

Department of Justice
Compliance Review and Litigation Security Group
Security and Emergency Planning Staff

04-06-05P02:21 RCV



20 Massachusetts Ave, NW
Room 5300
Washington, D.C. 20530-0001,
PHONE: (202) 514-9016
(202) 514-4692
FAX: (202) 307-2066

FAX COVER SHEET

FROM: Christine Gunning

PHONE:

FAX:

TO: NAME: Clive Stafford Smith

ORG:

PHONE: 504-558-0378

FAX:

COMMENTS:

Re: Deahayes

Total Number of Pages Sent (including cover sheet) 12

Please telephone (202) 514-9016 if there were any problems with this transmission.

FOUO**_____ Page 1**

Memo re: Omar Deghayes' Treatment in American hands (u)
From: CASS
Date: March 30, 2005

(u) This is an up-dated version of my February 9, 2005, memo based on other materials that I secured when I was visiting in March.

(u) *"If torture and abuse had a smell, none of the American soldiers would be able to sit next to anyone else." Omar Deghayes, March 6, 2005, Guantanamo Bay.*

(u) *To reach the distant coast
The breath of Heaven must swell the sails
Or all the toil is lost.*

Yusuf Ali's Koranic Translation

1) (u) **Afghanistan**

(u) Omar was in a restaurant called Hirat in Kabul on the night that Kabul fell. The owner might be able to tell how he was not in Tora Bora taking part in the fighting.

(u) There are Afghani and British NGO's could help prove that he was working on the wells.

(u) He consulted with Oak exporting of furniture to Europe, taking photos, etc.

2) (u) **Seizure in Pakistan**

(u) When he got to Pakistan, Omar phoned his mother in the U.K. to let her know he was safe, and that he would be coming home as soon as he could. He learned of the engagement of his sister, Amani.

(u) While he was trying to sort out travel, Omar rented the top floor of a house from Dr. Wasim. Dr. Wasim wanted to rent out the lower floor too, and Omar said he had no problems with this as long as it was a family, rather than people who might give trouble.

(u) Omar read about Guantanamo in The London Times. He thought it was very sad that the U.S. had responded in such a way to the tragedy that had taken place on September 11. But it never occurred to him for a moment that one day he might find himself there.

FOUO

(u) Omar Deghayes was seized by the Pakistanis in Lahore in April 2002. For a \$5,000 reward, people would do almost anything there. A reasonable salary would be about 80 cents a day, so even without taking tax into account, \$5,000 would be 6,250 days (or 20 years') salary. Therefore there was a hefty incentive for local people to turn Omar and others in.

3^(u) Treatment in Lahore (approx 1 month)

(u) Omar was seized by armed Pakistanis and his life threatened at that time. The first night he was tied up, and the officer stomped on his feet. When I asked whether they punched him during the early interrogations there, his simple response was "Of course." This is a man whose expectation of the world has been radically shifted by his torture experience.

a. (u) Lahore: Second Degree Torture in Lahore

(u) They began by bringing another prisoner into his cell. They made Omar stand there while they beat him mercilessly. When he passed out, they tipped water on him to revive him. They then stuck pins into the man for entertainment.

(u) Meanwhile, there were two people he met in the vehicle going there who were being held in the same area. He would hear their screams while they were being tortured. One, Abdulmalik, was an Italian Moroccan, and Omar heard that he died during his abuse, but he is not sure of this. The other was an Afghani called Fahad.

(u) One of the prisoners next door to him was subjected to electric shock torture. When he was being interrogated, Omar was told that he was next for this.

b. (u) Lahore: Threats concerning his family

(u) Omar's main concern at this point was his wife and child, and he constantly begged to know what had happened to them. "The lowly threats to my wife's honour – this is really something that I don't like to recall. It is hard to explain my pain and sorrow when I talk about this. It is humiliating to think that this gets into the habeas corpus papers, and into the media."

(u) "They made continuous threats about my wife and son. They said they would sell my wife to a prostitution brothel. They said that they had taken all of my family's money away, so that they had nothing left to do but prostitution. The man with the biggest share of this filth was a high ranking police officer. He was head of the team that had broken into the house that my family had rented. He was in his forties, had straight hair, a short mustache, and spoke English with an American accent. But he spoke Farsi to me. Other than the time he came to the Castle Prison with a uniform on, he wore a black tracksuit, and a jumper that had the words 'No Fear' printed large across the back."

c. (u) Lahore: Beatings

UNCLASSIFIED

(u) "I underwent systematic beatings every night for three days. Each time, when I was nearly unconscious, I would be thrown back in the cell to await more."

(u) "I was tied to a wooden best like a table, face down, and I was constantly beaten with thin wooden whips, canes. Two men were standing, one on either side of the bed, facing each other. They would alternate. When one brought down one cane, the other would raise his up. While they did this, they would be laughing. In between whiles, they would say, now we're going to f**k you, by which I understood that they wanted to sodomize or rape me. At one point, to try to get them to stop saying this, I told them that this would not be a problem, as the Muslim God does not blame one who is forced to commit a sin, or if he does something when he is unconscious."

d. (u) Lahore: Electric shock treatment

(u) "They would administer electric shocks done with a tool that looked like a small gun. They would touch this to the skin, and it caused a severe shock, and enough pain to make anyone scream."

e. (u) Lahore: Trying to Force False Confessions

(u) At this time, they tried to accuse Omar of three things:

1. (u) Placing a bomb in a church in Pakistan. "First they were beating me to say that I had done, or caused, an explosion at a church. They said I must confess to that. When the beating became really bad, I would say 'Yes, I did!' But the moment the beating stopped, I would say no. (And so it went on and on.)"

2. (u) Being a close friend of OBL. Mashaur Shamakh was meant to have been an aka for OD in the papers. "Then they started saying you must admit and say you are a high ranking member of al Qaeda and a friend of Osama bin Laden. Because they had falsely accused me of the bombing, one of them said to me, you have made me look foolish. This was after three days of beating."

3. (u) Fighting for the Taliban. "At the end, he started saying, you must tell us that at least you were fighting with the Taliban. If you say that, you will go home soon, because America is not interested in members of the Taliban. The Taliban our Pakistan's friends, and if you say you are with them it will just be a matter of paperwork and you will rejoin your family. He even claimed that he had been a Mujahadin with the Taliban a long time ago. He talked like he wished that the Americans had lost the war in Afghanistan, which was probably true."

(u) The Pakistani officer who was abusing him told him he needed to have OD confess to something. OD would only do it when abused, and would immediately recant when the abuse stopped. Eventually it seemed that they believed him when he denied it

UNCLASSIFIED

all. Tellingly, by the time he reached Gitmo, none of this was brought up at the CSRT, so apparently the US does not believe it either.

4) ^(u) Treatment in Islamabad (approx 1 month)

(u) Omar was interrogated by both the Americans and the British in Islamabad, as discussed elsewhere. Similar physical abuse was meted out to him there.

(u) I did not have time to take a detailed statement from him, and he was prevented from writing it himself in detail because he is often not allowed a pen. The following is a limited version of what happened to him.

a. ^(u) Islamabad: Stress Positions

(u) "In Islamabad, for one entire night over about four to six hours, I was ordered to stand on my hands. I would quickly get tired and fall down. Three men would come in and beat me with a black leather flap."

b. ^(u) Islamabad: Drowning

(u) "Two men would take me and push my head underwater in a large drum. I started by trying to hold my breath before they did it. But that got to be pointless. They did this repeatedly, I think six or seven times, holding me until I was almost drowned."

c. ^(u) Islamabad: Snakes

(u) "One day they took me to a room that had very large snakes in glass boxes. The room was all painted black and white, with dim lights. They threatened to leave me there, and let the snakes out with me in the room. This really got to me, as these were such sick people that they must have had this room specially made."

d. ^(u) Islamabad: Travel to Bagram

(u) When he was taken to the plane to go to Bagram, the Afghani Fahad was with him. They were held on the floor of the plane by ropes that were rather like Medieval stocks, so that they could not move. They had bags over their heads, and their ears were blocked so that they could not hear. Omar suffered from malaria in Bagram, but Fahad was already sick, and vomited on Omar various times during the trip.

5) ^(u) Abuse In Bagram (2 months)

(u) In his own words, Omar Deghayes describes the interrogation regime in Bagram Airforce Base:

(u) The camp looked like the Nazi camps that I saw in films. For days (and nights) on end we were called by number to come forward for interrogation sessions.

UNCLASSIFIED

- (u) Speaking with another prisoner was a crime, and punished accordingly, although without a trial. They saw me talking once, so they called me to the gate, and handcuffed me above my head, arms outstretched, so that it would almost dislocate my shoulders. They put a black bag over my head, stifling me. Some would collapse at the gate from sheer fatigue.
- (u) Lying on the floor of the compound, all night I would hear the screams of others in the rooms above us, as they were tortured and interrogated. My number would be called out, and I had to go to the gate. They chained me, and put a bag over my head, dragging me off for my own turn. They would force me to my knees for questioning. They would threaten me with more torture.
- (u) I did not have time to debrief him on abuse in Bagram while I was there in January. We talked about it some more in March.

a. (u) **Bagram Abuse: Starvation**

(u) Omar went for 7-8 days without food in Bagram. When he did get food, it was cold rations given to him in a cold place. Prisoners were close to starving.

b. (u) **Bagram Abuse: Light Deprivation**

(u) Omar was held in a dark room for days on end, without any access to light.

c. (u) **Bagram Abuse: Suffocation**

(u) Omar and others were locked in boxes with no air and effectively suffocated for long periods.

d. (u) **Bagram Abuse: Strappado**

(u) Omar was chained to the wall, with his hands high up in the *Strappado* position. This caused extreme pain.

e. (u) **Bagram Abuse: Beatings**

(u) "Of course, beating and torture is considered normal."

f. (u) **Bagram Abuse: Nakedness**

(u) Omar was forced to live naked for long periods while he was in Bagram, as part of the humiliation process.

g. (u) **Bagram Abuse: Sexual abuse**

(u) The U.S. guards sodomized one African. A Bosnian Mullah describes how the U.S. soldiers took 5 people into a tent in Bagram where there was a metal rail at about seven feet high across the tent. They tied them all in a line to the pole, and then sodomized each one in front of the others. Apparently, this was a stratagem used by Roman soldiers to humiliate and break their captives.

(u) This is corroborated by Fahad Khartany, who is from Arin (Saudi). In the north of Afghanistan they would take people out of their cells to sodomize them. The soldiers made threats of sodomy to Omar and other prisoners all of the time.

h. ^(u) Bagram Abuse: Benzene in the Anus

(u) Guards forced petrol and benzene up the anuses of the prisoners. This would burn horribly.

i. ^(u) People who can corroborate client's stories of abuse in Bagram

(u) Mohammed Qasim Farid – now in Camp V, Afghani who speaks Farsi, Pashtun and Arabic. He is meant to have been secretary to Mullah Omar (this is apparently not true). A U.S. general in Bagram came to see him and told him that he only had to say at a press conference that Mullah Omar knew about 9/11 and he would be free. He refused. His left knee has been permanently broken. He was kicked repeatedly from behind by the Americans, every day, until it was crushed. They want to force an operation on him, but he is afraid of the U.S. medical care. They also made him take very, very long showers in the freezing water.

(u) Isa al Murbati (from Bahrain) was tied to a care and dragged along behind it. He was placed in a cold water pool.

(u) Shah Walli – now in Camp V. Afghani from Kandahar. He was chained to a wall on his knees for days (in Bagram?). Now he is unable to walk. He came to Gitmo at the end of 2003.

(u) Abu Rahman – Camp V from Pakistan. He only came from Bagram (with 5 others) in January 2005.

(u) Salah Deen may have been to Bagram, then Gitmo, then back to Bagram. Abu Rahman and al Habashy can tell us about him, and how he can help.

(u) On rendition: Mohammed Salahi (Mauritania) was taken to Jordan for torture before he was brought to Gitmo.

UNCLASSIFIED

6) (u) Abuse in Guantanamo Bay (Sept. 2002 to present)

(u) When I met with Omar in Guantanamo he was shackled to the floor. I had them take off his wrist shackles, but he still had on the Hiatt waist restraint that said "Made in England, Hiatt" on it.

(u) Omar related to me an anecdote about his view of Guantanamo. In about 1800, the Ottoman Empire had control of Libya. The USS Philadelphia bombarded Tripoli, but the Libyans sank the boat, and put the prisoners in the Red Castle. The prisoners were

some vision. Now, however, his eye has gone a milky white colour, and he is totally blind. Because it remains light sensitive, it is a continual source of pain.

(u) Anyone who did not do exactly what they were told was simply beaten up in this way. A Yemeni called Odah, a Syrian called Abdullah, and a Saudi called Michad were the other three besides Omar who were on the receiving end of the worst of this abuse. Tarek Dergoul, one of the British prisoners released in the Spring of 2004, can probably tell about this event.

ii. (u) ERF-ing Omar – the Feces Incident

(u) On one of the ERF-ing incidents where Omar was abused, the officer in charge himself came into the cell with the feces of another prisoners, and smeared it onto Omar's face. While some prisoners had thrown feces at the abusive guards, Omar had always emphatically refused to sink to this level. The experience was one of the most disgusting in Omar's life.

iii. (u) ERF-ing Omar – the Toilet Incident

(u) In April or May, 2004, when the Guantanamo administration insisted on taking Omar's English language Koran, he objected. The ERF team came into Omar's cell and put him in shackles. He was not resisting. They then put his head in the toilet, pressed his face into the water. They repeatedly flushed it.

iv. (u) ERF-ing Omar – the Beating

(u) In one ERF-ing incident, Omar was shackled by three American soldiers in their black Darth Vader Star Wars uniforms. The first was going to punch Omar, but before he could, the second kneed Omar in the nose, trying to break it. The third queried this, and the second said, "If his nose is broken, that's good. We want to break his ***** nose." The third soldier then took him to hospital.

v. (u) ERF-ing Omar – the Drowning

(u) The ERF team came into the cell with a water hose under very high pressure. He was totally shacked, and they would hold his head fixed still. They would force water up his nose until he was suffocating and would scream for them to stop. This was done with medical staff present, and they would join in. Omar is particularly affected by the fact that there was one nurse who "had been very beautiful and kind" to him to took part in the process. This happened three times.

vi. (u) ERF-ing Omar – Tango Block

(u) Omar was out on the Tango block rec yard when 15 ERF soldiers came, with two other soldiers in the towers, armed with guns. They grabbed him (and others) and sprayed him.

UNCLASSIFIED

(u) They then pulled him up into the air and slammed his face down, on the left side, on the concrete. They had someone from the hospital there, and she just watched. She then came up to him and asked whether he was okay. He was taken off to isolation after that.

vii. (u) ERF-ing abuse generally

(u) Because of the abusive use of ERF-ing, fifteen people in Omar's Camp Delta block tried to take their own lives.

viii. (u) Religious Intolerance

(u) General Don Levy was, Omar says, the one who first got serious about trying to humiliate the prisoners on religious grounds, and limiting what they could do.

(u) Omar used to have an Koran in English, which he treasured because it was much easier for him to study. But it was taken away in late 2003. There is a strict policy of not allowing anyone who is not recognized as an actual British citizen to have a Koran in English, since the Americans do not want people learning to speak English.

ix. (u) Romeo Block

(u) Romeo Block in Camp Delta is for prisoners who they think are not cooperating properly. There are pictures of hellfire all around the block. The prisoners have all of their clothes taken away save for shorts, in a calculated attempt to humiliate them, given the Islamic prohibition against men going naked between the knees and the navel. Omar suffered this treatment for one month between April and May 2004. The prisoners protested, and the administration responded by ordering that these prisoners be stripped naked altogether.

x. (u) Camp V: "When I go back home"

(u) Omar is in Camp V now, along with Shaker Aamer and various others. They are meant to remain in total silence all of the time. Omar has read about a prison in Philadelphia, PA, in the 1850's where there was a similar regime. He says that it was abandoned in the end because it drove so many people insane.

(u) This is worse then the old solitary cells, because they are all made out of concrete blocks, and they really mean solitary. He had been there for 8 months by the time I saw him in January 2005. It seems from those who are held there that there is a concerted policy of putting people who speak English there, as they are viewed as trouble makers, because they are the interface between the English-speaking guards and all the other prisoners. Omar is Level 3, which is not the worst level (4). But they have a sheet, a mattress and a single blanket. They receive one shower per week. They are allowed no pens, no paper, and no letters to or from their families. The impact of this is obviously traumatic. There are 70-80 prisoners there. The man who supposedly led the Afghans

UNCLASSIFIED

FOUO

against the Russians during the Russian occupation is there, and he has been reduced to weeping much of the time.

(u) There is apparently someone who sits at a window in the cell block and watches them all the time. (Is this the case, or an illustration of SHU?)

xi. (u) Attorney-Client

(u) People in Camp V are not allowed pens and paper, so it is effectively impossible for them to do things as counsel requests. Even while I was there it was difficult. After the first day I saw Omar in Camp Echo, when they had given him a pen at my request, they took it away again. I had to get one for him again so he could get back to doing what I had asked him.

(u) b. (u) People who can corroborate client's stories of abuse in Gitmo

(u) Abdul Illah Asyri, as Saudi black guy whose father is big in the Saudi army, told Chady that the US forced drops of something into his eye and how he is blind in that eye.

(u) Abu Hadufa is a Palestinian Jordanian.

(FOUO) Maher is a Palestinian Jordanian who speaks English. (519)

(u) Abdullah Jaffa is a Palestinian Jordanian.

(u) Al Habashi is an Ethiopian who lived in the UK and speaks good English.

(FOUO) Ahmad Abdulaziz is Mauritanian, speaks French, 757.

(u) Abdulrahman (Egyptian) (al L)

(FOUO) Abu Imran (Moroccan) who lived in the UK and speaks good English. 18 years. 590.

(u) Ismail al Mashid (Egypt)

(u) Abdulaziz al Mossary (Egypt)

(FOUO) Mohammed al Qahtany (speaks English) (Saudi) 63

(FOUO) Abdul al Hammi speaks French (717)

(u) Ali Kadami is a young Yemeni who is very ill.

(u) One Palestinian has been on hunger strike since he arrived and has been force fed in hospital for a long time.

FOUO

ENEMY COMBATANT NOTIFICATION

1. A Combatant Status Review Tribunal (CSRT) has determined that you are an enemy combatant. Because you are an enemy combatant, the United States may continue to detain you.
2. An Administrative Review Board (ARB) will now be held to determine whether you still pose a threat to the United States or its allies. The ARB will consider all relevant and reasonably available information. If the ARB decides you no longer pose a threat, you may be released from detention.
3. You may attend the ARB proceeding and present information about yourself to ARB members. If you believe you do not pose a threat to the United States or its allies, we recommend you immediately gather any information that you believe will prove that you are no longer a threat and why you should be released from detention.
4. The ARB will consider written statements from family members or other persons who can explain why you are no longer a threat. You may also present a written or oral statement at the ARB. Unlike the CSRT, witnesses are not allowed to testify during the ARB. An American officer (called an Assisting Military Officer) will help you prepare your case if you want him to. You do not have to attend the ARB, and you do not have to say anything if you do attend. The ARB will be conducted whether or not you choose to attend.
5. In addition, you have been notified that you may challenge your detention in a United States court. The following procedures are available if you want to challenge your detention in a U.S. court.
6. You may ask a civilian judge to look at the lawfulness of your detention through a process called a *petition for a writ of habeas corpus*. You may ask a friend or family member or a lawyer to file such a petition with the court. If you do not have a lawyer or a family member or friend who could file this petition for you, you may file your own petition. According to prior court rulings, petitions may be sent to:

United States District Court for the District of Columbia
333 Constitution Avenue, N.W.
Washington, DC 20001

If you do not wish to file a petition, you do not have to do so. However, a court will only consider your case if you file a petition.

7. Please talk to your Assisting Military Officer if you have any questions about this notification. Your assigned Assisting Military Officer will meet with you later.

Detainee ISN: _____

Date: _____

Signature of Officer Serving Notice: _____

Printed Name of Officer Serving Notice: _____

Enclosure (2)
EC-A

UNCLASSIFIED