

## **The Road to Guantanamo**

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The road to Guantanamo has been a long and slippery one. This past week marked the sixth anniversary of America's offshore prison camp. Six years of institutionalized torture, of complete and unconstitutional disregard for the rule of law, and of an almost autocratic abuse of executive power on behalf of the Bush White House.

On December 15, 2001, an Al Jazeera cameraman named Sami al Haj presented his passport, press pass and official documentation to a border guard on the Chaman border crossing, here in Pakistan. Al Haj, a Sudanese national and certified journalist, was covering the war on terror (or the war of terror as Borat rightly put it). He had made the crossing into Afghanistan from Pakistan several times before, but this time he was to go no further.

The border guard had a letter from Pakistani intelligence to arrest al Haj for being an Al Qaeda operative. No evidence? Not necessary, not any longer. Sami al Haj has not been seen since.

He is the only confirmed journalist to be held at Guantanamo Bay. His lawyer, the British activist Clifford Stafford Smith, insists his client's detention is purely political, 'There is absolutely zero evidence that he has any history in terrorism at all'.

Al Haj has yet to receive a fair trial and remains incarcerated against the dictates of the Geneva Convention that set the international legal standard for human rights.

Guantanamo, or Gitmo in Yankee slang, has held close to 800 men since its inception six years ago, according to the Centre for Constitution Rights. Out of the hundreds of detainees who remain shackled and legally gagged at Gitmo, not one has had a fair hearing before a civilian court. Very graciously, the United States awarded a grand total of three inmates out of the current total of 375 detainees the right to appear before military commissions.

In 2004 the United States Supreme Court issued a landmark decision, *Rasul v Bush*, maintaining that the prisoners of Guantanamo have the right to habeas corpus. That's one small step for mankind; one giant set back for a White House hell-bent on fighting terror outside the confines of the laws their justice system was built upon.

David Hicks, or Muhammed Dawood if one prefers to call him by his Muslim name, is an Australian national who took a fancy to the Taliban. He was captured in Kunduz, Afghanistan (of course, he did the requisite tourist travelling around Pakistan first, ahem) in 2001 and then handed over to the Americans who shipped him off to Gitmo post haste. In a 2004 affidavit Hicks detailed the subhuman treatment commonly meted out in Guantanamo. He had been subjected to various injections without his consent and drugged, blindfolded and beaten, deprived of sleep 'as a matter of policy' and forced to watch other detainees being attacked by prison guard dogs. After five years of being held without any valid charges made against him, Hicks was released back to his home country.

David Hicks is a conundrum for White House lawyers. He was involved with the Taliban and possibly other militant organizations, but he is a human being and as such deserves to be treated as one in the eyes of the law. Or does he?

Terrorists, those suspected and those confirmed, have no rights under the overly jingoistic and fascist American mandate. They are not innocent until proven guilty, they are not entitled to a fair trial by a jury of their peers, and they are not even notified of the crimes that they are indicted under. The charge sheet is classified, even from the defendant.

Ever heard of waterboarding? If you lived at Guantanamo you'd be awfully familiar with it. It's a charming little procedure whereby a person is held immobile on their backs, with their heads hanging loosely off a concrete board. Water is then poured heavily over the face, constricting the person's ability to breathe. The tortured feels a sensation quite like drowning and is almost certain to sustain lasting damage to the lungs and brain due to severe oxygen deprivation. Waterboarding was a favourite of the fanatics running the Spanish Inquisition in the fifteenth century Europe and now it's a Gitmo specialty.

American army officials have been loath to call waterboarding a form of torture. They dance around the description and say that while it's surely uncomfortable, it can't really be called torture. That's what a democracy is all about, I suppose. At any rate, it took President Bush a good six years to sign an order banning the use of torture during interrogations. A month after the executive order was signed, reports stated that the CIA asked Bush for permission to ban the use of waterboarding. He kindly said yes. It's the least he could do given that waterboarding was first authorized by his office in 2002.

But back to Guantanamo. The role our country has played in the horror that keeps Gitmo running is a substantial one. Pakistan has turned over countless men to Guantanamo, including Sami al Haj and Moazzam Baig, the author of the harrowing prison memoir 'Enemy Combatant'. What was in it for us? Ten billion dollars, it seems. Besides handing over other country's citizens to an unconstitutional prison camp, we've sent over somewhere between 54 to 65 of our own nationals. The numbers are fuzzy, naturally.

Shah Mohammad was a baker back in Dir. He left Pakistan due to miserable economic conditions and moved to Afghanistan (a recent BBC report swears this happens more often than we think. If Afghanistan has become a land of opportunity for our citizens, we're in more trouble than we realize). Mohammad was picked up for having suspected links with Islamic militants and held for two years without charge at Guantanamo. When released in 2003 he told the press that he was not given access to lawyers and was initially denied to right to pray. He was also drugged during interrogations.

Perhaps the reason our government is so willing to hand over Pakistanis to Guantanamo is that they practise the same kind of concern for human rights that our own jails do. Or is Gitmo better? According to the BBC, inmates at Guantanamo are awoken for breakfast, followed by a 'shower opportunity' and personal time. They then proceed to the prison doctor for any medical concerns. Lunch is next followed by another 'shower opportunity' and

personal time. Afternoon brings exercise and mail time when letters can be received and written under supervision. Dinner is then served and, you guessed it, followed by a 'shower opportunity'. What is a 'shower opportunity' exactly? I wonder if Landhi jail in Karachi affords its prisoners--and I don't mean the VIP variety--three shower opportunities a day. Or if they even provide them with three meals? I am frightened by the mere suggestion that life in Afghanistan and/or Guantanamo is better than life here for Pakistan's poor.

On this, the sixth anniversary of Guantanamo's creation, our demands must be threefold. First, that Guantanamo is closed. Second, that our government stops rendering our citizens to a foreign prison. And third, that serious prison reform is initiated in our own country. How embarrassing that on the 60th anniversary of Pakistan's creation our jails are little better than the world's most notoriously unjust and unconstitutional prison. Go to the Centre for Constitutional Rights at [www.ccrjustice.org](http://www.ccrjustice.org) to demand an end to the prison at Guantanamo Bay.