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Memo re: Suicides at Guantánamo  
From: Clive Stafford Smith  
Date: June 13, 2006

*The information in the following memo about suicides at Guantánamo is taken entirely from unclassified sources.*

## 1. Who are the suicides?

Interestingly, there is no Combatant Status Review Tribunal (CSRT) transcript in the FOIA materials<sup>1</sup> for any of these prisoners, even though the United States Department of Defense (DoD) master list of CSRT's indicates that a hearing was held in each case. This obviously makes it impossible to substantiate any of the allegations made by the DoD against these dead men.

### a. Manei Shaman Turki al Habadi (al Oteibi), ISN 588, 30 years old from Saudi Arabia

Listed on the DoD May 15, 2006 Master List of Guantánamo prisoners<sup>2</sup> as Mana Shaman Allabardi Al Otaibi (Al Tabi), ISN 588, 30 years old, born 1/1/76 in Al Qarara, Saudi Arabia.

This was apparently Jeff Davis' client.<sup>3</sup>

#### i. Manei's long term protest by hunger strike

Manei was consistently on hunger strike, and force fed, from the end of June 2005, to his death, with the exception of two weeks at the end of July. In unclassified evidence,

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<sup>1</sup> All references to FOIA materials are to materials released by the US Department of Defense in response to a lawsuit brought by the Associated Press under the Freedom of Information Act. Released CSRT Transcripts can be found at <http://www.defenselink.mil/pubs/foi/detainees/csrt/>.

<sup>2</sup> List of Individuals Detained by the Department of Defense at Guantánamo Bay, Cuba from January 2002 to May 15, 2006, available at <http://www.defenselink.mil/news/May2006/d20060515%20List.pdf>.

<sup>3</sup> Jeff Davis's profile can be found at <http://www.mvalaw.com/AttDetails.php?id=36>.

Manei was documented by British resident Omar Deghayes as being among the 21 men being force fed on hunger strike in the hospital as of September 28, 2005. (identified as Maneh el Etaibi)

On November 2, 2005, according to unclassified material from Al Jazeera journalist Sami al Hajj, Manei was still in hospital being force fed. (identified as Manee al Ataibi, from Saudi Arabia) The materials were annotated with a reference to the fact that he and the other twenty were committed to the protest for fair treatment: “Will continue until they die.”

As of January 5, 2006, according to unclassified evidence from British resident Shaker Aamer, Manei was held in Camp Echo with 15 other hunger strikers. (identified as Maneh al Oteibi) At the time, one of the prison guards said to Shaker: “They have lost hope in life. They have no hope in their eyes. They are ghosts, and they want to die. No food will keep them alive now. Even with four feeds a day, these men get diarrhea from any protein which goes right through them.”

## **ii. The Allegations against Manei**

According to the DoD, Manei Shaman Turki al Habadi was an activist in a group called Jama’at Al Tablighi, an “Al Qaeda 2nd tier recruitment organization” active in Qatar, Egypt and elsewhere. He supposedly recruited Islamists who became involved in Jihad. There is no public evidence to support these allegations.

“Manei al Otaibi, was about 5’11”, slim build and was well liked by all at Guantánamo. He was well versed in the Holy Qur’an and was well known for reciting his beautiful poetry,” said Tarek Dergoul, a British former-prisoner in Guantánamo. “At one time I spent 3 weeks in the adjoining cell, where he taught me Tajweed [how to recite the Holy Qur’an] and we shared a lot of our innermost thoughts.”

Shariq Rasul, another British former-prisoner in Guantánamo, stated: “Manei was the subject of harsh interrogation techniques. He was put in isolation for his lack of cooperation with the interrogators.”

## **b. Yasser Khali al Zahrani, ISN 93, mentally troubled juvenile from Saudi Arabia.**

Yasser Talal Al Zahrani, ISN 93, 22 years old. Date of birth, September 22, 1984, in Yanbo, Saudi Arabia. This means that he was likely a juvenile at the time he was seized, if that was before September 21, 2002.

Yasser’s photo can be found at the following link.  
<http://www.cageprisoners.com/articles.php?id=14400>

### **i. Yasser's long term protest by hunger strike**

Yasser was consistently on hunger strike, and force fed, from the end of June 2005, to his death, with the exception of two weeks at the end of July. In unclassified evidence, Yasser was documented by British resident Omar Deghayes as being among the 21 men being force fed on hunger strike in the hospital as of September 28, 2005. (identified as Yasser el Zahran, ISN 93)

On November 2, 2005, according to unclassified material from Al Jazeera journalist Sami al Hajj, Yasser was still in hospital being force fed. (identified as Yasser al Zahrani, from Saudi Arabia) The materials were annotated with a reference to the fact that Yasser and the other 20 men were committed to the protest for fair treatment: "Will continue until they die."

As of January 5, 2006, according to unclassified evidence from British resident Shaker Aamer, Yasser was held in Camp Echo with 15 other hunger strikers. (identified as Yasser Azzerani) At the time, one of the prison guards said to Shaker: "They have lost hope in life. They have no hope in their eyes. They are ghosts, and they want to die. No food will keep them alive now. Even with four feeds a day, these men get diarrhea from any protein which goes right through them."

"As for Yasser al Zahrani, I got to know him very well whilst at Guantánamo and as far as I know that is not something he would do," said Tarek Dergoul, a British man who was released from Guantánamo Bay in 2004. "He was an optimistic man, very defiant in a sense that he wasn't the type of person to give up."

According to Tarek, Yasser Al Zahrani was about 5'8", with long hair (before the military shaved it all off). He was softly spoken, had a beautiful face and was very well liked by all the prisoners at Guantánamo. "He had memorized the entire Qur'an and was able to recite it in the most beautiful manner. He was always there to stand up for his brothers when he saw injustices being carried out, in any way he could. He was defiant in a sense that he would not give the guards everything they wanted lying down. For this he did a lot of isolation time and endured a lot of inevitable backlash from the guards. Yet this didn't stop him from boosting the morale of other prisoners in the nearby cells and we all looked forward to this in the evening."

Shafiq Rasul, another British citizen released from Guantánamo without charge, remembers meeting Yasser at Camp X-Ray, soon after their arrival at the prison. Yasser was confused about why they were there and what was happening to them.

Yasser had never been given a lawyer.

There is a sad footnote to Yasser's story. As reported in the *Arab News* on May 20, 2006, three weeks before his death his father was longing for him to come home:

JEDDAH, 20 May 2006 — Fifteen Saudis, who were released by the United

States from its detention camp in Guantánamo Bay, Cuba returned home yesterday morning. Interior Minister Prince Naif confirmed their arrival in Riyadh and hoped the remaining Saudi detainees would be repatriated soon.

\* \* \*

Prince Naif thanked US authorities for the release of the Saudi detainees and said the Kingdom would carry on its efforts “to obtain the repatriation of the Saudis still held in Guantánamo in the near future,” the Saudi Press Agency reported. “We will allow their relatives to visit them,” the minister said.

\* \* \*

*Talal Al-Zahrani, father of Yasser, a detainee who still languishes in Cuba, told Arab News that the recent release bodes well for getting his own son back.*

*“We are extremely happy about the release of the men, whom I also consider my sons. I am very optimistic and have faith in God that my son and the rest will be released.”*

## **ii. The Allegations against Yasser**

According to the DoD, Yasser Khalial al Zahrani was a “frontline Taliban fighter” who arranged weapons purchases and took part in the Mazar-e-Sharif prison uprising. There is no public evidence to support these allegations.

As Yasser was a juvenile at the time, the allegation that he was in charge of munitions purchases for the Taliban seems one of the more outlandish claims made by the U.S. military. Even under the U.S. military’s version of events, though, for him to have taken part as a frontline Taliban fighter, this would have had to have been before the Taliban’s collapse in November 2001. Thus, Yasser would have been only two months past his seventeenth birthday, at the outside. Under the rules that govern the U.S. military, he would not have been old enough to have been sent into action.

## **c. Ali Abdullah Ahmed, ISN 693 (born 1977)**

Ali Abdullah Ahmed was born in Ib, Yemen, in 1977 (his date of birth is given by the military as 1/1/1977).

### **i. Mr. Ahmed’s long term protest by hunger strike**

We do know that Mr. Ahmed had taken part in the hunger strikes. The military concede this. “All three had taken part in hunger strikes over the last year, and the Yemeni had refused food since August and endured force-feeding until recently, Harris told reporters in announcing the deaths.” Carol J. Williams, Details on Detainee Suicides Emerging (L.A. Times June 12, 2006), <http://www.latimes.com/news/local/la-na-gitmo12jun12,0,700316,full.story?coll=la-home-headlines>.

## ii. The Allegations against Mr. Ahmed

According to the DoD, Ali Abdullah Ahmed was a “mid-level Al Qaida operative” with “key links to Abu Zubaydah” and throughout his time at GTMO was “hostile” to guards and other personnel.

There is no public evidence to support these allegations. Although he has had a CSRT, it has not been made public. The “record” of the ARB held for Mr. Ahmed is only two pages, and contains no charges against him. It does, however, make clear that Mr. Ahmed disputed the allegations made against him:

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative review Board, the Assisting Military Officer said that he had previously submitted a summary of the interview [with Mr. Ahmed].

*ARB transcript, at 20858.*<sup>4</sup>

Mr. Ali Ahmed (ISN 693) was picked up with Fahmi Abdullah Ahmed (ISN 688) (no relation), and in Fahmi’s CSRT he mentions Ali as well as another prisoner, Ahmed Abd al Khadir (Mohammed Abd Al Qadir, ISN 284, from Algeria). *See CSRT transcript at pp. 3-5.*<sup>5</sup>

Fahmi was 22 years old, in Pakistan to get a job. He was unhappy with the house he was staying in, and was having trouble finding a job and maintaining his visa. He met Ali, who invited him to come to live with him. Ali was living in a house that was full of students. He had never been to Afghanistan himself, and he does not believe that Ali had ever been there either. *CSRT Transcript at 7.*<sup>6</sup>

Fahmi had been in this house for just two weeks when all the young men were seized by the Pakistanis, who had two Americans with them. They were then taken to Lahore and interrogated by some Americans there. They were then taken to Islamabad, Bagram (for two months), Kandahar and Guantánamo Bay.

Mohammed Abd Al Qadir, ISN 284, from Algeria, also has a published CSRT proceeding.<sup>7</sup> Mohammed lived in Germany for seven years, and then in London for nine

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<sup>4</sup> Available at [http://www.defenselink.mil/pubs/foi/detainees/csrt/ARB\\_Transcript\\_Set\\_8\\_20751-21016.pdf](http://www.defenselink.mil/pubs/foi/detainees/csrt/ARB_Transcript_Set_8_20751-21016.pdf).

<sup>5</sup> Available at [http://www.defenselink.mil/pubs/foi/detainees/csrt/Set\\_4\\_0320-0464.pdf](http://www.defenselink.mil/pubs/foi/detainees/csrt/Set_4_0320-0464.pdf), pp. 105-107.

<sup>6</sup> Available at [http://www.defenselink.mil/pubs/foi/detainees/csrt/Set\\_4\\_0320-0464.pdf](http://www.defenselink.mil/pubs/foi/detainees/csrt/Set_4_0320-0464.pdf), p. 109.

<sup>7</sup> Available at [http://www.defenselink.mil/pubs/foi/detainees/csrt/Set\\_42\\_2728-2810.pdf](http://www.defenselink.mil/pubs/foi/detainees/csrt/Set_42_2728-2810.pdf), pp. 2790-97.

or ten months in 2000. He used to sell drugs, and did time in prison in Germany for this. This is consistent with Fahmi's statement that he and Mohammed used to smoke hash in the house where they stayed – something entirely inconsistent with being a religious Muslim.

Like Ali, Mohammed was accused of links with Al Qaida. His first statement at his CSRT was:

Detainee: They're all lies. I've never said in the investigation that I was a member in Al Qaida or training in the Khaldan training camp. They were lies. I have never told the investigators that.

*CSRT Transcript at 1.*<sup>8</sup>

On the other hand, Mohammed was injured by guards in Guantánamo:

Detainee: The guard closed the gate on my hand, and I went to the doctor and the doctor put that on my hand.

*CSRT Transcript at 7.*<sup>9</sup>

## **2. How did these men commit suicide?**

For an official description of Camp 1, see: Dept of Defense Press Kit, Fact Sheet: Camp Delta, May 2004, [www.defenselink.mil/news/Aug2004/d20040818PK.pdf](http://www.defenselink.mil/news/Aug2004/d20040818PK.pdf); Ted Conover, "In the Land of Guantánamo," NYT Magazine, June 29, 2003.

Camps One, Two, and Three (numbered for the first three camps that were built) are maximum-security facilities divided into nineteen cellblocks. Each block has 48 cells, organized into two rows of 24 cells that face each other down a long corridor. Cell doors and walls are made of a tight wire mesh. Each cell is six-foot-eight-inch by eight-foot. Perhaps most significantly, guards are supposed to observe every prisoner at least once every thirty seconds. Camp 1 is a somewhat less oppressive environment than Camp 5, although some blocks in Camp 3 (Oscar, Papa, Romeo and November) are now the worst punishment blocks there.

It does look as if the prisoners slowly choked to death. "[Colonel Mike] Bumgarner said each man had a large wad of cloth in his mouth. He said he did not know if the material was for choking or to muffle their voices while they took their lives." *Charlotte Observer* (June 12, 2006).

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<sup>8</sup> Available at [http://www.defenselink.mil/pubs/foi/detainees/csrt/Set\\_42\\_2728-2810.pdf](http://www.defenselink.mil/pubs/foi/detainees/csrt/Set_42_2728-2810.pdf), p. 63.

<sup>9</sup> Available at [http://www.defenselink.mil/pubs/foi/detainees/csrt/Set\\_42\\_2728-2810.pdf](http://www.defenselink.mil/pubs/foi/detainees/csrt/Set_42_2728-2810.pdf), p. 69.

### 3. The suicides are a natural follow-on from the hunger strike

This is the natural, if sad, progression of the hunger strikes. The prisoners on hunger strike were willing to die for a principle then, through a non-violent protest that harmed nobody but themselves, but were violently force-fed. Three prisoners then tried to overdose on pills. Now three have hanged themselves.

On November 1, 2005, Secretary of Defense Donald Rumsfeld referred to the hunger strike as a group of detainees going “on a diet” to get press attention. Next, the Administration said hunger striking “is consistent with the Al Qaeda training.” In their view, if you go on hunger strike, you’re a terrorist.

Tell that to Gandhi; tell that to the Suffragettes; tell that to Akbar Ganji, an imprisoned Iranian journalist:

On July 12, 2005 the White House press secretary Scott McClellan said in a statement that the US president, George W. Bush, called on Iran to release Ganji ‘immediately and unconditionally.’ ‘Mr. Ganji is sadly only one victim of a wave of repression and human rights violations engaged in by the Iranian regime,’ ‘His calls for freedom deserve to be heard. His valiant efforts should not go in vain. The president calls on all supporters of human rights and freedom, and the United Nations, to take up Ganji’s case and the overall human rights situation in Iran.’ ‘Mr. Ganji, please know that as you stand for your own liberty, America stands with you,’ the statement said. . . . ‘Through his now monthlong hunger strike, Mr. Ganji is demonstrating that he is willing to die for his right to express his opinion,’ McClellan said. ‘President Bush is saddened by recent reports that Mr. Ganji’s health has been failing and deeply concerned that the Iranian government has denied him access to his family, medical treatment and legal representation.’

The military was constantly reminded of the following rule contained in paragraph 5 of the World Medical Association *Declaration of Tokyo* (Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment, adopted by the 29th World Medical Assembly, Tokyo, Japan, October 1975 and editorially revised at the 170th Council Session, Divonne-les-Bains, France, May 2005):

*Where a prisoner refuses nourishment and is considered by the physician as capable of forming an unimpaired and rational judgment concerning the consequences of such a voluntary refusal of nourishment, he or she shall not be fed artificially. The decision as to the capacity of the prisoner to form such a judgment should be confirmed by at least one other independent physician. The consequences of the refusal of nourishment shall be explained by the physician to the prisoner.*

The forced feeding of prisoners who are competent to make their own decisions was unethical. It is hardly surprising that, when faced with this illegal action, the prisoners moved on to other actions.

This is particularly the case since the military started specifically inflicting pain on the prisoners in late 2005, in order to try to get them to stop their strike. The prisoners would be strapped into a chair and a tube forcibly inserted at each meal time and removed afterwards, in a way that was particularly painful:

General Craddock left no doubt, however, that commanders had decided to try to make life less comfortable for the hunger strikers, and that the measures were seen as successful. “Pretty soon it wasn’t convenient, and they decided it wasn’t worth it,” he said of the hunger strikers. “A lot of the detainees said: ‘I don’t want to put up with this. This is too much of a hassle.’”

Eric Schmidt & Tim Golden, *Force-Feeding at Guantánamo Is Now Acknowledged* (New York Times, February 22, 2006).

#### **4. The true extent of suicides attempts at Guantánamo Bay.**

We are all familiar with the transmogrification of “suicide attempts” into “manipulative self-injurious behavior” (SIB’s).

The most current suicide numbers I know of are for 2003. I do not believe the military continues to release the information, but there were 40 incidents of “self-injurious behavior” in the last six months of 2003, with 23 attempts between August 18 and 26, 2003. See *Guantánamo suicide tries called ‘coordinated effort’* (CNN, Washington, Monday, January 24, 2005 Posted: 10:31 PM EST (0331 GMT)) (“Two of the 23 cases were serious enough to be officially classified by the military as suicide attempts, The Associated Press reported.”).

The military also reported 350 “self-harm” incidents in 2003, almost three times as many as in 2002. These 350 incidents included 120 “hanging gestures.” The reported number for 2004 was 110. See *Guantánamo suicide tries called ‘coordinated effort’* (CNN, Washington, Monday, January 24, 2005 Posted: 10:31 PM EST (0331 GMT)) (“Some 110 self-injury attempts were recorded in 2004, compared with 350 such attempts in 2003, officials said.”).

The U.S. had admitted only one suicide attempt this year prior to June. This is highly improbable. On June 1-2, 2006, I personally saw a client – juvenile Mohammed el Gharani, who was 14 when seized in Pakistan in October 2002 – who has attempted suicide twice this year. While the details of his attempts have not yet been unclassified, I may report what I saw – which included long slashes on his wrists and arms.

#### **5. Are these suicides an “asymmetrical act of war”?**

To call this an “asymmetrical act of war” (words of Rear Admiral Harris) is possibly the most offensive thing the military has said to date.

This is simply absurd. “Asymmetrical Warfare” refers to the kind of guerilla tactics that an out-manned or out-gunned opponent is bound to use in a battle, rather than standing up like British redcoats asking to be shot at:

Traditional warfare, with accepted rules of engagement, has given way to unconventional, asymmetrical warfare. Asymmetric warfare is conflict which deviates from the norm. Current U.S. adversaries cannot match its military capabilities, and thus resort to asymmetric warfare to counterbalance their lack of conventional weapons and forces.

See Asymmetric Warfare, Naval War College, <http://www.nwc.navy.mil/library/3Publications/NWCLibraryPublications/LibNotes/libAsymmetricWarfare.htm>. It can hardly be said to be a successful form of warfare when the opposition simply commits suicide without seeking to harm your forces.

Guantánamo is asymmetrical, alright – 9,000 heavily armed soldiers against 460 prisoners shackled and imprisoned. All the violence has been one-way.

## **6. Is the military acting in a “culturally sensitive” way?**

### **a. Autopsies are anathema to Islam**

It has been reported that autopsies have been conducted on the prisoners:

An imam from the U.S. military chaplain service arrived at Guantánamo to perform the rituals traditional in the Islamic faith. There has been no Islamic spiritual advisor at the prison for more than two years.

Washing, shrouding and praying over the bodies will be done *after a pathologist completes the autopsies*, said the imam, Navy Lt. Abuhena M. Saifulislam. Though it is traditional for Muslims to be buried within 24 hours of their death, Saifulislam observed that “necessity dictates exceptions.”

Saifulislam was assigned to Guantánamo in the first weeks after the U.S. military began bringing captives from Afghanistan and served for 99 days as chaplain to the new arrivals.

Although there has been speculation that any deaths at Guantánamo might lead to their burial here, as the transfer of remains to a home country could result in further forensic inspection and potential accusations against the U.S. military, a source here said it was likely the bodies would be leaving

the island once the U.S. State Department negotiated the terms of their transfer.

Carol J. Williams, Details on Detainee Suicides Emerging (L.A. Times June 12, 2006) <http://www.latimes.com/news/local/la-na-gitmo12jun12,0,700316,full.story?coll=la-home-headlines>.

When a prisoner dies, Islamic religious tradition requires a speedy burial, traditionally well within 24 hours. It will be impossible for a prisoner's body to be returned for a funeral and burial in, for example, Yemen within this time. Anyway, the arrival of the body of a dead Muslim prisoner from Guantánamo in a Muslim country will be greeted with an extraordinary, and highly negative, response.

“Burial has to be as soon as possible. You're meant to wash the body, do the funeral prayer over it, and then the burial. That should be done as soon as logistics allow,” said Imam Qasim Rashid, Director of Al Khair Educational Institute, in Croydon, just south of London.

Some weeks ago, in a *Reprive* report on the hunger strike, the following advice was given to the U.S. military: “*Reprive* also foresees grave problems with the mandatory American rules concerning post-mortem autopsies. While only an independent autopsy will identify cause of death, and potentially dispel allegations that a prisoner died directly at the hands of the United States, to conduct such a procedure is also fraught with cultural concerns.”

“Culturally, it is considered offensive to perform an autopsy on a Muslim. There is a prophetic saying that you should treat the dead body as you would treat it in life, and that it must be returned to God as given,” said Dr. Adnan Siddiqui (+44 (0)7956 196229), a Muslim doctor in general practice in London. “Perhaps those in the West might be used to autopsies, but to the many millions of people in traditional Muslim countries, the idea of chopping a person up, and putting them back together in a bag, would be considered a horror. It would cause outrage.”

**b. People around the world are not going to believe a military pathologist report anyway**

The idea behind the autopsies is presumably to dispel rumors that the prisoners were murdered. Already, Arab newspapers are calling it murder:

In Kuwait, the society of families of the emirate's Guantánamo detainees called for an investigation into the deaths.

“We strongly doubt the US account and call for an independent investigation to establish the cause of their deaths,” the society's director, Khaled al-Oudah, told AFP.

Oudah, whose son Fawzi is among six Kuwaitis held at the US detention center, suggested the three might have died of wounds sustained during a clash with guards last month.

*3 Arab prisoners hang themselves in first deaths at Guantánamo* (Daily Star, Lebanon, June 12, 2006) [http://www.dailystar.com.lb/article.asp?edition\\_id=10&categ\\_id=2&article\\_id=73129](http://www.dailystar.com.lb/article.asp?edition_id=10&categ_id=2&article_id=73129).