, however, have held that torture after Karachi excludes all his interrogations. Nearly 10 years later, Sharqawi sits in Guantánamo. His health is ruined by his treatment by or on behalf of our country. He can eat little but yogurt. He weighs perhaps 120 pounds. The United States of America has lost its way.”