



The Orange Ribbon Says: Shut Down Guantanamo and All U.S. Secret Prisons!

- **Shut down Guantanamo, Abu Ghraib, Baghram and all other U.S. prisons overseas, including secret CIA detention facilities.** The New York Times reports that over 14,000 Iraqis are held by the U.S. forces in Iraq. Very few have been charged with any crime.
- **Release all detainees held without charge.** Most of the detainees at these prisons should be released immediately, because there is no evidence that they have committed any crime.
- **Pay compensation to current and former detainees for violations of their human rights.** They have been held unjustly, in most cases for almost five years, in horrific conditions, with virtually no legal rights, and subjected to abuse and often torture. Freed detainees likely to face arrest or other persecution from their home governments should be offered asylum in the United States.
- **Hand over real suspects to the International Criminal Court.** False statements by Bush, Cheney and Rumsfeld have so prejudiced public opinion in the U.S. that there is no way any of the detainees can get a fair trial in this country. Moreover, no country, including the United States, has the right to kidnap foreign citizens, imprison them on foreign soil, and try them according to its laws. If the government has credible evidence, not obtained through torture, that any detainee has committed serious crimes, it should make that evidence public and turn it over to an international court.
- **Repeal the Military Commissions Act of 2006,** which strips habeas corpus protections from detainees, undermines the Geneva Conventions and makes them unenforceable in court, opens new legal loopholes for torture, admits evidence obtained by torture, grants retroactive immunity to government torturers, and allows the government to declare virtually anyone an "enemy combatant."
- **Enact new laws unambiguously prohibiting torture and all other forms of cruel, inhuman, and degrading treatment, by the military, the CIA, prison guards, civilian contractors, or anyone else.** Criminal prosecutions of those who have committed or ordered such acts. No retreat from the Geneva Conventions, the War Crimes Act, or the U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.



Act Against Torture is a grassroots activist group based in the San Francisco Bay Area working to end the U.S. government's torture and indefinite detention of prisoners throughout the world. For more information, including "*Ten Things You Can Do To Stop Torture and Indefinite Detention*" and "*Ten Actions You Can Organize*," plus details about upcoming actions in the Bay Area, visit us at:

www.ActAgainstTorture.org

Who *are* the detainees?

The Bush administration has repeatedly described the 450-500 men detained at Guantanamo as "the worst of the worst." In the words of Vice President Dick Cheney (June 23, 2005), "The people that are there are people we picked up on the battlefield, primarily in Afghanistan. They're terrorists. They're bomb makers. They're facilitators of terror. They're members of Al Qaeda and the Taliban....We've let go those that we've deemed not to be a continuing threat. But the 520-some that are there now are serious, deadly threats to the United States."¹ Secretary of Defense Donald Rumsfeld called them the "most dangerous, best-trained, vicious killers on the face of the earth."²

Some of those charges may – or may not – be true of some of the Guantanamo detainees, such as the 14 alleged terrorist leaders recently transferred there from the secret CIA prisons where they were held previously. There's mounting evidence, however, that for most of the detainees the reality is very different from what our rulers claim. The government has filed formal charges against only 10 of the detainees. The president of the Belgian Senate, who headed an official inspection team recently dispatched to Guantanamo by the Organization for Security and Cooperation in Europe (OSCE), concluded that "we could have only 30 to 40 real valuable cases."³

As for the other 90+ percent of the detainees, few match the lurid descriptions offered by Cheney et al., and most are probably guilty of nothing at all. Corine Hegland, a reporter for the National Journal, a mainstream publication based in Washington, D.C. analyzed documents filed with the courts by the Department of Defense about 132 of the detainees, plus transcripts for 314 prisoners who pleaded their cases before Combatant Status Review Tribunals at Guantanamo (the pseudo-courts devised by Bush et al. but recently dismissed by the U.S. Supreme Court as unconstitutional). Here's how Hegland summed up her findings about the detainees:

Many of them are not accused of hostilities against the United States or its allies. Most, when captured, were innocent of any terrorist activity, were Taliban foot soldiers at worst, and were often far less than that. And some, perhaps many, are guilty only of being foreigners in Afghanistan or Pakistan at the wrong time. And much of the evidence -- even the classified evidence -- gathered

by the Defense Department against these men is flimsy, second-, third-, fourth- or 12th-hand.⁴



In many cases, Hegland found, the government's evidence consists of little more than admissions or accusations made by other detainees after hundreds of hours of interrogations. A single prisoner at Guantanamo, following repeated interrogation, accused over 60 of his fellow inmates—or more than 10 percent of the prison's population – and some of

his accounts are factual impossibilities, according to Hegland. Another detainee "confessed" following an interminable interrogation, shouting: "Fine, you got me; I'm a terrorist," and the government tried to list this as a confession. A Yemeni accused of being a bodyguard of Osama Bin Laden eventually "admitted" to having seen Bin Laden five times: "Three times on Al Jazeera and twice on Yemeni news." In his file his interrogators wrote: "Detainee admitted to knowing Osama Bin Laden."

Another recent report, this one by attorneys Mark Denbeaux, professor at Seton Hall University School of Law, and his brother Joshua Denbeaux, reviewed the Department of Defense's own allegations about 517 detainees.⁵ It found that in 55 percent of the cases, the government makes no claim that the detainee committed any hostile acts against the United States or its coalition allies. Only 8 percent of the detainees were characterized as al Qaeda fighters. Only 5 percent were captured by United States forces; 86 percent were captured by Pakistan or the Northern Alliance in Afghanistan, then handed over to the U.S. forces – at a time when the U.S. offered large bounties for capture of suspected enemies.

In short, most of the detainees deserve immediate release and compensation, and in those cases where there may be evidence of real crimes, the U.S. government can't be counted on to provide genuine justice.

¹ Audio recording included in "Habeas Schmabeas," broadcast March 10, 2006, on the WBEZ radio program "This American Life" – transcript at <http://www.thislife.org/pdf/310.pdf>

² http://www.defenselink.mil/news/Jan2002/n01272002_200201271.html

³ Agence France Press, 1 July 2006 - <http://www.commondreams.org/headlines/06/0701-05.htm>

⁴ Corine Hegland, "Empty Evidence," National Journal, Feb. 3, 2006 <<http://nationaljournal.com/scripts/printpage.cgi?/about/-njweekly/stories/2006/0203nj4.htm>>

⁵ Mark Denbeaux and Joshua Denbeaux, "A Profile of 517 Detainees through Analysis of Department of Defense Data" <law.shu.edu/news/guantanamo_report_final_2_08_06.pdf>