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## Lost in Guantánamo

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KEHL AM RHEIN, Germany, Dec. 22 (UPI) -- "On a couple of occasions, I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food, or water. Most times they had urinated or defecated on themselves, and had been left there for 18-24 hours or more. ... On another occasion, the A/C had been turned off, making the temperature in the unventilated room probably well over 100 degrees. The detainee was almost unconscious on the floor, with a pile of hair next to him. He had apparently been literally pulling his own hair out throughout the night."

Welcome to the hell of Guantánamo Bay, Cuba, where Murat Kurnaz, a Turkish national born and raised in the northern German city of Bremen, has been locked away without charges for the last four years.

The above account from an unnamed FBI official is included in a Jan. 31, 2005, verdict by Federal District Court Judge Joyce Hens Green, who concluded that the detention of Kurnaz -- classified an "enemy combatant" by a U.S. military tribunal -- was simply wrong. Green argued Kurnaz's imprisonment at Guantánamo was based on flimsy evidence and an unfair trial. The U.S. government appealed Green's decision.

The case is set to keep Washington, Berlin and Ankara on their feet, as Kurnaz's two lawyers are determined to do anything to free him or at least get him tried before a civilian court.

His road to Guantánamo started with a trip to Pakistan in October 2001, only a few weeks after the terrorist attacks of Sept. 11, 2001, and the start of the war on terrorism.

According to his German lawyer Bernhard Docke, Kurnaz was on a "pilgrimage" in Pakistan where he visited several mosques and Muslim schools. After a little over a month, the then 19-year-old was picked off a bus by Pakistani police, who turned him over to the U.S. military.

Kurnaz at the time was believed of be associated with 9-11 hijacker Mohammed Atta, the leader of a Hamburg al-Qaida cell. Though no link was found, Kurnaz spent the next weeks in a prison in Kandahar, Afghanistan, "where he endured repeated torture and brutal treatment," his U.S. lawyer, Baher Azmy, told United Press International in a telephone interview.

In March 2002, Kurnaz was transferred to Guantánamo, where he has been ever since.

When his lawyers appealed to free him, the Combatant Status Review Tribunal, a three-member military tribunal, said he would remain detained, arguing they had significant cause to believe he supported al-Qaida. As an enemy combatant, Kurnaz could remain locked away for life.

"These military proceedings are the laughing stock of any lawyer serious of his profession," Azmy said, arguing the detainees were not presented with any evidence charging them. "It's almost Kafkaesque: They have to prove innocent from charges they cannot see."

Kurnaz was classified an enemy combatant for two reasons:

-- His connection with the Tablighi Jamaat: While in Pakistan, Kurnaz visited sites of the Islamic

missionary group that has come under scrutiny from Western security agencies for allegedly supporting al-Qaida and extremism.

Defenders of Tablighi Jamaat say it is not political and confines itself to humanitarian work. Because Kurnaz received free food, lodging and schooling from the group, U.S. authorities argue he planned to wage war on the United States.

-- His connection with Selcuk Bilgin: Kurnaz had planned to travel to Pakistan with Bilgin, a friend from Bremen. Bilgin was stopped at Cologne/Bonn Airport for not having paid a fine for his dog. U.S. authorities say he executed a terrorist bombing. German prosecutors have said nothing has been found against Bilgin, who still lives in Bremen.

Kurnaz repeatedly told the tribunal he did not have ties to al-Qaida and condemned terrorist acts.

"He was in Pakistan just over a month; he had no military training, no contact to the Taliban, no weapons, nothing," Docke told UPI. Before his trip to Pakistan, Kurnaz, stemming from a largely secular family, went through a religious transition, he said.

Roughly a year before he headed for Pakistan, he grew a long beard, stopped playing guitar and keyboard, and traded his family's Turkish mosque for a more fundamentalist Arabic one. German authorities suspected a terrorist recruiter was active there, and launched an investigation. It didn't find any evidence nor did it find Kurnaz to be linked to the Islamist scene. Kurnaz's mother, Rabiye, who approached Docke in May 2002 to urge him to free her son, wears her hair dyed blond and works for Eduscho, a large Bremen-based coffee maker.

"Murat is simply very religious," Azmy, a law professor at Seton Hall University, N.J., told UPI. "His faith helps him to endure Guantánamo. It's his solace."

Azmy was the first civilian lawyer to enter Guantanamo and he has visited Kurnaz on three different occasions, the last time in July.

"It may sound strange, but we have laughed much together. He has a great humor, which often helps him over things," he said. "He believes they know that he is innocent."

But Kurnaz also told him horrible things, he said.

"There was constant sleep deprivation through noise, loud music and light. They left his feet and hands bound together for 24 hours -- he had to go to the bathroom on himself. He was denied food for 11 days. He was given shots on a number of occasions, shots that made him tired for weeks at a time.

"But the worst part," Azmy said, "is the total and complete isolation. He once told me that he hasn't seen the clouds."

Docke and Azmy have written dozens of letters trying to convince Turkish and German authorities to act on behalf of their client, so far without success. Several Guantánamo detainees have been freed -- mostly because of severe pressure from their home governments.

"The Turkish officials simply don't care," Azmy said. "But if the German government wants to take this case seriously, then there's a real chance Murat will be released."

Berlin has condemned Guantánamo and its lawless status and has said it didn't know what goes on there. Germany's Interior Minister Wolfgang Schaueble earlier this week even urged Washington to close the prison down. Chancellor Angela Merkel told U.S. Secretary of State Condoleezza Rice during a visit to Berlin earlier this year Germany would not tolerate any human rights violations happening under her radar.

The case of Kurnaz nevertheless was reverted back to Ankara: "Our hands are bound because Mr. Kurnaz is a Turkish national," the message said.

But all that might crumble in light of recent revelations that German intelligence personnel interrogated Kurnaz in Guantánamo.

"They came twice, in groups of three, but always with the same lead interrogator. They showed him pictures of people he knew, and of the mosque he went to in Bremen," Azmy told UPI. "Murat asked them: 'What took you so long?' He trusted the Germans and thought they would help him. But the interrogators let him know they were not there to help. They made a bad joke by telling him he shouldn't be upset as he could spend some time in the Caribbean."

Docke said some intelligence trading must have taken place.

"It's incredible how many details from the Bremen files have made it into the U.S. file."

U.S. officials had officially sought to get the files from the investigation against Kurnaz and his associates, but the request was denied by a Bremen prosecutor.

Germany has lost its innocence once it sent agents to interrogate Kurnaz, Docke said, adding he would inform Merkel in January of his plan of a German-Turkish initiative to free Kurnaz shortly before she is set to visit Washington.

"Germany took full advantage of Guantánamo and its illegal interrogation apparatus," he said. "The speechlessness and the visitor's role of the German government has to stop."