



DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
JOINT TASK FORCE 160
OFFICE OF THE STAFF JUDGE ADVOCATE
Guantanamo Bay, Cuba

24 Jan 02

From: Staff Judge Advocate
To: File

Subj: CONCERNS VOICED BY THE INTERNATIONAL COMMITTEE FOR THE
RED CROSS (ICRC) ON BEHALF OF THE DETAINEES

The ICRC arrived at U.S. Naval Base, Guantanamo Bay (GTMO), Cuba on about 17 January 2002, to investigate the living conditions of detainees captured in furtherance of Operation Enduring Freedom. Shortly after their arrival, the ICRC began to raise issues or voice concerns. By 21 January 2002, the ICRC was ready to discuss them. A meeting was held that afternoon between Colonel T.L. Carrico, JDOG Commander; LtCol T. L. Miller, JTF 160 SJA; Captain S. F. Jordan, JTF 160 Deputy SJA; and Urs Boegli, Paul Bonard, and Chris Mehl of the ICRC. ICRC concerns voiced during that 21 January meeting are listed, 1 through 29, below. The Commander of JTF 160 carefully considered all 29 concerns and provided a response on 22 January 2002.

This is intended to be a working document; meaning that an initial response to a certain concern may be changed and that more concerns may be added. The purpose of this document is to provide a record of the concerns and what was done. Listed below each issue/concern is the date and action taken by JTF 160. Additional issues/concerns will be added to this document and the dates and circumstances noted accordingly.

1. Detainees request that their hand not be visible at all times.

22 Jan 02: Approved as of that date.

2. Construction sounds around the detention facility create stress. Could we find some way to reduce noise?

22 Jan 02: Approved as of that date. The detainees were issued foam ear protection.

3. The detainees request that the "no talking rule" be lifted.

22 Jan 02: Approved in part as of that date. Detainees may carry on normal conversations. Talking loudly across cellblocks or yelling is prohibited.

4. Detainees asked to cover their faces with a towel while resting.

22 Jan 02: Approved as of that date.

5. Showering in front of guards is a great embarrassment to the detainees. Men of the Muslim culture are much more sensitive about their privacy than men in the Western culture.

22 Jan 02: Opaque plastic has been placed around the showers. Shorts will be issued to detainees. They may shower in their shorts. Presently, only shorts in size small are available. Shorts in larger sizes will be ordered.

6. The red, fluorescent jump suits created the impression among some of the detainees that they were condemned men awaiting execution.

22 Jan 02: Detainees are informed that the purpose of the fluorescent jump is to identify them as "detainees" and that it is worn for security purposes. Information will be provided to CENTCOM as well.

7. Detainees want to be told where they are. E.g. GTMO.

22 Jan 02: This request will be considered after the first round of interrogations.

8. Detainees want an area to exercise.

22 Jan 02: Not now. The area used for exercise is fouled with Class IV materials due to the construction effort ongoing. Once construction is finished (about two weeks), the area will be made available for exercise.

9. Detainees want more privacy while using the toilet.

22 Jan 02: Presently, guards escort shackled detainees' to the toilet. At the toilet, a detainee's left hand is freed from his hand shackle. His right hand remains shackled and held by the guard. We are considering unshackling prisoner's hands altogether at the toilet. However the door to the toilet must remain open and the detainee viewed by at least one guard.

24 Jan 02: Hands are no longer shackled while using the toilet. Ordered by Col Carrico, JDOG.

10. The custom of the detainees is to clean themselves with water after using the toilet. They contend that water in sufficient quantities is not available in toilet.

22 Jan 02: Approved as of that date. A water bottle will be placed inside the toilet for the detainees.

12. Detainees wish to grow a short beard in accordance with their religion.

22 Jan 02: Under consideration.

14. Detainees request a Koran.

22 Jan 02: Approved as of that date. Korans were ordered earlier. Should arrive 23 Jan 02.

24 Jan 02: Korans arrived and were distributed to detainees. A request has been made that the ICRC provide Korans in various languages.

15. Detainees request a green towel to wrap around their Korans and keep them clean.

22 Jan 02: Approved as of that date. The ICRC will provide at least some of the towels. We will order more if necessary.

16. Detainees request return of their "prayer beads," rings, and watches.

22 Jan 02: The prayer beads are under consideration providing they cannot be made into a garrote or other type of weapon. For security reasons, rings and watches will not be provided at this time.

17. Detainees request "praying caps."

22 Jan 02: This is under consideration. We will ask the Preventative Medicine Department whether the caps, initially issued to the detainees in Afghanistan, can be washed and reissued.

24 Jan 02: Preventive medicine approved the use of orange caps issued for the flight to GTMO. They are currently being washed and will then be distributed.

18. Detainees request that the "5 prayers" of the day be played over the PA system.

22 Jan 02: Approved. We have the CD with the 5 prayers. We will play them at the appropriate times as soon as we can find a CD player to play them over the PA system. Exchange has nothing available.

25 Jan 02: Muslim Chaplain arrived on 23 January and conducted prayer the following day.

19. Detainees complain that they do not get enough food. They request a large loaf of bread to "get their bellies full."

22 Jan 02: Detainees are presently receiving three meals a day, which provide a caloric intake of about 2100 calories a day. We will discuss this issue with a nutritionist.

20. Detainees request hot, sweet (with lots of sugar) tea.

22 Jan 02: Not now. However, we will reconsider in the future.

21. One detainee with an amputated leg requested that his artificial limb (leg) be returned.

22 Jan 02: Approved. The limb was originally taken from the detainee for security reasons. After the limb was examined, the security risk was found minimal and the limb returned.

22. Detainees complain that their shackles cause skin abrasions.

22 Jan 02: The abrasions are caused by the shackles during the flight from Afghanistan to GTMO. We will send a message to Afghanistan alerting them to the problem.

23. Detainees request underwear.

22 Jan 02: Approved. The plan is to provide the detainees with two pairs of shorts. One pair will be worn into the shower to increase the detainees' privacy. The other pair will be worn as underwear. Only size small shorts are available at this time. More shorts in larger sizes will be ordered.

24. One detainee complained that he was "beaten up."

22 Jan 02: The identity of the detainee is not known. Nor is it known where he alleges to have been beaten up: Cuba or Afghanistan. The ICRC knows that we will investigate this and any future incident if we know the identity of the alleged victim(s). Detainees know they can make complaints through the command. However, the ICRC as a matter of policy does not identify any detainee, only their complaint. It is up to the detainee to come forward. We stress to detainees that complaints will be investigated and there will be no retaliation for making them.

25. Some of the detainees are exposed to direct sun light for up to 4 hours.

22 Jan 02: We are considering erecting screens to create shade. The screens must be consistent with security. For example, the screens cannot block observations from the guard towers.

26. Detainees request to be arranged in cells next to others with similar nationalities and who speak the same language.

22 Jan 02: Not until the initial round of interrogations is completed. At that time, we will reconsider this request.

27. A copy of the Geneva conventions in the detainees own language should be posted in the detention facility.

22 Jan 02: This concern was raised by JDOG vice the ICRC. JDOG requested that the ICRC provide the Geneva Conventions in the detainees' language. The ICRC agreed.

28. Detainees request games and books to help pass the time.

22 Jan 02: The ICRC agreed to provide the games and books. Under consideration.

29. Detainees request to play games with each other.

Action: Under consideration.