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## **The Lies Told about the Saudi Hunger Striker Released from Guantánamo** **by Andy Worthington**

As part of a series of recent releases from Guantánamo, three Saudi prisoners were repatriated, along with [Guantánamo's youngest prisoner](#), [an Iraqi refugee](#), and [four Uighurs](#) who were sent to [Bermuda](#). As I explained in a recent article, "[Empty Evidence: The Stories Of The Saudis Released From Guantánamo](#)," all three men had been cleared for release by military review boards at Guantánamo, and, in an examination of the government's supposed evidence against two of the men, Kahlid Saad Mohammed and Abdul Aziz al-Noofayee, I was able to demonstrate why they had been approved for release: there was, to put it bluntly, absolutely no evidence to demonstrate that either man had been involved in terrorism or any kind of militancy whatsoever.

The case of the third man, Ahmed Zuhair, is no different, although over the years he has been the victim of lies and distortions that are much more grave than anything the Pentagon was able to muster against either Mohammed or al-Noofayee, and, as I explained in [an article three months ago](#), he was also Guantánamo's [longest-term hunger striker](#), having been without solid food — and subjected to painful force-feeding twice a day — since June 2005. As news of his release filtered out to the media, credulous right-wing organ the [Weekly Standard](#) gleefully pushed what it thought was a pro-Guantánamo, anti-Obama stance by dredging up long-discredited allegations and presenting them as facts, declaring, "Convicted Car Bomber and Likely Murderer Transferred from Gitmo to Saudi Arabia."

The problem with this bold headline — and the breathless rant that accompanied it — is that it bears no relation to reality. If the *Standard's* editors had been able to think rationally, they would have realized that a military review board under the Bush administration had approved Zuhair's transfer to Saudi Arabia, which ought to have convinced them that something was wrong with their pitch, even if they were not impressed by the fact that he had also been cleared for release by President Obama's inter-departmental Guantánamo Task Force, which, incidentally, is not known for its hasty decisions, having freed [only two](#) men in its first four months in office.

So let's have a look at these allegations, shall we? As his lawyers, at Yale Law School's International Human Rights Clinic, explained in a submission to the Task Force two months ago, since Zuhair "was abducted while on business in Pakistan" in December 2001, the U.S. government "has failed to provide any legitimate

basis for his detention or prosecution, and has premised its allegations on compromised evidence extracted by torture and on unverified raw intelligence.”

Addressing the main allegations against Zuhair — that he was “engaged in criminal activities in Bosnia-Herzegovina, trained and fought in Afghanistan and Pakistan, and was involved in the USS *Cole* attack in 2000” — his lawyers stated that they were “demonstrably baseless,” and explained that, in the 1990s, Zuhair worked in Zagreb, Croatia, for a small relief organization, the Foundation for the Sponsorship of Orphans, “because he was deeply moved by the atrocities” in Bosnia-Herzegovina.

As for allegations that Zuhair was involved in criminal activity during this time, the U.S. government initially claimed in his tribunal at Guantánamo that he “was responsible for the 1995 death of William Jefferson, an American working for the United Nations in Bosnia-Herzegovina,” even though neither the Bosnian government nor the U.N. found any reason to associate Zuhair with the murder. The Bosnian government issued an arrest warrant for a different man, Fa’iz al-Shanbari, and a 200-page U.N. inquiry into the murder, “which identifies Mr. Shanbari as a prime suspect, does not contain a single mention of Mr. Zuhair.” In addition, on June 17, in testimony to the Senate Judiciary Committee, Attorney General [Eric Holder stated](#) that Zuhair had been cleared for transfer from Guantánamo by both the Bush and Obama administrations because “there was no sufficient proof” linking him to the killing.

Most worryingly, in terms of how erroneous information was used by the authorities in Guantánamo — and was, moreover, not made available to the prisoners’ lawyers — Zuhair’s defense team added that the U.N. “transmitted the report to the U.S. government pursuant to [a] request in August 2004 and the government was therefore aware of the findings when it composed its Factual Return” (in which its allegations were presented to the court). Despite this, however, the government “never shared the report” with Zuhair’s lawyers, “who obtained it independently through U.N. channels.”

Moving on to other allegations purportedly pertaining to Zuhair’s time in the former Yugoslavia, his lawyers also refuted claims that he “was responsible for a car bombing in Mostar, Bosnia on September 18, 1997,” and that he “was part of a group of Muslim fighters that received financial support from [Khalid Sheikh Mohammed](#).” Noting that the government had relied on media reports for the car bombing claim, the lawyers pointed out that Zuhair’s *in absentia* conviction for the bombing “was based on a compromised investigation that was denounced by the United Nations and rested essentially on the testimony of a single witness, Ali Ahmed Ali Hamed, a convict serving a twelve-year sentence in Bosnia-Herzegovina who has since recanted his accusations against Mr. Zuhair.”

They also noted that there was no evidence that he had been “part of a group of Muslim fighters” with connections to KSM, and cited testimony from Ajman Awad, a prominent member of the group of Arab volunteers supporting the Bosnian army, who “came to know virtually all members” of the unit of Arab fighters, and who “state[d] categorically that [he] never encountered [Mr. Zuhair] in [the] unit, nor did he ever hear of him serving in the unit.”

For the allegations relating to Zuhair’s supposed military activities in Afghanistan and Pakistan, the government relied — for its assertions that he “received military training at al-Qaeda camps” in both countries,

and that he “fought against the United States” — not on discredited media reports, but “on the uncorroborated statements of discredited sources who were tortured, subjected to other forms of coercion, or are notorious fabricators.”

The details remain classified, but the references to the unreliable sources are remarkably similar to the opinions of Judge Richard Leon and Judge Gladys Kessler in the habeas corpus cases of [six Algerians seized in Bosnia](#), of [Mohammed El-Gharani](#), the former child prisoner returned to Chad last week, and of [Alla Ali Bin Ali Ahmed](#), a Yemeni seized in Pakistan. In these cases, both judges granted the prisoners’ habeas claims (with one exception in the Bosnian review), because the government was relying on witnesses who were simply not credible. What Zuhair’s lawyers called the “notorious fabricators” in Guantánamo also featured in these cases, as they did, most recently, in the story of Jawad al-Sahlan, the last Iraq in Guantánamo, who was released just a few days before Ahmed Zuhair.

The last major allegation put forward by the government was that Zuhair was involved in the attack on the USS *Cole* in 2000. This allegation was presented in the Factual Return, but was subsequently dropped in the allegations against Zuhair in his administrative review board at Guantánamo, although it was not dropped in his habeas proceedings. The fact that it was included at all is deeply shocking, however, as Zuhair said that he was told by interrogators that statements about him, presumably relating to the USS *Cole*, had been made by Mohammed Saad Iqbal Madni, whose story I reported at length in a recent article, “[Revealed: Identity Of Guantánamo Torture Victim Rendered Through Diego Garcia](#).” Seized in Indonesia in January 2002, even though he had no connection to terrorism, Madni (who was [finally released in August 2008](#)) was rendered to Egypt for torture, and explained after his release that he was subjected to six months of sleep deprivation in Bagram.

It was, presumably, during his time at Bagram that Madni made statements about Zuhair’s involvement in the bombing of the USS *Cole*, probably when he was shown a photo of Zuhair. However, as Madni explained after his release, he had no knowledge whatsoever of the attack on the USS *Cole*, and had no knowledge that Zuhair had been involved in any crimes or terrorist activities.

I hope that these refutations of the allegations against Ahmed Zuhair explain how shoddy intelligence and the use of confessions extracted through torture, coercion, or reliance on “notorious fabricators” are at the heart of the regime created by the Bush administration at Guantánamo, and how, in this terrible, lawless world of hyperbole and paranoia, in which few allegations have actually been tested in a court of law, it is all too easy for propagandists like those at the *Weekly Standard* to run scare stories based not on evidence but on the largely worthless material masquerading as evidence that was compiled by the Pentagon.

This obsession with former Vice President Dick Cheney’s [long-discredited claim](#) that everyone in Guantánamo is a “terrorist” also ignores the fact that prisoners are only being released because people more qualified than biased pundits have been studying their case files in depth, and, in Zuhair’s case, have almost certainly concluded (in a decision that has more to do with pragmatism than anything else), that if the Justice Department presented Ahmed Zuhair’s case before a habeas corpus judge (which was scheduled to happen in

the near future), the government would be humiliated in court, as has happened in 25 of the 29 cases so far decided.

With more habeas cases scheduled, what I find most disturbing about the ongoing story of Guantánamo is not only that it took so long for nine men to be released, but also that the cases against many of the 230 men who remain are just as hollow as the case against Ahmed Zuhair, however significant they may appear when viewed through a distorting prism of paranoia and self-righteousness. In June 2008, when the Supreme Court ruled, in [Boumediene v. Bush](#), that the prisoners at Guantánamo had habeas rights, Justice Kennedy called for cases to be dealt with swiftly, because “The costs of delay can no longer be borne by those who are held in custody.” And yet, one year later, either through [Justice Department obstruction](#), or the slow deliberations of [Obama’s Guantánamo Task Force](#), Justice Kennedy’s words have brought little comfort to the majority of the men still held without charge or trial.

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