

Continuing to Repudiate International Law, Rumsfeld Rejects UN Access to Guantanamo

By Jim Lobe | November 3, 2005

Amid growing concern over the fate and conditions of inmates engaged in a lengthy hunger strike at the U.S. detention facility at Guantanamo Bay, Cuba, U.S. Defense Secretary Donald Rumsfeld Tuesday said he would not permit UN investigators to interview detainees there.

Rumsfeld depicted the strike, in which about half of the estimated 540 detainees at the prison have so far reportedly taken part since July, as a deliberate effort to attract media attention. He stressed that the International Committee of the Red Cross (ICRC) will continue to have unlimited access to the prisoners, some of whom have been held for four years without trial. "(T)here are a number of people who go on a diet where they don't eat for a period and then go off of it at some point, and then they rotate and other people do that," Rumsfeld told reporters during a press conference at the Pentagon. "So it's clearly a technique to try to get the attention of you folks, and they're successful," he added.

International pressure to open the camp to UN investigators has intensified due to reports by some detainees' lawyers of protracted hunger strikes sparked by the failure of prison authorities to follow through on alleged commitments to improve camp conditions. These include complying with Geneva Convention standards and implementing a 16-month-old ruling by the U.S. Supreme Court to permit inmates to appeal their status to an independent court that is not under the Pentagon's control.

The prison authorities have reportedly responded to the strikes by force-feeding weakened inmates, strapping them to tables and inserting long tubes through their nasal passages. According to recently declassified statements by detainees to their attorneys, feeding procedures amount to torture and are being carried out in a sadistic manner. A U.S. federal judge, Gladys Kessler, last week said the statements that had been submitted to her were "deeply troubling" and ordered the government to turn over the medical records of those detainees who are being force-fed.

On Oct. 27, the Pentagon invited three UN experts—special rapporteurs on torture, religious freedom, and arbitrary detentions—to visit Guantanamo,

but added that they would not be permitted to meet with detainees. The three experts, as well as several other UN investigators, had repeatedly sought access since early 2002.

On Monday, Oct. 31, the Special Rapporteur on Torture said he could not accept the invitation under those circumstances. "It makes no sense (to go)," said Manfred Nowak, the Special Rapporteur on Torture. "You cannot do a fact-finding mission without talking to the detainees."

"They said they have nothing to hide," he told the *Washington Post*. "If they have nothing to hide, why should we not be able to talk to the detainees in private?"

That question was echoed by human rights activists here Tuesday, Nov 1. "Denying international human rights experts visits with prisoners at Guantanamo Bay continues the cloaking of detention practices in secrecy, only begging more questions about what is being hidden there and eroding the United States' standing with much of the world community," noted Avi Cover, a senior associate at Human Rights First (HRF), a lawyers' human rights organization. "There's not much of a point to the UN rapporteurs conducting an investigation into treatment of detainees if they are simply provided a Pentagon-censored tour without meeting prisoners and hearing their accounts," he added.

In a letter to Attorney-General Alberto Gonzales, six other religious and human rights groups, including Amnesty International, called on the Justice Department and the Pentagon to take specific steps, including permitting access to the detainees by independent investigators as well as to the federal courts "to bring torture, abuse, and inhumane treatment to an end at Guantanamo."

The groups announced a nationwide "Fast for Justice," timed to coincide with the end of Ramadan



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and the ongoing hunger strike, to press their demands. “There is a desperate situation in Guantanamo,” said Tina Foster, an attorney with the Centre for Constitutional Rights (CCR), which represents a large number of detainees. “Men are near death.”

In June 2004, the Supreme Court ruled that Guantanamo Bay was not outside the jurisdiction of the U.S. law, as the Bush administration had contended, and that detainees held there, some of whom arrived at the base almost four years ago, were entitled to appeal their status to an independent tribunal under a habeas corpus proceeding. So far, however, the Pentagon has only afforded the detainees review hearings before a panel of military officers in proceedings that denied them access to classified information and representation at the hearings by a lawyer. Nonetheless, dozens of detainees were returned to their home countries after the hearings.

Meanwhile, a series of controversial incidents—some involving reports of beatings and the desecration of a Koran—sparked hunger strikes in which, according to the detainees’ advocates, more than half the camp’s total population has participated in one degree or another. The Pentagon said on Nov. 1 that 24 detainees are being force fed and strongly denied that any of them have suffered abuse.

But the lawyers’ accounts of interviews with their clients paint a harrowing picture: a detainee named Abdul Rahman complained that “One Navy doctor

had put the tube in his nose and down his throat and just kept moving the tube up and down, until finally Abdul-Rahman started violently throwing up blood.” Another account described the feeding tubes—“the thickness of a finger”—being “forcibly shoved up the detainees’ noses and down into the stomachs (without any) anesthesia or sedative” provided. Yet another said that the tubes were used on different detainees “with no sanitization whatsoever. When these tubes were reinserted, the detainees could see the blood and stomach bile from other detainees remaining on the tubes.”

Publication of these accounts by CCR coincided Tuesday with a harrowing front-page story in the *Washington Post* of an eyewitness account by his lawyer of a suicide attempt by hanging two weeks ago by one of the detainees, Jumah Dossari, who was arrested in Pakistan in December 2001. Dossari, who told his attorney he had been beaten and threatened by U.S. personnel both in Afghanistan, where he was taken after his arrest, and at Guantanamo, had tried to commit suicide before. The Pentagon has said there have been 36 suicide attempts by 22 different detainees since suspected terrorists first arrived at Guantanamo, but that none has succeeded due to rapid intervention by the camp’s guards.

Jim Lobe is a regular contributor to Foreign Policy In Focus (www.fpif.org). He is the Washington correspondent for Inter Press Service.

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