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7 Detainees Report Transfer to Nations that Use Torture

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WASHINGTON -- At least seven US prisoners at Guantanamo Bay say they were transferred to countries known for torture prior to their arrival at the base, according to recently released transcripts from military commission hearings and other court documents.

At least three of them allege that they were tortured during interrogations in Jordan, Morocco, and Egypt.

The transcripts represent the first accounts of rendition from prisoners who are still in US custody, and they contradict statements made last year by the Bush administration that all suspects who are "rendered" to foreign countries are treated in accordance with international laws.

In the statements, made during hearings to determine whether the detainees are enemy combatants, some say American forces took them to foreign prisons. Others don't specify who took them abroad, but most say the United States is holding them at Guantanamo based on confessions coerced by foreign interrogators.

Military prosecutors did not challenge the fact that they were sent to other countries, and limited their questioning to whether the detainees were, in fact, tortured, according to the transcripts.

As the Pentagon slowly begins to prosecute detainees for terrorism-related offenses, defense lawyers are arguing that those confessions should be thrown out. One of the seven detainees was abruptly released before being charged with terrorism, after his allegations of torture in an Egyptian prison became public.

Another of the seven detainees is on trial for conspiring to set off a nuclear "dirty bomb" in the United States. But that defendant is arguing that the case against him is built on a confession coerced in Morocco.

"After four years of torture and rendition, you have the wrong person in the stand," Binyam Ahmad Muhammad, an Ethiopian detainee, told a military tribunal earlier this month.

Like most of the seven detainees, Muhammad says he was arrested in Pakistan, questioned by Americans, then transferred to a prison abroad, according to his lawyer, Clive Stafford Smith.

Muhammad told tribunal officials that his jailers in Morocco sliced him with a scalpel on his chest and genitals, Smith said.

In January 2004, Muhammad was sent to a US-run detention facility in Afghanistan and then transferred to Guantanamo, where he became one of 10 out of 480 detainees to be formally charged with crimes.

But Smith, his lawyer, argues that the entire case should be dismissed.

"There is no evidence against Binyam that I am aware of that is not evidence tortured out of him," Smith said.

Evidence obtained through torture is not admissible in US courts. But the military tribunal at Guantanamo Bay had no such prohibition until last month, when the rule was added just before a key Supreme Court decision on the issue. Even now, defense lawyers and human rights groups say the rules of evidence are so loose -- allowing secret evidence and anonymous witnesses -- that it is impossible to screen out evidence obtained illegally.

Still, allegations of torture led to the release of one of major suspect last year.

Mamdouh Habib, an Australian citizen accused of having prior knowledge of the Sept. 11 attacks, was on the verge of being formally charged before the military tribunal. But US officials abruptly set him free in Australia after his allegations of being tortured with a cattle prod in Egypt became public.

Habib's lawyer, Joseph Margulies, had described the alleged torture in a legal filing in a US federal court.

"They released him because they didn't want the particulars of his rendition to become the subject of inquiry by a federal district court," Margulies said.

John Sifton, a Human Rights Watch researcher who has been combing the newly released Guantanamo documents for new information on rendition and torture, said torturing terrorism suspects makes it difficult to try them later in court, and increases their chances of walking free.

Pentagon officials say the US government does not transfer prisoners to other countries for torture, but they do not challenge the detainees' assertions that they were sent abroad.

"US policy requires all detainees to be treated humanely," said Lieutenant Commander Chito Pepler, a Guantanamo spokesman. He also warned that Al Qaeda members are trained to make false allegations.

In preliminary hearings at Guantanamo Bay to determine whether the detainees are "enemy combatants," tribunal officials closely questioned prisoners on their treatment in foreign prisons.

When Mohamedou Ould Slahi, a detainee from Mauritania, told tribunal officials that he was pressured into confessing to plans to attack the United States on New Year's Eve, 1999, during interrogations in Jordan, they asked him what kind of pressure was applied.

"We just want to make sure that you were not tortured or coerced into saying something that wasn't true," a tribunal official told him, according to the transcripts. "No US authorities abused you in any way?"

"I am not willing to answer this question," Slahi replied.

Slahi told them he turned himself in to the Mauritanian government on Sept. 29, 2001, after he heard that US officials were looking for him, and he ended up spending eight months at a prison in Jordan.

"I was kidnapped," he said. "They tried to squeeze information out of me."

A detainee identified as Jamal Mari told the tribunal a similar story about being captured in Pakistan and sent to Jordan, but asserted that he was not abused there. "Some people simply kidnapped me while I was asleep," he said at the hearing. "An American interrogator interrogated me. . . . They never told me where I was going. I found out later than I was in Jordan. . . . I was in a Jordan cell, but I wasn't mistreated or anything like that."

But Hassan bin Attash, a Yemeni who was 17 at the time of his arrest, reported that he was hung upside down, beaten on the soles of his feet, and threatened with electric shocks after he was sent to Jordan by US officials.

"He says that he told them whatever they wanted to hear," said his attorney, Robert Knowles. "He just wanted it to stop."

Knowles said Attash was arrested in Pakistan in September 2002, and spent four days in a US-run detention center in Afghanistan before being sent to Jordan for 16 months. In January 2004, he was transferred back to a US prison in Afghanistan. In September 2004, he was sent to Guantanamo Bay.

A second Yemeni detainee, identified as Al-Shaqwi, was also sent to prison in Jordan, according to Smith, but little is known about his case.

The new transcripts, released over the past three months by the Pentagon, also solve the mystery of one of the most well-known cases of rendition.

Newspapers have speculated on the whereabouts of Muhammad Saad Iqbal al-Madni, the son of a Saudi diplomat, who was arrested in Indonesia in January 2002, and whisked away in an American private jet. Some reports speculated that he was dead.

But the transcripts show that he is alive at Guantanamo, after spending three months in Egypt, and nearly a year at a US facility in Afghanistan.