

Torture in Guantanamo

By [Center for Constitutional Rights](#)

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CCR PUBLISHES FIRST REPORT ON TORTURE AT GUANTÁNAMO WITH DECLASSIFIED PRIMARY ACCOUNTS FROM CURRENT DETAINEES AND ATTORNEYS

Groundbreaking 51-Page Report Details Recent Torture and Inhumane Treatment in Violation of U.S. Law and the Supreme Court's Recent Hamdan Decision; Report's Publication Comes as Congress Considers Related Guantánamo Legislation

Synopsis

NEW YORK, July 10, 2006 – Today the Center for Constitutional Rights (CCR) published the first report citing declassified primary accounts from current detainees and their American attorneys to detail torture and inhumane treatment by U.S. officials at Guantánamo Bay prison.

The “Report on Torture and Cruel, Inhuman, and Degrading Treatment of Prisoners at Guantánamo Bay, Cuba” is the most comprehensive primary source account ever published of ongoing abuse at the prison, detailing systematic physical, psychological, sexual, medical and religious abuse of detainees, filling 51 pages and 279 footnotes. The report is particularly significant in light of the Supreme Court's recent Hamdan decision because it catalogues conduct by U.S. officials in violation of the Geneva Conventions, which the court applied to detainees, and analyzes the administration's attempt to create a “legal black hole” for enemy combatants in sections discussing the administration's liability concerns regarding conduct at the base Geneva, war crimes, and the forthcoming revisions to the Army Field Manual.

“This report authoritatively documents the Bush Administration's systematic human rights abuses at Guantánamo. I think the torture and abuse detailed here will shock Congress and the American public because it reveals a lawless, immoral and ineffective detention facility and undermines the administration's increasingly desperate attempts to lie about what is happening down there,” said CCR Legal Director **Bill Goodman**. “This report tells a story of abuse and the betrayal of our laws at the highest levels of government, which is why the Supreme Court just had to step in and order the President to treat detainees humanely and provide due process. Before Congress rushes to give the President cover with unnecessary new legislation, I hope it will review the record and provide real oversight, starting with an independent investigation of the base,” he added.

The report is available at www.ccr-ny.org/torturereport, printed copies are available upon request, and selected excerpts are below. CCR represents over 200 detainees at

Guantánamo and it won the 2004 Supreme Court decision establishing the detainees rights to challenge their detention.

The following are excerpts from the report, please note some contain graphic descriptions:

...This report uniquely recounts the experiences of prisoners inside Guantánamo Bay prison. Other reports, for the most part, rely on the statements of released prisoners who were willing to tell their stories. Appearing in this report are the accounts of torture and cruel, inhuman, and degrading treatment drawn directly from habeas counsels' unclassified notes. Prisoner statements were made to counsel during in-person interviews conducted at Guantánamo beginning in the fall of 2004. Information provided to counsel through client interviews is presumed secret until cleared. Such information must be provided to a Department of Defense (DoD) privilege team for review. Once cleared, the information carries no restriction. All of the information reported by prisoners in this report has been cleared for publication. To the extent possible, reported incidents have been corroborated by other public, unclassified sources, including government documents...

...Prisoners being interrogated at Guantánamo have been:

- held in solitary confinement for periods exceeding a year;
- deprived of sleep for days and weeks and, in at least one case, months;
- exposed to prolonged temperature extremes;
- beaten;
- threatened with transfer to a foreign country, for torture;
- tortured in foreign countries or at U.S. military bases abroad before transfer to Guantánamo;
- sexually harassed and raped or threatened with rape;
- deprived of medical treatment for serious conditions, or allowed treatment only on the condition that they "cooperate" with interrogators; and
- routinely "short-shackled" (wrists and ankles bound together and to the floor) for hours and even days during interrogations.

These aggressive interrogation techniques, when coupled with the stress of indefinite, arbitrary detention, have caused the prisoners tremendous psychological and physical injury. At least one prisoner nearly died during an interrogation....

Numerous reports of extreme physical abuse have emerged from Guantánamo. Physical abuse is often meted out systematically by the specially trained "Immediate Reaction Force" (IRF); at other times, soldiers have beaten prisoners for no apparent reason or in connection with an alleged violation of a camp disciplinary rule. Some prisoners have sustained permanent physical injury as a result.

...Beatings are the most frequently reported form of mistreatment, with many prisoners providing details of such physical mistreatment. Prisoners assert that pretexts for physical punishment are frequently devised. Mr. Al-Harith said prisoners had been punished for keeping six packets of salt in their cell instead of five and for hanging their towels through their cages when they weren't wet. Military reports admit that many prisoners have been thrown or dropped on the ground or thrown against walls. Several prisoners report that assailants jumped on their backs or shoved their heads into hard surfaces while they were

incapacitated and lying on the ground. For example, Yasein Khasem Mohammed Esmail claims that when he arrived in Guantánamo, while he was still shackled, he was thrown into the air and allowed to fall to the ground. When he lay on the ground, soldiers stomped on him. A group of soldiers sprayed Mr. al-Wahab with “disorienting gas,” burst in his cell, handcuffed him, pulled him out of his cell, and pushed and rubbed his head against concrete until he lost consciousness. Mustafa Ait Idir sat down on the floor when guards, angry because he had asked to see an officer, told him to; the vindictive guards tied his hands behind his back, picked him up and banged his body and head into the side of his steel bunk. They threw him down and pounded his head into the floor. Many other prisoners describe frequent and vicious beatings. Lakhdar Boumediene described several occasions in early 2002 when guards returned him to his cell following interrogation, grabbed him under his armpits, lifted him up, and threw him to his cage floor repeatedly while his wrists were shackled to his waist and his feet were shackled to an anchor in the floor of his cage. into the floor. He now has a scar he attributes to that beating. Sami Al-Laithi, a pro-democracy English teacher who was determined to be “no longer an enemy combatant” on May 10, 2005, and was later released, is now confined to a wheelchair as a result of beatings by the U.S. military. Sami Al-Laithi was a teacher at Kabul University. He taught Arabic and English. Mr. Al-Laithi spent 17 years teaching English in Pakistan and Afghanistan, believing that he was helping the cause of the U.S. He has never been an opponent of the U.S., but says he has “always believed in U.S. ideology” of democracy and rule of law. Mr. Al-Laithi is not, and never has been, an Islamic extremist. He was interested only in teaching and in playing football. He opposed the Taliban, because he believes in democracy, freedom, and open elections. These are the same reasons for his consistent opposition to the repressive regime of Egyptian President Hosni Mubarak. As a result of his criticism of the Mubarak regime, he was pursued by Egyptian agents intent on kidnapping or murdering him. He then fled to Pakistan and Afghanistan where he has lived and worked for 17 years. Though a healthy man when taken into U.S. custody, Mr. Al-Laithi is now confined to a wheelchair with two broken vertebrae. He attributes his current infirmity to severe beatings that he received soon after arriving at GTMO. “Once they stomped my back,” Al-Laithi wrote [in an affidavit filed recently with the district court]. “An MP threw me on the floor, and they lifted me up and slammed me back down. A doctor said I have two broken vertebrae and I risk being paralyzed if the spinal cord is injured ore.” Al-Laithi said his neck is also permanently damaged because IRF teams repeatedly forced him to bend over toward his knees. While many prisoners have had their anuses probed during strip searches, Mr. Al-Laithi also alleges that the military forced a large object into his anus on the pretext of doing a medical exam. “I am in constant pain,” he continued. “I would prefer to be buried alive than continue to receive the treatment I receive. At least I would suffer less and die.”

...The decision to abandon the Geneva Conventions and designate the prisoners as “enemy combatants” – rather than conducting the legally required Geneva Convention hearings to identify any prisoners of war and release noncombatants – enabled DoD to evade the Field Manual’s stringent standards. The rules of engagement in Guantánamo for interrogating alleged enemy combatants are deliberately vague, go beyond the time and battle-tested standards of the Field Manual, and, as a result, contribute not only to confusion on the ground but to the sanctioning of abusive methods of prisoner treatment. By rejecting the Geneva Conventions and other protections, the United States sought to exempt itself from any limits on interrogation methods for individuals detained in the “war on terrorism.” The U.S. government’s efforts to avoid its Geneva obligations continue. For over a year, DoD has been drafting a new Army Field Manual modifying instructions for prisoner interrogations. DoD recently stated that the new Field Manual would omit a key tenet of the Geneva

Convention that explicitly bans “humiliating and degrading treatment.” DoD has acknowledged that the State Department as well as a number of senators and senior generals vehemently oppose the change, observing that the proposed standards of treatment in the new Field Manual would violate the anti-torture protections advanced by Sen. John McCain (R-Ariz.) last year and codified in The Detainee Treatment Act of 2005.

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