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Two Algerian Torture Victims Are Freed From Guantánamo **by Andy Worthington**

On Friday, perhaps as a sop to critics — myself included — who have been complaining about President Obama’s failure to close Guantánamo by his [self-imposed deadline](#) of January 22, 2010, the Justice Department announced in [a press release](#) that two Algerian prisoners had been released.

Releasing prisoners to Algeria has always been a dubious business, akin to Russian roulette, [as I explained](#) when two men were released by the Bush administration in July 2008, because there appears to be no way of knowing whether these men will be released on their return or imprisoned and subjected to trials that fail to meet internationally recognized standards of fairness and objectivity.

As a result, frustratingly little is known about the eight Algerians repatriated from Guantánamo between July 2008 and January 2009, although one indication of how the Algerian justice system deals with returned Guantánamo prisoners was provided in November 2009, when [the BBC reported](#) that, 15 months after [two of these men](#) were repatriated, they had been acquitted after a trial in which the prosecutor had called for prison sentences of 20 years.

The stories of the two men released last week deserve to be heard, because, as so often with Guantánamo, they reveal how shockingly misplaced is the still prevalent rhetoric regarding Guantánamo’s role as a repository for the “worst of the worst” terrorists. Just as disturbingly, their stories also reveal how two men, who were unconnected to terrorism, were nevertheless tortured in an attempt to make them admit that they were.

Ahcene Zemiri

The first of the men released last week, Ahcene Zemiri (identified on his release as Hasan Zemiri), was born in Algiers on September 8, 1967, the youngest of ten children. At the age of 20, having completed his two years of mandatory military service, and finding no prospects for work in Algeria, he moved to France, where, for several years, he and his brother made money exporting electrical goods to Algeria.

In 1994, he moved to Canada, settling in Montreal, where he met his future wife, Karina. The couple married in May 1996, but life was difficult for Zemiri. Unable to find work, he hung out with other Algerian expatriates, including one man, Ahmed Ressay, whose future activities were to have a profound effect on Zemiri's life. In December 1999, Ressay was seized as he arrived in the United States, and was charged with planning a terrorist attack on Los Angeles International Airport (the so-called "Millennium Plot."). After a trial in 2005, he received [a 22-year prison sentence](#).

Neither Zemiri nor the rest of his friends had any idea about the plot, but after his conviction, and before he was sentenced, when he was apparently exploited to make confessions in exchange for a sentence less than the 130 years that was proposed to him, Ressay claimed that Zemiri had lent him \$3,500 and a camera in connection with the plot. Ressay recanted this claim in December 2006, sending a letter to the judge who had sentenced him, explaining that Zemiri had "no relation or connection to the operation I was about to carry out" and that he "didn't know anything about it and he did not assist me in anything." As Zemiri's attorneys added, he also declared that his statements "had been misconstrued and were made under the severe psychological duress of an FBI interrogation and in the face of a lengthy prison sentence." Nevertheless, the false claims were to haunt Zemiri for the next nine years.

First, Zemiri and his compatriots were repeatedly questioned by Canadian intelligence agents and the police. Zemiri himself was never arrested, but some of his friends were, and a few later fled the country. In early 2001, after being questioned about whether it would be safe for President Bush to visit Canada, Zemiri became convinced that he would be deported to Algeria, and that, if returned, his decade of globe-trotting in the West would not play well with Islamist groups in his homeland.

As a result, having been sold a rosy picture of Afghanistan by a friend, he decided to travel there with Karina, intending to establish himself and raise a family. Arriving in Jalalabad in August 2001, they lived in a house owned by an Algerian/Swedish family who had returned to Sweden, in an Algerian neighborhood that was relatively clean and safe. The house had electricity, water, and a walled compound, and although many Taliban lived in the area, it was also home to Europeans, Australians, Uzbeks and Chechens, and the offices of the UN, Médecins Sans Frontières and Oxfam were also nearby.

Nevertheless, the decision to relocate to Afghanistan was clearly a foolish dream. Zemiri "disliked Afghanistan," as his attorneys stated in a court submission in October 2007. His wife explained that he had become used to Western society, and the poverty was too much for him. She "thought that he would make it a year, at most, before deciding that they should move elsewhere."

The U.S.-led invasion in October 2001 changed everything, of course, although the couple stayed put until the cities in northern Afghanistan fell, and the country was no longer safe for

Arabs and other foreigners. Splitting up, for reasons of safety, Karina escaped to Pakistan, and then to Canada, where she gave birth to their son, Karim, on June 17, 2002, but her husband was less fortunate.

After hooking up with a group of around 200 mostly Arab men, who were seeking to leave the country, Zemiri — wearing the Hugo Boss suit that he had brought with him — found himself caught up on the fringes of the Taliban and al-Qaeda forces in Afghanistan's Tora Bora mountains, who were preparing for a final showdown with the U.S. military's proxy Afghan army, until two Afghan guides showed up, offering, for a price, to lead the men to safety in Pakistan.

Around 60 of the group accepted, but as they made their way through a valley, they were spotted by a U.S. plane, and targeted in a bombing raid. One of the men, Ghanim al-Harbi, a Saudi, later explained that “40 of the Arabs with me were killed and 20 were injured,” and many of the survivors, including Zemiri, ended up in Guantánamo.

With a broken arm, Zemiri made it to an Afghan village after the raid, but was sold to Northern Alliance troops just a few days later. Soon after, he was sold to U.S. forces, and, according to the court submission, was held in Kabul — possibly, for a brief spell, in the CIA's “notorious ”[Dark Prison](#)”— and Kandahar before being flown to Guantánamo in April or May 2002. In statements to his attorneys, he explained that, while in custody in Afghanistan, he was “subjected to brutal physical abuse,” stating that he was “repeatedly beaten by guards,” and that he “lost a tooth as a result of one such beating.”

In Guantánamo, despite maintaining his story (as he did throughout his detention), Zemiri came under suspicion because of Ahmed Ressam's allegation. and was subjected to the “enhanced interrogation techniques” introduced by Defense Secretary Donald Rumsfeld, which, though nominally intended for use on [Mohammed al-Qahtani](#) (allegedly the 20th 9/11 hijacker), were actually applied to [over a hundred prisoners](#).

As his attorneys explained, he was “tortured and/or subjected to cruel, inhuman and degrading treatment, including temperature manipulation, sleep deprivation, sound bombardment, and strobe lighting.” As they also explained, he was “splashed with fake menstrual blood, short-shackled, and forced to maintain a stress position for long periods of time.”

Despite this, Zemiri refused to accept that he was involved with either al-Qaeda or the Taliban, and also refused to accept Ahmed Ressam's allegations, but it was not until Ressam wrote his letter, and another witness came forward, that, effectively, any case against him collapsed.

This second witness, Mokhtar Haouari, who was also convicted for playing a part in the “Millennium Plot,” wrote a letter from a prison in Lewisburg, Pennsylvania, where he is serving a 24-year sentence, which first came to light during a military review board at Guantánamo in 2005, when it was submitted by Zemiri's attorneys. In it, Haouari, stated, “As for these allegations leveled against Mr. Zemiri by Ressam, well I know they are false. Mr. Zemiri and I were close

friends, unlike Ressam, who was not either of our friend. I never, in 5 yrs of knowing Mr. Zemiri, heard him speak of jihad, anti-American feelings or so-called terrorist activities.... He's never been a threat to America or any other country. Ressam is trying to use Mr. Zemiri like he used myself and others to decrease his prison term. The government doesn't care if his accusations are true or false as long as it brings about a conviction.”

Adil al-Jazeera

The second man released last week, Adil Hadi al-Jazairi Bin Hamlili (also identified in Guantánamo as Adil al-Jazeera), was 27 years old when he was seized outside a restaurant in Peshawar on June 17, 2003 with five other men who were later released. Although almost everything about his story is confusing, it is clear is that he arrived in Pakistan with several family members in 1985, during the mujahideen resistance to the Soviet occupation of Afghanistan, when he was just nine years old, and spent many years in Afghanistan, before relocating to Pakistan sometime in the 1990s, where he was married and had four children.

No explanation has ever been publicly provided for his capture, but it may be related to the interrogation of his distant cousin, Mustafa Hamlili (also transferred to Guantánamo, but [released in July 2008](#)), who was seized in a village near Peshawar in May 2002. In Guantánamo, al-Jazeera claimed that the Pakistanis had told him that the FBI had ordered his capture, but he may have been seized because he was a convenient target for the Pakistanis to sell to U.S. forces.

Certainly, it is noticeable that the younger Hamlili was an irritant to the Pakistani authorities, if his own words in Guantánamo are to be believed. At a military review board hearing in 2005, in response to an allegation that he had stolen a car with three Pakistani friends, had been imprisoned for a year and a half, and had then been expelled to Afghanistan, he explained that he had actually been expelled “because I did not have the legal papers.”

Whatever the truth was regarding his capture, it was obvious that allegations against him were taken seriously at some level in the U.S. government, because, after a month in Pakistani custody, he was rendered to Afghanistan on July 13, 2003, and held for some time in a secret CIA prison near Kabul (either the “Dark Prison” or the “[Salt Pit](#)”), before being moved to Bagram. He was also one of ten supposedly significant prisoners — including the British resident [Binyam Mohamed](#) — who were flown to Guantánamo on September 20, 2004, after being held as “high-value detainees,” and then, it appears, being downgraded to “medium-value detainees.”

According to [a news report](#) published in 2006, the Pakistani authorities believed that he had “served as a contact between al-Qaeda and the Taliban and also as an aide to the former Afghan foreign minister Wakil Ahmad Mutawakkil in Kabul,” and although there may be something in this latter claim, as al-Jazeera admitted in a review board that he had found a job with the Taliban working in their media and translation department, he refused to admit that he had any connection to al-Qaeda. Despite being presented with a barrage of allegations in his

tribunal and review boards — including claims that he was involved with Algerian and Tunisian terrorist groups, and that he moved al-Qaeda fighters from Afghanistan to Pakistan — he refuted them all, saying that most were false statements that had been obtained under duress in Guantánamo, Bagram or Kabul.

Noticeably, however, he also pointed out that a few allegations were made prisoners who had some involvement with al-Qaeda. “All al-Qaeda members they lie,”he said, “and most of them they really apologized to me in Camp 5. [One] asked for my forgiveness because he had had to do so. He had to say something like this because he was under pressure.”

Interviewed in 2006, his wife also denied the allegations. Speaking from “a crowded mud-brick house in the village of Regi,”near Peshawar, she insisted that her husband was innocent. “My husband had no links with al-Qaeda and if he had any links with al-Qaeda then al-Qaeda people would take care of us because we are living very miserable lives,”she said.

Presumably, the President’s Guantánamo Review Task Force would not have released al-Jazeera had they too not concluded that somewhere along the line his story had been overblown. Certainly, he gave the authorities no cause for alarm during his five years in Guantánamo, when he was apparently a thoroughly cooperative prisoner throughout his imprisonment. It seems, therefore, as with Ahcene Zemiri, that, despite the promise of terrorist related activities — and the use of torture in an attempt to prove it — neither man, in the end, proved anything beyond Guantánamo’s most enduring truth: that when you round people up in a random manner, or on the basis of untested intelligence, and then fly them halfway around the world to an experimental prison intended to be outside the law, you end up with nothing.

I suppose, however, that both these men should count themselves fortunate that they don’t fit into a category of prisoner embraced by President Obama’s Guantánamo Review Task Force, and, it seems, by the president himself: those regarded as too dangerous to release, even though the supposed evidence against them would not stand up to any kind of independent scrutiny. These men — 47 in total, as [the Task Force announced](#) on Friday — will continue to be held indefinitely without charge or trial.

Compared to that, the Russian roulette of Algerian justice may not be so bad after all.

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.

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