

USA

Who are the Guantánamo detainees?

CASE SHEET 15

Yemeni national: Abdulsalam al-Hela

11 January 2005

AI Index: AMR 51/206/2005

Full name: Abdulsalam al-Hela

Nationality: Yemeni

Occupation: Businessman

Age: 34

Family status: Married with two children

“Contact with him suddenly stopped...when we called him, his mobile phone rang but there was no answer”. Abdulsalam al-Hela’s brother, talking of his brother’s “disappearance”

Abdulsalam al-Hela is a businessman from Sana’a, Yemen. In September 2002 he is believed to have travelled to Egypt for a meeting with Arab Contractors, an Egyptian construction firm for which he was the Yemeni representative. While there he phoned his family regularly. On the last occasion he called, his brother stated that he sounded nervous and worried, and that he had to go to a meeting. He was unwilling to say any more over the telephone. It was last time Abdulsalam al-Hela’s family would hear from him for over a year, and then it would be through a letter smuggled out of a prison in Afghanistan.

Abdulsalam al-Hela appears to have been abducted by the Egyptian authorities and handed over to US officials. Abdulsalam al-Hela is convinced that the USA and Egypt conspired to lure him to Egypt with the express intention of “disappearing” him in order to interrogate him about his contacts in Yemen. As a result he became a victim of the US practice of rendition and secret detention, being taken from country to country without any recourse to a court, access to lawyers or contact with his family.

His final destination was the detention facility at Guantánamo Bay naval base in Cuba. He remains there to this day.

Arrest and ‘rendition’

Abdulsalam al-Hela was arrested two days after he arrived in Egypt on his business trip. He was interrogated in a hotel, in a ‘sealed area’ by people who he describes as civilians. He was

let go briefly and then arrested again and taken to another hotel. Though he states that he wasn't tortured by the Egyptian authorities he states that he was subjected to 'degrading treatment'.

Seven or eight days after his initial arrest, his Egyptian captors put him on a minibus and drove to an airport. There he saw hooded soldiers who he believed to be American guarding a small private plane, with a maximum of 20 seats. The Egyptians handed Abdulsalam al-Hela to the US officials who then stripped him naked and searched him, dressed him in blue overalls, cuffed his hands and feet and blindfolded him. He was then bundled on to the small plane where he was waistcuffed, hooded and gagged. He was being rendered and "disappeared" by the US government as part of its "war on terror".

It is unclear where he was taken next. Abdulsalam al-Hela's family told Amnesty International that the Egyptian Embassy in Sana'a, Yemen, told them that he had left Egypt on "a special plane that took him to Baku, Azerbaijan".

What is clear is that he later ended up in Afghanistan, where he was held in secret, illegally and incommunicado, for two years.

Treatment in Afghanistan

"I have been put in jail in Afghanistan by the Americans, after I was arrested in...Egypt during a brief business trip. The CIA conspired with the Egyptian Mukhabarrat, making false allegations and threats against me, so as to justify their crime of kidnapping me..." Abdulsalam al-Hela, from a letter smuggled out of a jail in Afghanistan

In Afghanistan, Abdulsalam al-Hela was initially held in a small prison in Kabul which he called the "dark prison" because detainees were kept in pitch darkness 24 hours a day. A statement from Benyam [Binyam] Mohammed al-Habashi, who is also currently held in Guantánamo Bay, suggests that he was held in the same detention facility as al-Hela. The "dark prison" in Kabul was reportedly reserved for 'special people'. Benyam al-Habashi estimates that there were up to twenty people in the prison including "the Yemeni businessman from Sana'a" named Abdulsalam.

Recently declassified notes indicate that Abdulsalam al-Hela was kept in this prison for three and a half months. While there he states that:

- He was regularly stripped naked and interrogated.
- He was be suspended from the ceiling for prolonged periods.
- One hand was cuffed to the wall at all times making it difficult for him to sleep or go to the toilet
- Like Benyam Mohammed al Habashi he states that loud "sharp metallic rock music" was played 24 hours a day
- Detainees were kept in pitch black the entire time. Abdulsalam al-Hela states that the only time he saw light was when a bright strobe light was flashed in his eyes during interrogation, temporarily blinding him.

Abdulsalam says that he lost significant amounts of weight in the prison; compared to when he was kidnapped, he was 70 lb (31 kg) lighter. Benyam Mohammed al-Habashi states that in the prison "plenty [of the detainees] lost their minds" due to the constant interrogation and sensory deprivation. He also said that doctors seemed to be examining the patients to "make sure they lost weight".

Abdulsalam al-Hela was then transferred to another prison called Malidu, which was also in

or near Kabul. He says that this was an underground, more modern facility where the conditions were better. He was held here for two and a half months. During this time he was interrogated by the US for 15 consecutive days.

He was then taken to another detention facility in Afghanistan, where his jailors told him he was being held at the behest of the US. He was held here for one year and two months. Abdulsalam al-Hela says that he was tortured here, but emphasised that the psychological burden of being confined incommunicado was far worse than the physical abuse. The entire time he was at these prisons he did not see anyone from the Red Cross, let alone a lawyer.

Abdulsalam al-Hela was taken briefly back to the Malidu prison before being taken to Bagram air base. Abdulsalam al-Hela finds it difficult to talk about his time in Bagram. He told his lawyer that his “wounds are too many” and that he “doesn’t want to reopen them”. He simply stated that the conditions were “very, very bad”.

Guantánamo

“[We] want to know if this will go on forever, with no real trials, no human rights” Abdulsalam al-Hela

Abdulsalam al-Hela was transferred from Afghanistan to Guantánamo Bay on 17 September 2004. Abdulsalam al-Hela suffers from high cholesterol and diabetes. He also suffers from pain in his leg which was apparently broken during his time in US custody in Afghanistan. He alleges that he has consistently been denied adequate medical care.

While in Guantánamo Abdulsalam al-Hela alleges that he has been subjected to a range of abuses:

- On one occasion he was restrained by his hands and feet and a guard bit him. When he asked the guard why he was biting him, the guard replied ‘because you are a terrorist’
- He has been regularly beaten
- Once he refused to go to interrogation because prayer time had not been called. As punishment he was dragged from his cell, had all his belongings removed and was forced to sleep on the floor
- He alleges that the guards at the camp constantly insult and verbally abuse the detainees

Abdulsalam al-Hela was held in Camp V of Guantánamo, the harshest of the camps in the facility modelled on ‘supermaximum’ security units in the US mainland.

Abdulsalam al-Hela expressed his frustration and anger at the discrimination and presumption of guilt surrounding the detention regime at Guantánamo Bay. The detainees notice that most European detainees and many Afghan and Pakistani detainees have been released, yet most Arab detainees remain. He also talked of how guards would automatically presume they were ‘evil’ and ‘terrorists’; one guard asked Abdulsalam al-Hela ‘if you are innocent, why are you in Guantánamo?’

Tired of the abuse and injustice in the camp, Abdulsalam al-Hela embarked upon a hunger strike in July of 2005 with up to 200 other detainees. He lost 27 lb (12.3kg) during the first strike. He called off the first strike because the camp authorities had made numerous promises and concessions to the detainees, which they subsequently broke.

He started his strike again after Ramadan and he said that this time he ‘will not give up’ because ‘the most important thing [is that] the Geneva Conventions are applied’. During the most recent strike he alleges that detainees were being painfully force fed through nasal-gastric tubes during fasting hours in Ramadan.

Family

“I want my father back” Abdulsalam al-Hela’s son

Abdulsalam al-Hela's family had to bear the intense emotional burden of his "disappearance" for over a year. Though they since received confirmation that he was held in US custody in Afghanistan and later Guantánamo Bay, contact remains very limited. The family only receive letters intermittently, and these tend to be heavily censored by the US authorities.

'Take extra care of my mother because I love her more than anything else on earth'
Abdulsalam al-Hela said the last time his lawyer visited him in Guantánamo, adding 'take care of my children and raise them in a good environment'.

USA

Who are the Guantánamo detainees?

CASE SHEET 11

Bahraini national: Jumah al-Dossari

August 2005

AI Index: AMR 51/129/2005

Full name: Jumah Mohammed Abdul-Latif al-Dossari

Nationality: Bahraini national

Age: 32

Family status: Divorced with a young daughter

“He pushed his face and he smashed it into the concrete floor...There was blood everywhere. When they took him out they hosed the cell down and the water ran red with blood. We all saw it”

Released Guantánamo detainees speaking about the torture of Jumah al-Dossari

Background

Jumah al-Dossari was seized in Pakistan in late 2001 and held for several weeks by the Pakistani authorities. He was then taken in an airplane by US agents to Kandahar airbase in Afghanistan. On the plane he was shackled – he had chains around his thighs, waist and shoulders and his hands were tied behind him. When he complained about the pain, he says he was hit and kicked in the stomach, making him vomit blood.

He was held at Kandahar airbase for approximately two weeks. He was kept with other detainees in a freezing tent with just one bucket as a toilet. He was interrogated several times and tortured – his body shows the scars from this abuse.

In January 2002 Jumah al-Dossari was transferred by US military aircraft to Guantánamo Bay. He and other detainees were chained to the interior of the aircraft. He was made to wear goggles with blackened lenses and ear muffs. When he complained about the pain caused by the manner in which he was chained he was hit repeatedly. He says that later he was given pills to make him sleep.

After many hours the aircraft landed and the detainees were transferred to a second aircraft which flew them to Guantánamo Bay. He was initially held in Camp X-Ray, shackled in cells he says were frequented by rats, snakes and scorpions. He was later transferred to Camp Delta, where at one point he was held in total isolation for five months.

Torture

“The man with the shield threw the shield away, took his helmet off and when the door was unlocked ran in and did a knee drop onto Jumah’s back just between his shoulder blades with his full weight. He must have been about 240 pounds.”

Released Guantánamo detainees speaking about the torture of Jumah al-Dossari

In Kandahar, Jumah al-Dossari says he was regularly beaten, once so severely that he vomited and then fainted. He also says that:

- US Marines urinated on him and on other detainees, and stubbed out cigarettes on their skin.
- A US soldier pushed his head to the ground while others walked on him.
- He was kicked in the head, and hit in the eye with an object he could not identify.
- He was forced to walk barefoot over barbed wire and his head was pushed to the ground on broken glass.
- He was subjected to electric shocks, spat upon and threatened with death.

Detained in Camp 5

“How do I keep myself from going crazy?”
Jumah al-Dossari to his lawyer

In or around May 2004, Jumah al-Dossari was transferred to Camp 5. This Guantánamo facility is modelled on the harsh “super-maximum” security prisons on the US mainland. He is held in a concrete isolation cell, in solitary confinement, for up to 24 hours a day. There is

between cells are kept on all the time. Jumah al-Dossari is only allowed to exercise for up to one hour a week by himself in a small pen, sometimes for no longer than half an hour.

The water in the cell is reported to be yellow, and to smell of sewage. On one occasion he believes he saw worms in the water. Until recently he was allowed only one bottle of water per month - recent reports suggest that the detainees may now be getting three bottles a day following a hunger strike in July 2005. Meals in Camp 5 are reported to be smaller than in other camps and he has reported that occasionally the food is rotten.

He is regularly interrogated in Camp 5 and has been threatened with transfer to Bagram airbase where he was told conditions are far worse than Guantánamo..

Jumah al-Dossari is suffering both physically and psychologically as a result of his detention and torture. He has now been held in solitary confinement for more than a year. For the past two years he has experienced pain in the area of his heart and pain and numbness in his left arm. He also suffers from dizziness and has problems with his teeth and eyesight.

Legal issues

In June 2004 the US Supreme Court ruled, in the case of *Rasul v Bush*, that the federal courts have jurisdiction to hear habeas corpus petitions from foreign nationals detained in Guantánamo Bay. Yet none of the detainees still held there has had the lawfulness of his detention judicially reviewed. Instead, the administration set up Combatant Status Review Tribunals to determine if each detainee was an “enemy combatant”. For this process, the detainee had no access to secret evidence used against him or to legal counsel. Furthermore, the tribunals were allowed to draw on evidence extracted under torture or other ill-treatment.

After the June 2004 ruling, lawyers representing Guantánamo detainees filed habeas corpus petitions with the US District Court in Washington DC. The first judge on the DC District Court to interpret the *Rasul v Bush* decision, Judge Richard Leon, ruled in favour of the executive authority of the US President during wartime, holding that the Guantánamo detainees had no right to challenge the lawfulness of their detention.

Two weeks later, Federal District Judge Joyce Hens Green gave a different opinion. She rejected the government’s argument that the detainees have no substantive rights, and held that the detainees had the US constitutional right not to be deprived of liberty without due process of law. The government is seeking to have a higher court, the US Court of Appeals for the District of Columbia Circuit, resolve the difference of opinion between the two judges in its favour. Meanwhile, the legal limbo of the detainees continues, with none having had the lawfulness of his detention judicially reviewed.

Whatever the Court of Appeals decides, the case is likely to be sent for appeal to the US Supreme Court. This would keep the detainees in their legal limbo and leave the lawfulness of their detention unreviewed by the courts.

“We brought you here to kill you”

A US soldier reportedly said this to Jumah al-Dossari

USA

Who are the Guantánamo detainees?

CASE SHEET 16

Sudanese national: Sami al Hajj

11 January 2006

AI Index: AMR 51/207/2005

Full name: Sami al Hajj

Nationality: Sudanese

Occupation: Cameraman/journalist

Age: 35

Family status: Married with one child

Background

Sami al Hajj was a journalist working for the television station al Jazeera. He was visiting his brother and sister in Damascus when the station called him to ask him to go on his second ever assignment. It was around 22 September 2001, less than two weeks after the attacks on the US mainland on 11 September, and he was being asked to cover the international conflict in Afghanistan.

His brother told Amnesty International that Sami al Hajj was reluctant and nervous about going to the conflict zone, but decided that it would not be his best career interests to turn down such a prestigious assignment.

Sami al Hajj travelled with a film crew to Afghanistan, via Pakistan. After 18 days covering the conflict he returned to Pakistan, thinking his assignment over. In December 2001 he was asked by the television station to return to Afghanistan to cover the inauguration of the new government there. Before he and his crew managed to reach the border, they were stopped by Pakistani police. Sami al-Hajj was the only one of his crew taken into custody.

Arrest in Pakistan and transfer to US authorities/Treatment in Afghanistan

Sami al Hajj was held in Pakistani custody from 15 December 2001 to 7 January 2002. He had his passport taken off him, his visa to travel to Afghanistan and his press card. On 7 January he was transferred to US custody and taken to Bagram air base in Afghanistan.

Sami al Hajj has described the 16 days he spent in detention in Bagram air base as “the worst in my life”. He states that he was severely physically tortured and had dogs set upon him, that he was held in a cage a freezing aircraft hangar and was given insufficient, often frozen food.

He was then transferred to Kandahar, where his abuse continued. Sami al Hajj alleges that:

- He was subjected to sexual abuse by US soldiers, including being threatened with rape
- He was forced into stress positions, being forced to kneel for long periods on concrete floors
- He was beaten regularly by guards
- He had all the hairs on his beard plucked out one by one
- He was not allowed to wash for over 100 days, and he was covered with lice

Transfer to Guantánamo and treatment

Sami al Hajj was transferred to Guantánamo Bay on 13 June 2002. Hooded and shackled and gagged for the duration of the flight, if he fell asleep the US soldiers would strike him on the head to wake him up.

After his transfer to Guantánamo, Sami al Hajj says that he was constantly interrogated about any possible links between his employers and Islamist extremists. He also alleges that the first time he was interrogated in Guantánamo he had been deprived of sleep for over two days. He said “for more than three years, most of my interrogation has been focussed on getting me to say that there is a relationship between al Jazeera and al Qa’ida”. He alleges that he has been subjected to a range of ill-treatment and has been denied access to adequate health care:

- Guards at the camp shattered his knee cap by stamping on his leg
- He has been beaten on the soles of his feet
- Military dogs were used to intimidate him on his arrival in Guantánamo
- He has been subjected to racist abuse and has been given less time for recreation because he is black
- Prior to being allowed to see Sudanese intelligence agents who had come to Guantánamo to interview him, he alleges that he was shackled and pepper sprayed

After witnessing the desecration of the Qu’ran in 2003 – US soldiers had reportedly written ‘fuck you’ [obscenities] and had stamped on a copy of the Qu’ran - Sami al Hajj and a number of other prisoners went on hunger strike. The retaliation of the camp authorities was swift and brutal. Sami al Hajj has said he was beaten severely, and thrown down a set of stairs. His face was reportedly badly gashed in this incident– a cut which a doctor said needed stitches, but would only be administered without pain medication. He was then placed in isolation before being taken to Camp V, the harshest of the camps in the detention facility, where he was held for eight months. During his time in Camp V, he was classified at security level 4, which ensures the harshest treatment and the fewest privileges.

Sami al Hajj also alleges that he was “ERF’d” – brutal cell extractions by guards in riot gear (called the Emergency or Extreme Response Force) – six times in ten days.

Medical Care

Sami al Hajj has a number of pressing medical needs, and he alleges that the authorities in Guantánamo have consistently and systematically denied him access to the medical care he requires.

- He had throat cancer in 1998, and was on a course of drugs that he was prescribed for the rest of his life. He has not been provided with these drugs since being taken into US custody
- He has repeated the allegations made by other detainees that “the inoculations that have

been forced on the prisoners during the past three years are shots that contain diseases”

- Sami al Hajj also has rheumatism, problems with his teeth and bad eyesight. He has not received glasses or dental treatment.

Though it was apparently a US soldier who broke his knee cap, the authorities are reported to have refused to provide him with a support for his knee (as this contains metal and is classified as a security threat).

Hunger Strike

In July 2005 Sami al Hajj embarked on a hunger strike along with up to 200 other detainees. In his own words, he states that “the demands [of the strike] include stopping the heavy handed approach to the prisoners, particularly those in Camp V, and to give us the health care we need so much. Also to stop the widespread practice of drugging the prisoners and manipulating their state of mind.” The demands also included that Camp V be shut down, because “conditions are so bad” in that modern, ‘supermaximum’ security style block.

The detainees called a halt to their hunger strike after the authorities reportedly made a number of promises to the detainees to improve their conditions of detention. It quickly transpired, however, that the harsh treatment of the detainees, and their legal limbo, would not cease.

The strike restarted in response to the beating of several detainees and the failure of the authorities to implement the promised reforms. Sami al Hajj expressed the desperation of the detainees restarting their hunger strike when he said that “it is not something that I look forward to, but I must”.

“ I wish to return to Sudan to resume my normal life with my precious family” – Sami al Hajj

Sami al Hajj’s family were not informed of his arrest in Pakistan. They believe that the Sudanese government knew about his arrest but did not intervene and refused to inform the family. It was over one month after Sami al Hajj had been handed over to the US authorities that his family were informed of his detention.

They did not know he had been transferred to Guantánamo until six months after his arrest, when his wife received a letter via the ICRC.

Contact with the family has been intermittent, and letters that the family receive are generally heavily censored. The letters generally take around four months to arrive. Sami al Hajj’s brother told Amnesty International that they received only two letters last year. The same seems to be true in reverse. His brother sent a letter in 2003, but Sami al-Hajj was only allowed to read it in August 2005.

Sami al-Hajj has a five year old son, who he has not seen since he was one year old. As his brother said, “you can imagine how emotionally difficult it can be for a child for being so harshly deprived of the compassion and love of his dad”.

The family have suffered financially as well as emotionally as a result of Sami al Hajj’s detention by the USA. Since his father became ill, Sami al-Hajj had been the major breadwinner for the family, his finding work with *al-Jazeera* a major boost for all the family. The family have also found it very difficult to cope with the continued reports of torture and ill-treatment at Guantánamo.

