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## **Kuwait to Guantanamo Bay**

Judit Neurink visits the chairman of a committee for the families of Guantanamo Bay prisoners, Khaled Al-Odah, in his home in Kuwait City

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Until American civilians and soldiers were attacked by Kuwaitis last year, Khaled Al-Odah felt confident his son Fawzi would soon be released from Guantanamo Bay. Information Al-Odah had received suggested that the Americans were convinced that Fawzi had no ties with the Al-Qa'eda-network, he says. To this day, however, Fawzi is one of 12 Kuwaitis imprisoned in the special American prison camp for suspected Al-Qa'eda and Taliban prisoners in Cuba.

Al-Odah, a former fighter pilot with the Kuwaiti army, brought the families of the 12 men together to form the Kuwaiti Detainees' Committee. In the spacious living room of his house in Kuwait City, he recalls a phone call he received from Pakistan, more than a year ago. His eldest son Fawzi had just been picked up with four other Kuwaitis, he was told.

Sipping the glass of sweet tea the Philippine maid has served, Al-Odah is eager to make clear he does not doubt his son's innocence. "He is a teacher; he studied Islamic principles and the Qur'an at the University of Kuwait. He spent his holidays doing charitable work. My son is stable, does not have extremist ideas, is not part of a militant trend and has a clean record. My wife and I raised him, we know him very well."

Every year Fawzi would collect money and look for a charitable organisation to help him set up projects, such as building classrooms and digging wells in Somalia. In August 2001 he went to Pakistan "to share his knowledge with the children there. And after 11 September he decided to stay on to help Afghan refugees. The Ministry of Education agreed."

Al-Odah's knowledge of what happened after that was based on the letter Fawzi and his four companions wrote to the Emir of Kuwait seeking the leader's support. His son turned out to have crossed the border legally, and worked in Afghanistan until he fled the American bombardment of Taliban strongholds. Like all Arabs, he was chased by the local people -- for their presumed links with Taliban and Al-Qa'eda. After escaping through the White Mountains, passing through Tora Bora where Osama Bin Laden was being sought, and safely entering Pakistan, the four Kuwaitis were turned over by a local chieftain to the Pakistani secret service in exchange for money. Soon after, Fawzi Al-Odah was transferred to a prison under American guard in Kandahar, Afghanistan, and not much later, members of the recently founded committee heard their sons were taken to Guantanamo Bay.

Al-Odah, who as member of the Kuwaiti military had trained the USA, was "disgusted" when he found out how the transfer was conducted. Months later he saw the pictures of prisoners aboard a military plane. "I know from my experience in the air force how cold it must have been: for hours they were stretched out along the metal bottom of the plane, tied by their hands and feet, with a gun pointed at them and an American flag hanging above." Clearly enraged, he adds, "That is the flag of freedom and dignity. I respect that flag. It was misused, I was really shocked."

The former air force colonel points out the predominance of pro-American sentiment in Kuwait, owing to its liberation by the US in 1991, and makes clear he feels betrayed by the way the Americans are handling things now.

Apart from eight letters Fawzi wrote, his family has not been in contact with him in any way. When a Kuwaiti delegation visited the Kuwaitis in Guantanamo, Al-Odah was refused a visa. For the same reason he could not attend the court hearing for his complaint about the fact that the 12 have not been charged at all. "I am shocked at how the Americans are treating this issue. They are using the Guantanamo Bay detainees to make the public believe they captured the bad guys, just by keeping them there for a long time, without accusing them, without trying them, nothing! If they have any evidence against them, why aren't they trying them?"

But the prisoners in Guantanamo Bay have not been charged because they are being "interrogated" and not "investigated". The Geneva Conventions do not apply because US President George W Bush has declared the men are not prisoners of war. On the other hand, the American constitution does not protect the prisoners because Guantanamo, although it is an American base, is on foreign soil.

Of the 12 Kuwaitis still in detention, four are suspected by their own government of extremist connections. But of the five who fled Afghanistan -- of whom Fawzi is one -- none is on Kuwait's list of suspects. Yet Khaled Al-Odah gives all 12 a clean bill. "We have files on all of them, they all have long histories in charity work."

One of the Kuwaiti detainees seems to have worked with a charity organisation in Bosnia, though, which the Americans raided because of its ties to Al-Qa'eda. Through investigating that organisation, say the Americans, they learned how money was transferred inside the network.

By August last year, Al-Odah's committee, which was by then recognised and financed by the Kuwaiti government, received some interesting information. Their sons had by then been in solitary confinement for over six months. They were told about a meeting between their Interior Minister Mohamed Khaled Al-Sabah and CIA-boss George Tenet. Al-Odah gives a detailed account of that meeting. "Tenet told the minister he had nothing against nine of the 12, but still had some questions about the another three. Fawzi was one of the nine. Tenet said, 'This is a Pentagon matter, but if I had the authority I would release them.' He promised to raise the matter with President Bush. The minister told me he expected the boys to be freed by the end of the year."

For a few months, the parents were hopeful. But in October of last year, when the first attack was carried out on an American in Kuwait by locals protesting the American military presence on Arab soil, their outlook changed. "Before that, the doves had persuaded the hawks in the US administration that the Guantanamo issue had to be dealt with differently and that a lot of governments were angry about it. But after the attacks, the hawks had the excuse they needed to continue to detain the men. The attacks proved there are 'extremists' in Kuwait."

Khaled Al-Odah's wife, Souad joined the conversation, and offered some bread and sweets. She has had many sleepless nights since her son was picked up in Afghanistan, she says. And she recalls vividly the nights she sat waiting for the phone to ring, having heard through contacts with Saudi families that a Saudi detainee in Guantanamo Bay had suddenly been allowed to phone home. Souad felt sure Fawzi would call, but he never did.

Her husband thinks he knows why. "Prisoners who give information are rewarded. They can phone home, move to a better cell, perhaps even have a break from solitary confinement. But Fawzi is innocent, he has no information. So he will receive no reward." Al-Odah will pursue the juridical trail, and will keep up the pressure through the Kuwaiti government, but he has little

reason to think his son will be treated any different from the others in Guantanamo Bay -- and most of them are still there. "The real criminals have been transferred from Guantanamo Bay to be interrogated elsewhere. But the only ones who were freed were a crazy Afghan, a Pakistani and two others who were over 70. They simply did not want them to die there."

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