

## Guantanamo Detainee Used as ‘Prop’ for Torture Training Losing Battle for Medical Care

Ammar al-Baluchi's legal team is fighting for an independent medical assessment, which may advise that he needs to be repatriated

By [Umar A Farooq](#)

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**Ammar al-Baluchi**, who has spent close to two decades at [Guantanamo](#), has been for years suffering from severe brain damage as a result of his treatment at CIA black sites.

And despite Guantanamo Bay’s chief medical officer noting earlier this year that the facilities at the detention centre are inadequate in providing complex treatments for the prison’s ailing and ageing population, the Biden administration is continuing to oppose Baluchi’s requests for an independent commission of medical experts to come to the prison and assess his condition.

**Alka Pradhan**, Baluchi’s defence lawyer who returned from Guantanamo last week, told Middle East Eye that during her last session with the detainee, his condition was so bad he wasn’t able to read or form complete thoughts.

“Ammar has brain damage, stemming from his time in the black sites - and the effects of that brain damage have become really pronounced in his cognitive abilities,” Pradhan said.

“His ability, for example, to read documents, his ability to put together complex thoughts that would contribute to his defence, his ability to sit with us and strategise are really compromised at this point.”

She added that when it comes to Guantanamo,

“there is just no hope in sight for the sort of complex medical care that he needs, both psychological and physical”.

For the past few months, Pradhan has been petitioning the US District Court in Washington

DC to grant a mixed medical commission (MMC) – a panel of independent experts made up of a medical officer from the US military and two doctors from a neutral country chosen by the International Committee of the Red Cross.

If granted, the panel could ultimately conclude that Baluchi's condition requires him to be transferred out of the prison.

The Department of Justice has resisted the MMC request, stating in a September filing that an MMC would not lead to Baluchi's transfer and that he "will continue to have comprehensive medical care available to him, administered by qualified military staff duty-bound to protect his physical and mental health".

"Notably, Petitioner's motion does not describe any actual medical emergency or even a condition for which urgently necessary treatment is not available at Guantanamo," the administration's filing said.

On Monday, Pradhan submitted a pleading in Baluchi's case that called into question the Biden administration's opposition to the request, saying the Department of Justice had failed to respond to the actual petition.

"I don't want to say that they're lying, but they have at every stage avoided responding to the specific facts of his case and instead has put forward these affidavits saying, 'no, no, everything is fine at Guantanamo'," Pradhan said.

In June, the detention centre's chief medical officer [offered testimony](#) to the military commissions, in which he said that, while primary care was readily available to the prison population, many more specific procedures or treatments were not possible at the base:

"Where you're going to find difficulties and breakdowns and pinch points are the, you know, when we need to see, for instance, this special study or this special provider."

**Steve Xenakis**, a retired US Army brigadier-general and psychiatrist who has been advising on Baluchi's case for the past decade, said the conditions faced by the detainee were complex and deteriorating.

"He clearly needs very sophisticated treatment and care for a condition that may end up being very chronic. It's a problem he's had for some time and it's a progressive deterioration," Xenakis told MEE.

He added that, for many detainees including Baluchi, "the equipment that you would need, and the other capabilities to both evaluate them and treat them are not here on the island".

## **Why put up a fight?**

Baluchi's lawyers argue that a military ruling, titled Army Regulation 190-8, requires any prisoners be granted an MMC when requested.

The detainee's defence team also cites a landmark 2020 [ruling](#) by Judge Rosemary Collyer of the US District Court for the District of Columbia, who concluded that another detainee, Mohamed al-Qahtani, was allowed an MMC to determine whether he was eligible for repatriation based on his medical condition.

However, a Trump administration filing in Qahtani's case – described as “sloppy” and “hastily written” by Pradhan – asserted that the detainees at Guantanamo were not subject to regulation 190-8, and therefore could not receive an MMC.

The Biden administration ultimately mooted the court's decision in that case by [transferring](#) Qahtani to Saudi Arabia, but Pradhan says Judge Collyer's ruling already sets the precedent for Baluchi to be independently evaluated by an outside medical team.

The administration has signalled it will not interfere with plea negotiations that could resolve the long-stalled prosecution of alleged 9/11 mastermind Khalid Sheikh Mohammed and four co-defendants.

But despite this messaging, as well as the recent appointment of an official to oversee the transfers out of Guantanamo, Biden's government has continued to push against fulfilling Baluchi's request.

“I really do not understand why they are putting up such a fight on this which really undermines what the left hand is doing, trying to very slowly find a way to close Guantanamo,” Pradhan said.

**Scott Roehm**, Washington director of the Center for Victims of Torture, similarly questioned the administration's approach.

“If the goal is to close Guantanamo, and a mixed medical commission is to conclude that this person is so sick, debilitated, injured, etc, that they have to be repatriated, that facilitates closure,” he told MEE.

Thirty-six men remain held at Guantanamo Bay, 20 of whom have been approved for transfer. Five are currently in indefinite detention and not approved for transfer, ten are awaiting trial and two have been convicted, including [Majid Khan](#), who has finished his sentence and is in need of a country to be transferred to.

The Department of Justice declined to comment on the case.

## **Baluchi's severe brain damage**

Baluchi, a 44-year-old Kuwaiti national also known as **Ali Abdul Aziz Ali**, spent more than three years in CIA custody and was moved between a total of six “black sites” before being transferred in 2006 to Guantanamo Bay.

His case has been in pre-trial hearings for a decade, with delays over the legal admissibility of testimony obtained after his torture.

According to Pradhan, a neuropsychologist carried out an MRI of Baluchi's head in October 2018 and found “abnormalities indicating moderate to severe brain damage” in the parts of his brain affecting memory formation, retrieval, and behavioural regulation.

According to another neuropsychologist's evaluation of Baluchi in early 2020, the Guantanamo detainee's psychological functioning had “seriously diminished” as a result of the torture, leaving him with a host of issues including traumatic brain injury, anxiety, depression, and post-traumatic stress disorder.

Another MRI scan was taken of Baluchi in 2021, revealing that a spinal lesion in his back had grown at an alarming rate, according to Pradhan. However, with the base's MRI machine now broken, medical staff are not able to assess the condition or diagnose the lesion.

Earlier this year, newly declassified documents revealed that during his time at a black site in Afghanistan, Baluchi was used as a "prop" and training tool for trainee interrogators to practice torture techniques.

The documents revealed that interrogators-in-training lined up to take turns experimenting on him, including one CIA-approved technique called "walling", in which the detainee's heels are placed against a plywood wall "which had flexibility to it", and a rolled-up towel was put around their neck. The detainee is then repeatedly slammed into the wall by their collar. Baluchi was naked during the interrogation.

Rights groups and civil society organisations have for years criticised the US government for the lack of medical facilities provided to properly treat many of the detainees at Guantanamo.

A 2019 [report](#) by The Center for Victims of Torture and Physicians for Human Rights found that medical equipment and expertise available on-site were "increasingly insufficient to address detainees' health needs".

"As they get older, I mean, we have to recognise that they're going to need all sorts of different sophisticated treatments," said Xenakis. "And we're gonna have to figure out how that's going to be set up."

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