

Bush administration challenged on detention abuses

RON CHEPESIUK

ESPITE recent revelations about the torture and abuse of prisoners at Iraq's Abu Ghraib prison, lawyers representing detainees, both in Iraq and Guantanamo Bay in Cuba, have obtained disturbing new first-hand accounts that human rights abuses haven't ended. Detainees says they have been kicked, beaten, intimidated with dogs, urinated on, insulted about their religious practices, and denied medical treatment for their injuries.

Lawyers with the New York City-based Center for Constitutional Rights (CCR) have also collected accounts that Americans in Iraq engaged in looting money, jewellery and other valuables from people's houses during night time raids.

The accusations have led to a federal class action suit on behalf of the Iraqi detainees against the CACI and Titan corporations, two private contractors operating in Iraq. "We filed the suit because it doesn't look like Congress is going to do anything," says Jeffrey Fogel, legal director for CCR, one of several firms representing the plaintiffs. "We want to use the lawsuit to find out what's really going on at the US detention centres." CCR is at the forefront of challenges to the Bush administration's methods and tactics in the "war on terror." "In terms of militarism and the Constitution, we are living in perhaps the most dangerous period in American history," says CCR President Michael Ratner. "My friends who lived through the McCarthy period of the early 1950s say they have never seen anything like it. The Bush administration is using the war on terrorism to scare people and to make huge inroads on civil liberties."

Last June, CCR successfully represented Guantanamo detainees before the US Supreme Court. In a 6-3 ruling, the Court rejected the Bush administration's claim that it could hold foreign detainees at Guantanamo without judicial review and agreed that foreign terrorist suspects can use the US legal system to challenge their detention. "The Supreme Court rejected the Bush administration's position that it could maintain a law-free-zone in Guantanamo," explained Judge John Gibbons, who argued the case for CCR. "This means that our clients will finally be able to get their day in court. The president doesn't have absolute power in the war on terrorism." Gibbons is a former Chief Judge for the US Court of Appeals,

Third Circuit. The CCR and other critics of the Bush administration contend that the Bush administration is violating the Geneva Convention and the U.S. Constitution, but administration officials have said that the president, as commander in chief, has the exclusive authority to decide what to do with "enemy aliens" captured abroad during a war. At the same time, the administration says the war on terrorism is not a true war and, therefore, Bush's military commanders need not abide by the terms of the Geneva Convention and its rules for prisoners of war.

Brigadier General Thomas Hemingway, a senior U.S. military official, told reporters at the Pentagon on

founded it in 1966. Its client list has included the Black Panthers, the Puerto Rican Liberation Movement, prisoners involved in the 1970s Attica prison revolt, and defendants in the Chicago 7 trial of the late 1960s. "We believe in the creative use of the law to foster social change," Ratner explains. "We are unique in that respect. Historically, we have had strong ties to progressive political movements."

CCR has a staff of 20 lawyers, seven full-time, as well as several volunteer lawyers, interns, and foreign law fellows. Funding comes from private donors, foundation grants, and occasional attorney fees. "We have moved further into the area of civil liberty issues," Fogel says. "Prior to

law firms.

"A lot of unofficial information coming from the military at Guantanamo indicates that many of the detainees have no value to the US government, but the Bush administration is embarrassed by what is happening there, and it won't let the detainees go," Ratner explains. "Our country says it believes in fair play and that everyone should have the right to a lawyer, a fair trial and the opportunity to appear before an impartial judge to prove they are not guilty," Fogel adds.

"Yes, some of the prisoners should be detained, but that determination should be made in a court of law."

In early 2002, Bush declared that the Geneva Convention didn't apply to

INSIDE AMERICA

The case of Maher Arrar is a prime example. In December 2003, the US government arrested Arrar, a Canadian citizen, at JFK airport in New York and deported him to Syria. Arrar charged that the Syrians imprisoned and tortured him, accusing him of terrorist activity, before releasing him. Canada is investigating the incident, and Arrar is suing the US government. "What the US government did to Arrar was outrageous," Ratner says. "He shouldn't have been detained, but then the CIA let Syria, which the US government has identified as a human rights abuser, do its dirty work."

August 26 that the military commissions are "designed to expeditiously and fairly try people consistent with our national security concerns." Hemingway serves as legal adviser to the Appointing Authority for the Office of Military Commissions that is hearing the cases of prisoners at Guantanamo detained on charges that they committed war crimes by aiding Taliban or al-Qaeda members in fighting against coalition forces in Afghanistan.

In the past two months the Bush administration has done its best to ignore the Court's decision. "The Bush administration has dug in its heels and is fighting us every inch of the way," Ratner claims. "We represent more than 70 detainees at Guantanamo, but since the ruling, only one of our attorneys has gotten in to see our clients there. The Bush administration is trying to make the detainees go through what they call 'Combatant Status Review Tribunals.' It's treating the Supreme Court decision as if it was a suggestion rather than a ruling."

CCR has thrived on tough legal battles since the legendary William Kuntzler and three other attorneys

9/11, we represented people with whom we normally agreed. But we don't even know our Guantanamo clients. We have never met them, and I don't think we would agree with them even if we got to know them." Ratner adds, "Given what our government started doing after 9/11 in terms of the rule of law, it was important to move in a new direction. Besides, at that time, none of the traditional civil liberty organisations were willing to join us in representing the cause."

In the year after 9/11, the CCR was virtually alone in opposing administration policies. The office received hundreds of hate e-mails, saying things like: "I want the Taliban to go to your home and eat your children" and "Wouldn't it be nice to be a guard at Abu Ghraib." "We couldn't get another organisation to help us with the Guantanamo case," Ratner recalls. "We had to call upon death penalty lawyers because they are used to handling unpopular cases and aren't afraid of anything." Today, CCR is working on terrorism-related issues with more than 40 organisations, and Arrar is suing the US government.

Guantanamo, Fogel notes. "But he did so over the objections of Colin Powell and the Joint Chiefs of Staff. That's come out through the Bush administration memos that have been leaked to the press. Powell and the Generals were worried about what might happen in the future to our troops if we didn't abide by the Geneva Convention. They feared that enemy might abuse or torture our prisoners, if they were captured or detained." CCR also charges that the CIA is covertly playing a key role in interrogating prisoners detained around the world. "We know the CIA has a covert policy in which they send people for interrogation to third countries where interrogation techniques are used that the CIA can't legally employ," Ratner says.

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"What the US government did to Arrar was outrageous," Ratner says. "He shouldn't have been detained, but then the CIA let Syria, which the US government has identified as a human rights abuser, do its dirty work." CCR also says that the US Congress has failed to provide effective oversight. On August 4, it sent a 115-page report to the House Armed Services Committee, detailing the experiences of the Guantanamo detainees and calling for an independent commission to investigate allegations of abuse.

The report highlighted testimony by Shafiq Rasul, Asif Iqbal, and Ruhel Ahmed, all from the United Kingdom, who were detained in Afghanistan in November 2001 and returned to Britain more than two years later. British authorities quickly released them, and they have never been charged with a crime.

Their accounts echo the practices used in Iraq. CCR's report outlines the sexual humiliation the three prisoners experienced while Gen. Geoffrey Miller, a key figure in the Abu Ghraib scandal, was at Guantanamo. "The prisoners would be stripped naked and forced to watch videotapes of other prisoners, who in turn had been ordered to sodomise each other," the report says. "The sexual humiliation was reserved for those who would be most impacted by it – those who had been brought up strictly in their Muslim tradition."

To date, CCR hasn't received a response from the Armed Services Committee. According to Ratner, "That tells us that Congress is basically worthless. Look at what it's done! It committed to the Patriot Act without taking a close look at it and got fooled into supporting the Iraq War because of weapons of mass destruction that never were and ties between al-Qaeda and Saddam that never was. They (the Bush administration) are using the techniques of the Inquisition, and they aren't going to stop if they can get away with it."

Will the situation change if John Kerry is elected? "I'm not happy with all of Kerry's positions," Ratner says, "but I don't think he will keep (the country) moving in the direction of a police state."

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Response to fundamentalism

SHAMSHER CHOWDHURY

RELIGIOUS fundamentalism is a global phenomenon which existed from the very dawn of civilisation. The Christians had it and continue to have it. It is highly pronounced in Judaism. Israel began as a struggle for a free homeland for Jews and slowly turned into a homeland only for Jews. Fundamentalism is there in India in its crudest form.

Fundamentalism in its current form is also a form of protest against the overall erosion of ethical and

safer place now, the incidence of terrorism is continually on the rise. Talk to anyone at the helm of affairs in Pakistan, the principal ally of America in its war on terrorism, and he or she will tell you, on conditions of anonymity, that setbacks are on the rise despite much propaganda to the contrary.

It is high time that every effort be made on an urgent basis to arrest the unbridled march of religious zealotry in the country. It appears that the incident of 8/21 has pushed back or undermined the doubly serious scourge of rising fundamentalism in Bangladesh – otherwise

To begin with, we simply must separate religion from the state machinery. The government should seriously, diligently, and with all sincerity of purpose, monitor and oversee the operations of the madrassahs. The other day a madrassah teacher allegedly cut the ears of as many as 13 of his pupils. Most of the madrassahs around the country are slowly and surely turning into hot-beds of orthodoxy. The teachers, poorly trained in the teachings of Islam itself, often indulge in absolute narrow and wrong interpretations of the fundamentals of Islam.

While we must strike hard at the Bangla Bhais, we also be prepared to call and invite some of the more vocal religious clerics to high-profile seminars and meetings and listen to their deliberations. I leave the matter for our leaders and our intelligentsia to think things further. I am certain that this posture of extreme confrontation will take us nowhere.

moral values throughout the world. It is also an expression of anger against the miscarriage of social justice. It is also, in a way, a protest by the few against the gross injustice by many. It is also a reply to the vilification and undue character assassination of the many against a few on account of religious considerations. It is also a protest against imperialistic designs of the powerful nations and vested interest groups. It is also a form of extreme protest to counter extreme measures.

To call it sheer religious fanaticism would not only be wrong, but misleading. Have the countries of the West and America in particular been any less cruel and high-handed in their approach in dealing with the Taliban in Afghanistan or dealing with the so-called terrorists in Iraq? No one country is being fair and honest enough in dealing with religious terrorism anywhere in the world. As long as the so-called global war on terrorism continues to be overshadowed by vested economics and the politics of power, fanaticism or fundamentalism will feature as a permanent element in human civilisation.

I believe that the rising incidence of terrorism – religious or otherwise – cannot be countered with military might alone. What is required is political will, collective wisdom, and the explicit desire with an open mind, to bring the so-called leaders of terrorist groups to the table for "discussions" in order to have an insight into their point of views, right or wrong. To be able to sit and talk to your "enemies" should not be viewed as a weakness but as a sign of strength. I am afraid we have no other option.

You have seen how the war against Talibans is going. If anything it has redoubled their will and determination. Despite President Bush's continued harping on his favourite tune that America is winning the war on terrorism and that the world is a necessary facilities for its nationals. In order to do so, modern institutions are necessary and institutional management that accelerates its function is inevitable.

Because of the absence of

institutional management, the social system in this country does not serve its real purpose.

Politicians cannot lead the country

and its people. Postal services still

are not fully reliable. Sometimes people have to wait more than one year to get a new telephone line connection. A number of hospitals cannot provide enough medical facilities to patients. Many roads are piled with rubbish. The police service seems to have little interest in protecting the security of its nationals.

The institute system is not

indigenous here. Frankly speaking,

Bangladeshis seem as if they are

not comfortable in working in the

"system." It might be because such modern institutional system had been brought by British administrators in British times in order to rule the people, not to serve the people. However, Bangladesh fought nine months of bloody war to protect its people and provide

secure life, especially for their

children. I believe that no one

wants to abandon his/her

homeland if there is a certain

condition for better livelihood in the

country. I have heard many people

saying, "If Bangladesh were safe,

clean, and disciplined like America

or Japan, I could stay in my country

with my children without worrying

about their future." Also I have

heard people saying, "If everyone

thinks and behaves considering

benefit for other people,

Bangladesh would not have

become such difficult place to live

for ordinary people." It is

understandable that everyone has

the right to seek out a better and

happier life with his/her own effort.

To those people who left the

country, I want to request that you

do not forget your bond with this

country and try contributing or

returning back someday when you

settle your life.

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