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## **Pain at Guantánamo and Paralysis in Government**

**by Andy Worthington**

Although I reported last week about [an important court case](#) in favor of Alla Ali Bin Ali Ahmed, a Yemeni prisoner in Guantánamo, there was little in the way of progress, during the first 115 days of the Obama administration, for the men who are still held, despite the president's pledge to close the prison within a year. Just one prisoner, [Binyam Mohamed](#), had been released, out of the 241 prisoners still in Guantánamo, but that, it was clear, was simply because his [well-chronicled torture](#) in Morocco and Afghanistan had become a persistent irritant to both the British and American governments in courtrooms on both sides of the Atlantic.

It was, therefore, no surprise that, as Tim Reid reported for London's *Times* on Friday, after a recent visit to the prison, the mood of many of the prisoners is angry, despairing, and suicidal. Reid explained how one prisoner's face "appeared at the narrow cell window, eyes dark and raging," and how, with "his arms gesticulating wildly, he made violent slashing motions across his wrists, pounded the side of his head, and jammed imaginary feeding tubes up his nose."

"Alpha-3," he kept mouthing as he tried to tell us that the inmate in Alpha-3 cell was suicidal and on hunger strike. Then he began to place family pictures up against the glass, including two little boys staring at the camera clutching a fluffy toy deer. Soon another face appeared at another cell window — he covered his face with the Koran and disappeared from view — and another, screaming: "What is freedom? Ask them, what is freedom?"

Reid went on to explain that, on the night of the presidential election, "a celebratory chant of 'Obama! Obama! Obama!' spread through the jail," as the prisoners learned that he had won, and that when, on his second day in office, he issued his [executive order](#) stating that he would close Guantánamo, "detainees were excited, shouting at guards: 'Have you heard? We're getting out of here!'"

Now, however, as lawyers for the prisoners explained, "All the excitement of January has gone," and "a joke is making the rounds among the detainees, told with gallows humor: 'At least Bush released people.'"

## Obama finally releases a second prisoner

As Reid's article was published, there was, at least, good news for one prisoner in Guantánamo, Lakhdar Boumediene. A 43-year old Algerian, and a former resident of Bosnia, Boumediene will always be known for the case named after him, [Boumediene v. Bush](#), which led, last June, to the Supreme Court ruling for the second time — after setbacks imposed, unconstitutionally, by Congress — that the prisoners at Guantánamo had habeas corpus rights; in other words, the right, six years and five months after Guantánamo opened, to challenge the basis of their detention in a court of law.

In November, this led to another significant victory for Lakhdar Boumediene, when the judge in his habeas case, Bush appointee Richard Leon, demolished the government's case against him — and against four of the five other men seized with him in Bosnia in January 2002 in connection with a non-existent plot to blow up the U.S. embassy in Sarajevo — and ordered their release (as I explained in a detailed article at the time, "[After 7 Years, Judge Orders Release of Guantánamo Kidnap Victims](#)").

However, although three of the men — Mustafa Ait Idr, Hadj Boudella, and Mohammed Nechla — were [released soon afterwards](#), to be reunited with their families in Bosnia, Boumediene and the other man, Sabir Lahmar, remained in Guantánamo, apparently because neither man had Bosnian citizenship.

The limbo in which Boumediene found himself was finally resolved when, in a gesture of support for the Obama administration, the French government agreed to accept him. After his kidnapping in Bosnia, Boumediene's wife and two children returned to Algeria, but he was accepted by the French government because he has relatives in the south of France. On May 6, when a French foreign ministry spokesman [stated](#) that Boumediene had been "cleared of all charges relative to participation in eventual terrorist activities," the government also announced that, as well as accepting Boumediene, it was prepared to offer residency to his wife and children.

Rob Kirsch, one of Boumediene's lawyers, who [explained](#) that he had been meeting with French officials for the last two months, and that a French diplomat had spoken to Boumediene by phone in recent weeks, declared, "The French have just taken an amazing leadership role here. [They] have looked at a real humanitarian disaster and have taken steps to address it."

Kirsch also explained that, on Wednesday, when he and a French diplomat arrived at Guantánamo to sort out the documentation required for Boumediene's arrival in France, his client, who had been on a hunger strike for 18 months, tried to eat some French food that he had requested, but was unable to cope with it, and, instead, symbolically broke his hunger strike by eating rice and beans, bought from a restaurant on the naval base.

However, while Boumediene's release is another tiny step towards the closure of Guantánamo, it will do little to reassure those still held that their bleak joke about the Obama administration's inability to release prisoners has any less weight.

### **Paralysis in government**

Boumediene leaves behind not just Sabir Lahmar, for whom no third country has been found that is willing to accept him, but also the 20 other prisoners cleared for release by the U.S. courts: [Mohammed El-Gharani](#), a Saudi resident and Chadian national, who was just 14 years old when he was seized in a random raid on a mosque in Pakistan, two Yemenis (Alla Ali Bin Ali Ahmed, whose case was comprehensively demolished two weeks ago, and [Yasim Basardah](#), whose release was ordered six weeks ago), and, most controversially of all, 17 Uighurs, Muslims from China's oppressed Xinjiang province.

In October, after an appeals court had dealt the first major blow to a specific Guantánamo case, ruling that the government's supposed evidence against one of the Uighurs, [Huzaifa Parhat](#), was akin to a nonsense poem by Lewis Carroll, author of *Alice's Adventures in Wonderland*, [Judge Ricardo Urbina ordered](#) the Uighurs to be released into the United States, because their continued detention was unconstitutional, because it was unsafe to return them to China, and because no other country had been found that was prepared to accept them.

Shamefully, this ruling was [appealed by the government](#), and the appeal was upheld by two particular judges, A. Raymond Randolph and Karen LeCraft Henderson. Judge Randolph, in particular, has a long history of backing up Bush administration "war on terror" detention policies in cases that were finally overturned by the Supreme Court, and, as a result, a Supreme Court ruling may well be required yet again to deliver both justice and freedom to the Uighurs.

Nevertheless, it is profoundly disappointing that the Obama administration did nothing to counter its predecessor's abysmal disregard for the Uighurs' unacceptable plight when the case was [finally decided in February](#), and it is no less troubling that, ever since, despite [tentatively proposing](#) that the government may be required to accept at least some of the Uighurs into the U.S. to encourage other countries to accept prisoners cleared for release who, like the Uighurs, cannot be repatriated, both President Obama and Attorney General Eric Holder have failed to turn their words into actions.

In this, moreover, their apparent paralysis reflects their failure to act on behalf of any of the other prisoners at Guantánamo who believed, last November, that change they could believe in was about to be delivered at Guantánamo. I have recently written [two articles](#) examining the new administration's general failure to comprehensively overturn the Bush administration's policies of detention and interrogation in the "war on terror," and to hold those responsible to account, in which I expressed dismay that the government is entertaining plans to legitimize the

policy of “preventive detention,” in the cases of 50 to 100 prisoners, that is at the heart of Guantánamo’s unjust existence.

In addition, although the government has not yet made public the fine print of its decision to reintroduce a sanitized version of the [military commissions](#), the system of “terror trials” conceived by former Vice President [Dick Cheney](#) and his chief of staff David Addington, I note that reports anticipate that they will apply to less than 20 of the prisoners — those, presumably, who were [actually involved](#) in the terrorist attacks on the United States that were supposed to justify Guantánamo’s existence, and not the teenagers, like [Omar Khadr](#) and [Mohamed Jawad](#), the irrelevant [one simple reason](#). In the absence of any knowledge about them when they first came into U.S. custody (because they were mostly bought from the U.S. military’s Afghan and Pakistani allies, because the military was prohibited from screening them in Afghanistan to ascertain whether they were combatants or civilians, and because the Bush administration equated Taliban foot soldiers with al-Qaeda terrorists) the cases against them are, for the most part, built on a web of lies produced by prisoners who were tortured, coerced, or bribed into making false confessions, and on a “mosaic” of intelligence that is based on second- or third-hand hearsay, guilt by association, and unsupportable suppositions.

*Andy Worthington is the author of [The Guantánamo Files: The Stories of the 774 Detainees in America’s Illegal Prison](#) (published by Pluto Press) and serves as policy advisor to the Future of Freedom Foundation. Visit his website at: [www.andyworthington.co.uk](http://www.andyworthington.co.uk).*

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