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A World With Its Own Rules

What Camp Delta is really like

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June 30 — In Pentagon lingo, the site overlooking the sunny Caribbean could be mistaken for a modest resort, located as it is in a “comfortable climate that is comparable or better” to that at home, and comprising 612 “single occupancy units” that are “protected from over-exposure to the sun or other elements.” But the “single occupancy units” at Camp Delta in Guantanamo Bay are in fact locked 53-square foot steel cages, and the 564 “enemy combatants,” held by the United States as long as six months without charges or any status review, are living in a de facto penitentiary.

THAT RAISES A LEGAL point because under the 1949 Third Geneva Convention on Prisoners of War, ratified by the United States and nearly every other country on earth, those taken prisoner in conflict “may not be held in close confinement” except to protect their health. And, according to the same article, 22, they “shall not be interned in penitentiaries.”

President George Bush ruled that the detainees are not POW’s under the Conventions but “enemy combatants” regardless of what they actually were doing when the United States intervened in Afghanistan, or the circumstances in which they were arrested. Followers of Osama bin Laden were disqualified as POW’s because Al Qaeda neither signed nor upheld the Conventions; Taliban fighters, whose government was a party, were disqualified because the Taliban reputedly did not observe all of the Convention’s requirements. Still, U.S. officials say they are treating the detainees fully in the spirit of the Conventions. “What we are doing we believe is fully in accord with all applicable rules and indeed is quite beyond any rules that are applicable,” said a top Pentagon official who spoke on condition of anonymity. “We are treating them humanely and consistently with the rules of the Geneva Conventions.”

So far as can be determined, the treatment falls well short of the requirements. Exactly how far short is difficult to tell. No reporter has been allowed into Camp Delta, and its configuration as well as the details of the “single occupancy units,” are kept secret for what are described as “security purposes,” as are the names of detainees and their countries of origin.

Take the fact that the detainees are locked in cells instead of being held barracks. “Detainees have demonstrated their desire to harm themselves, harm other detainees, and to harm US forces,” said Lt. Cmdr. Jeff Davis, a Pentagon spokesman. “The configuration of single occupancy units is required for the security of the detainees and the U.S. security force.” He revealed that there are a number of maximum security units in addition to the standard 6’8” by 8’ steel mesh cells. They are air-conditioned instead of air-cooled by sea-breezes, he said, indicating they were of a different, presumably heavier construction. What about detainees who have not shown any sign of violence or hostility? There are no minimum security units, he said. Also disregarded is the Convention’s requirement that detainees be grouped by nationality and that those who served together be housed in the same area. “Detainees are not grouped by nationality,” Davis said. “They are grouped as appropriate to address our security concerns.”

The administration cites security as the basis for any number of practices which diverge from its treaty commitments. In comparison with the September 11 attacks that led to U.S. intervention in Afghanistan, many of these divergences will sound petty, but they appear to violate agreed

international norms. In response to questions from Newsweek, Pentagon officials disclosed the following additional details of conditions at Camp Delta:

The Faces Behind the Wires at Guantanamo

In place of the Geneva Convention rules, which ostensibly would be applied to American troops should they be taken prisoner in a future conflict, the Pentagon has established its own rules for Camp Delta, which it will not make public for reasons of security. The Convention requires that in every camp the text of the Convention and its Annexes "shall be posted in the prisoners' own languages, at places where all may read them." But Pentagon spokesman Davis said that no copy has been posted. He said, however, that the Pentagon's "rules for deportment" have been posted in English and several other languages and have been read aloud to detainees who cannot read. However, he declined to make available a copy of those rules "for reasons of security."

Despite the Convention's requirement that tobacco be made available to prisoners and the fact that combatants of most armies smoke, no smoking is allowed at Camp Delta. "Smoking, for safety and security reasons, is not permitted in the detention areas," Davis said.

Detainees do not have identity cards or identity documents as required by article 18 of the Third Convention. Instead, they have "identification bracelets."

And how does the Pentagon square the legal requirement that internment facilities provide "every guarantee of hygiene and healthfulness" with the fact that Camp Delta detainees have only two 15 minute periods of exercise a week? Davis responded that detainees "have complete freedom to exercise in their units as often as desired."

On the positive side, the Pentagon also revealed that while detainees are not allowed to elect a representative as provided by the conventions, "certain detainees are designated to serve as liaisons" for addressing concerns and complaints. They "may do so without fear of reprisals from the military authorities." But Davis could not say how they are designated. And detainees theoretically can receive relief packages from their families. Davis said that so far none of their families has tried to send them.

Officials of the International Committee of the Red Cross, which U.S. officials say has "unfettered" access to the detainees, said they had raised many of these issues with the American authorities. But the explanation in every instance was the need for security.