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American Gulag

Torture, force-feeding and darkness at noon -- this is Guantanamo, a lawyer for prisoners says.

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THE AMERICAN PRISON CAMP at Guantanamo Bay is on the southeast corner of Cuba, a sliver of land the United States has occupied since 1903. Long ago, it was irrigated from lakes on the other side of the island, but Cuban President Fidel Castro cut off the water supply years ago. So today, Guantanamo produces its own water from a 30-year-old desalination plant. The water has a distinct yellow tint. All Americans drink bottled water imported by the plane load. Until recently, prisoners drank the yellow water.

The prison overlooks the sea, but the ocean cannot be seen by prisoners. Guard towers and stadium lights loom along the perimeter. On my last visit, we were escorted by young, solemn military guards whose nameplates on their shirts were taped over so that prisoners could not identify them.

Very few outsiders are allowed to see the prisoners. The government has orchestrated some carefully controlled tours for the media and members of Congress, but has repeatedly refused to allow these visitors, representatives of the United Nations, human rights groups or nonmilitary doctors and psychiatrists to meet or speak with prisoners. So far, the only outsiders who have done so are representatives of the International Committee of the Red Cross — who are prohibited by their own rules from disclosing what they find — and lawyers for the prisoners.

I am one of those lawyers. I represent six Kuwaiti prisoners, each of whom has now spent nearly four years at Guantanamo. It took me 2 1/2 years to gain access to my clients, but now I have visited the prison camp 11 times in the last 14 months. What I have witnessed is a cruel and eerie netherworld of concrete and barbed wire that has become a daily nightmare for the nearly 500 people swept up after 9/11 who have been imprisoned without charges or trial for more than four years. It is truly our American gulag.

On my most recent trip three weeks ago, after signing a log sheet and submitting our bags to a search, my colleagues and I were taken through two tall, steel-mesh gates into the interior of the prison camp.

We interviewed our clients in Camp Echo, one of several camps where prisoners are interrogated. We entered a room about 13 feet square and divided in half by a wall of thick steel mesh. On one side was a table where the prisoner would sit for our interviews, his feet shackled to a steel eyelet cemented to the floor. On the other side were a shower and a cell just like the ones in which prisoners are ordinarily confined. In their cells, prisoners sleep on a metal shelf against the wall, which is flanked by a toilet and sink. They are allowed a thin foam mattress and a gray cotton blanket.

The Pentagon's files on the six Kuwaiti prisoners we represent reveal that none was captured on a battlefield or accused of engaging in hostilities against the U.S. The prisoners claim that they were taken into custody by Pakistani and Afghan warlords and turned over to the U.S. for bounties ranging from \$5,000 to \$25,000 — a claim confirmed by American news reports. We have obtained copies of bounty leaflets distributed in Afghanistan and Pakistan by U.S. forces promising rewards — "enough to feed your family for life" — for any "Arab terrorist" handed over.

The files include only the flimsiest accusations or hearsay that would never stand up in court. The file on one prisoner indicated that he had been seen talking to two suspected Al Qaeda members on the same day — at places thousands of miles apart. The primary "evidence" against another was that he was captured wearing a particular Casio watch, "which many terrorists wear." Oddly, the same watch was being worn by the U.S. military chaplain, a Muslim, at Guantanamo.

When I first met my clients, they had not seen or spoken with their families for more than three years, and they had been questioned hundreds of times. Several were suspicious of us; they told me that they had been interrogated by people who claimed to be their lawyers but who turned out not to be. So we had DVDs made, on which members of their families told them who we were and that we could be trusted. Several cried on seeing their families for the first time in years. One had become a father since he was detained and had never before seen his child. One noticed his father was not on the DVD, and we had to tell him that his father had died.

Most prisoners are kept apart, although some can communicate through the steel mesh or concrete walls that separate their cells. They exercise alone, some only at night. They had not seen sunlight for months — an especially cruel tactic in a tropical climate. One prisoner told me, "I have spent almost every moment of the last three years, and eaten every meal, here in this small cell which is my bathroom." Other than the Koran, prisoners had nothing to read. As a result of our protests, some have been given books.

Every prisoner I've interviewed claims to have been badly beaten and subjected to treatment that only could be called torture, by Americans, from the first day of U.S. captivity in Pakistan and Afghanistan. They said they were hung by their wrists and beaten, hung by their ankles and beaten, stripped naked and paraded before female guards, and given electric shocks. At least three claimed to have been beaten again upon arrival in Guantanamo. One of my clients, Fayiz Al Kandari, now 27, said his ribs were broken during an interrogation in Pakistan. I felt the indentation in his ribs. "Beat me all you want, just give me a hearing," he said he told his interrogators.

Another prisoner, Fawzi Al Odah, 25, is a teacher who left Kuwait City in 2001 to work in Afghan, then Pakistani, schools. After 9/11, he and four other Kuwaitis were invited to dinner by a Pakistani tribal leader and then sold by him into captivity, according to their accounts, later confirmed by Newsweek and ABC News.

On Aug. 8, 2005, Fawzi, in desperation, went on a hunger strike to assert his innocence and to protest being imprisoned for four years without charges. He said he wanted to defend himself against any accusations, or die. He told me that he had heard U.S. congressmen had returned from tours of Guantanamo saying that it was a Caribbean resort with great food. "If I eat, I condone these lies," Fawzi said.

At the end of August, after Fawzi fainted in his cell, guards began to force-feed him through tubes pushed up his nose into his stomach. At first, the tubes were inserted for each feeding and then removed afterward. Fawzi told me that this was very painful. When he tried to pull out the tubes, he was strapped onto a stretcher with his head held by many guards, which was even more painful.

By mid-September, the force-feeding had been made more humane. Feeding tubes were left in and the formula pumped in. Still, when I saw Fawzi, a tube was protruding from his nose. Drops of blood dripped as we talked. He dabbed at it with a napkin.

We asked for Fawzi's medical records so we could monitor his weight and his health. Denied. The only way we could learn how Fawzi was doing was to visit him each month, which we did. When we visited him in November, his weight had dropped from 140 pounds to 98 pounds. Specialists in enteral feeding advised us that the continued drop in his weight and other signs

indicated that the feeding was being conducted incompetently. We asked that Fawzi be transferred to a hospital. Again, the government refused.

When we saw Fawzi in December, his weight had stabilized at about 110 pounds. The formulas had been changed, and he was being force-fed by medical personnel rather than by guards.

When I met with Fawzi three weeks ago, the tubes were out of his nose. I told him I was thankful that after five months he had ended his hunger strike. He looked at me sadly and said, "They tortured us to make us stop." At first, he said, they punished him by taking away his "comfort items" one by one: his blanket, his towel, his long pants, his shoes. They then put him in isolation. When this failed to persuade him to end the hunger strike, he said, an officer came to him Jan. 9 to announce that any detainee who refused to eat would be forced onto "the chair." The officer warned that recalcitrant prisoners would be strapped into a steel device that pulled their heads back, and that the tubes would be forced in and wrenched out for each feeding. "We're going to break this hunger strike," the officer told him.

Fawzi said he heard the prisoner next door screaming and warning him to give up the strike. He decided that he wasn't "on strike to be tortured." He said those who continued on the hunger strike not only were strapped in "the chair" but were left there for hours; he believes that guards fed them not only nutrients but also diuretics and laxatives to force them to defecate and urinate on themselves in the chair.

After less than two weeks of this treatment, the strike was over. Of the more than 80 strikers at the end of December, Fawzi said only three or four were holding out. As a result of the strike, however, prisoners are now getting a meager ration of bottled water.

Fawzi said eating was the only aspect of life at Guantanamo he could control; forcing him to end the hunger strike stripped him of his last means of protesting his unjust imprisonment. Now, he said, he feels "hopeless."

The government continues to deny that there is any injustice at Guantanamo. But I know the truth.

Thomas Wilner is a partner at Shearman & Sterling, which has been representing Kuwaiti prisoners in Guantanamo since early 2002.