

Guantanamo

Honor Bound To Defend Freedom

New York Version

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Cast in Order of Appearance

Mr. Begg

Wahab al-Rawi

Jamal al-Harith

Gareth Peirce

Mark Jennings

Bisher

Moazzam

Tom Clarke

Donald Rumsfeld

Ruhel Ahmed

Clive Stafford Smith

Major Mori

Mr. Straw's aid

Jack Straw

Greg Powell

NOTE: Lines in the script for Newspapermen and Voice Over may be read by actors playing the roles listed above.

ACT ONE

House lights on. From the auditorium comes Lord Justice Johan Steyn, up on stage to a podium. Written on the dot matrix.

F. A Mann Lecture given by Lord Justice Johan Steyn on 23rd November 2003 at Lincoln's Inn, London

Lord Justice Steyn

The most powerful democracy is detaining hundreds of suspected foot soldiers of the Taliban in a legal black hole at the United States naval base at Guantanamo Bay, where they await trial on capital charges by military tribunals. This episode must be put in context. Democracies must defend themselves. Democracies are entitled to try officers and soldiers of enemy forces for war crimes. But it is a recurring theme in history that in times of war, armed conflict, or perceived national danger, even liberal democracies adopt measures infringing human rights in ways that are wholly disproportionate to the crisis. Ill conceived rushed legislation is passed granting excessive powers to executive governments which compromise the rights and liberties of individuals beyond the exigencies of the situation. Often the loss of liberty is permanent.....

The purpose of holding the prisoners at Guantanamo Bay was and is to put them beyond the rule of law, beyond the protection of any courts, and at the mercy of the victors. At present we are not meant to know what is happening [there]. But history will not be neutered. What takes place today in the name of the United States will assuredly, in due course, be judged at the bar of informed international opinion.

The regime applicable at Guantanamo Bay was created by a succession of presidential orders. It can be summarised quite briefly. The prisoners at Guantanamo Bay, as matters stand at present, will be tried by military tribunals. The military will act as interrogators, prosecutors, defence counsel, judges, and when death sentences are imposed, as executioners. The military however, in all respects subject to decisions of the President as Commander-in-Chief even in respect of guilt and innocence in individual cases as well as appropriate sentences. It is an awesome responsibility. The President has made public in advance his personal view of the prisoners as a group: he has described them all as "killers....."

As Steyn leaves house light dim.

The pre dawn call to prayer: sung from the stage

Alaahu Akbar

Bishmillaahi-r-Rahmaani-r-Raheem

Al-hamdu Lillaahi Rabbi-i- 'aalameen etc

Mr Begg

I will start with his childhood so you have the full picture of [Moazzam].

He was born in '67 on 5th June and he was very well looked after by his mother and by me.

When he was a little bit grown up he went to a Jewish junior school. His reports were quite good.

His teachers, especially the Headmaster Mr. Levy, I don't know whether he's alive or not but he was very, very good. He was quite happy with Moazzam.

Wahab al-Rawi – he is smoking.

I came into the UK in '83. [My brother Bisher], came one year later.

In the early 80's, my father was arrested – the Iraq secret service went to his office and arrested him and they took him and he disappeared for eight months. And we found out where he was, then he was moved from one secret service to another and he disappeared again. Eventually we found him and we used some influence at that time to just get him to go to trial. Of course he was tortured and he was abused. A year and a half he spent with the Iraqi secret service which is one of the worst in the world. Finally he went to trial. The judge found him innocent and he was released, but by then the Government has confiscated a lot of his properties and so we decided to leave Iraq for the UK.

None of us ever asked for asylum. We were very well off at the time

Mr Begg

One day Moazzam said: "Dad I want to make a society" and I smiled [because he was too young to talk about society] and said: "what kind of society are you going to make son?" He said: "A society to help older people, feeble people, and people with disabilities and all that.". So, I said: "This is a very good thing, it's a noble thing. I'll not stop you doing that. I don't know how far he went.."

Wahab al-Rawi

I was studying GCSEs at a school in Cambridge and my brother [Bisher] came to do the same thing. We were teenagers living on our own in one house. It's the first time we've ever gone anywhere, so it was a mess. Every day there was a fight. We'd make peace and then we'd go back and break the peace. So the next year, my mother split us apart. I went to study my A levels in Shrewsbury and he went to Millfield College to finish his GCSEs and then do his A levels.

[Bisher] finished A levels, went to University. Bisher was very physical, he was very active- this is why he loved it in Millfield – he did all the sports, wrestling, archery, climbing. Even he was a parachutist. He had 63 jumps. He had PPL – private pilot's licence. He studied on helicopters as well. Deep sea diving – he's got all the equipment for deep sea diving. He was a biker. Every sport you can imagine. If he's interested in something, then he takes it on completely. He absorbs it in his blood and veins. It's a profession. Then he leaves it and goes on to another thing.

Oh. No smoking? Okay. No problem. I'll put it out. **(putting out his cigarette)** I don't like to break the law.

Mr Begg

[Moazzem] was about seven [then] I think, yes he was, because it was one year before his mother died. After one year I married again. Moazzem [was my] second born. First born had a bit of a tussle with my [new] wife (*daughter*) but Moazzam never had that. He was quite alright with her and he in fact supported me that we had to have somebody in the house.

Wahab al-Rawi

[Gambia] was my idea. My idea was I build a mobile oil processing plant and because of... obviously because of the title...because you're mobile you need to go to where the peanuts are.

Mr Begg

I'm a banker by profession [but] I opened another business [an Estate Agent] and [with] Moazzam ran [it] four or five years. Without [Moazzam] I would have not done [it]. [He] was attending the College as well at that time - going to the University part time. Then, when I finished from that business and everything he said: "Dad, I want to get settled now. I want to get married." I said: "Son, I wanted you to finish these studies", as every father would think, "and after that, you may do whatever you feel like." He said: "No it's all too tiring now, I can't do anymore." I said: "Alright, take a break and next year you do what you want to do." But...er...he got married and settled down and he opened a shop, an Islamic bookshop and an Islamic clothing shop.

Wahab al-Rawi

And we decided for the experimental stages to go to a small country like Gambia and then there would be a stage two. We decided to go to Gambia because we knew somebody there. I met the first secretary for the Ministry of Agriculture and he encouraged me - I met a lot of people who encouraged me in the UK as well. I met the Gambian High Commissioner. He encouraged me - everybody encouraged me. And I thought what better to do? You go to Africa where there's poverty, you produce labour, you give these people wealth and at the same time you help yourself.

Mr Begg

[Moazzam] always used to pray in the midday because we pray, well, when I say we pray - practising Muslims I should say - pray five times a day. One early in the morning before the rise of sun and then midday, and then we pray in the afternoon at about four or five o'clock. After that, at the time of sunset and then before going to bed. So, this five times prayer is supposed to be done by practising Muslims. I never did it (laughter) unfortunately. Apart from that we have got to keep fast - one month fast. So this is all good things. I don't have any objection to it leaving that fundamentalism aside.

Wahab al-Rawi

[My idea was] we buy the peanuts from the farmers. We process it. We produce cooking oil, which we sell back to the farmer and the bi-product is animal feed which you can use to raise chicken or beef or whatever. So, everything is produced on the ground and everything is sold on the ground. And it is very, very profitable.

And my brother's Bisher position was that he was going to come over with us for a couple of weeks to help us just set the factory, build the factory - and then he'd come back. His ticket was for one month. When I asked him what he was going to do with the extra two weeks, he said, well, I'm going to go for a walkabout, see Africa.

Mr Begg

[Moazzam prayed] at least three or four times a day [and] in midday he used to put the shutter down of the shop. Not just him, there were two or three persons more used to come to the

prayers. So, Moazzam prayed here, in this house; in his house; in his shop; whenever he had time for prayers.

[But] when he was putting the shutter down and putting the light little, people got suspicious. What this man is doing? Why the half shutter and so forth - what is he doing? So, somebody, possibly of different faith took it that something funny was going on and informed and the shop was raided.

[The police] said that [Moazzam] must be having some connections with Taliban or somebody. He said: "I don't, I don't know what you are talking about". They raided his house. They couldn't get anything, nothing at all, but they were after his computer. They said there must be something in the computer, a code in computer and you have got to tell the code. [Moazzam] said: "There is no code in computer – whatever is there is there and you can check it. You are [the] experts have it checked."

[So] they took him to the court, I mean to the police station, questioned him and immediately released and afterwards they apologised. They said we are sorry that we bothered you but we were informed or misinformed or whatever. I don't know what reason was that, but he came out very clear and there was nothing wrong and he was running his business as usual.

Wahab al-Rawi

I went in advance of the party to reconnaissance, to set up the company, to lease the warehouse, to lease the house for us to stay in the city, to do the banking, to get the equipment out of the port.

When I left London at the Airport I was called into a room with two British officers and they interrogated me for about twenty-five minutes. They asked me: why was I going to Gambia? What did I have business in Gambia? Did I know these people – they named a few people – Abu Qatada. Did I know any Algerians? Which mosque did I frequent? All of these questions and then they were satisfied and they let me go. .

Mr Begg

I told you in the beginning [Moazzam] was very much interested to help people all the time. He somehow, had it in his mind that the Afghan people are the people in the world who are most deprived. He talked to me about it He said: "I want to go and start some educational institutions there". I said: "Who's going to back you? Do you know how the money is going to come? Is it a big project?" He said: "No, I'll work with a small project. My wife", because Afghans don't like mixing of woman with man or girls mixing with boys, "so I'll take my wife and my wife will be teaching the girls side of the school and I'll be teaching the boys side". I said: "Well, it's a good idea if you can do that." .

Jamal al-Harith

I'm Jamal al-Harith I went from Manchester to Pakistan and ended up in Guantanamo, can you believe it? Yes I went to Pakistan, well if that's my crime then you'll have to arrest plane loads of people. I went to Pakistan on tableeg. That's sort of like when you want to find out about the religion like but you also visit villages and all that. But I didn't actually get there. It was October 2001 and I was told by the money changers, they said obviously that American and British wouldn't be welcome there because they were the ones who were going to be attacking, they said. Like it's 60% Pashtoun in that part of Pakistan so they are like the people of Afghanistan. This is what I was told.

Mr Begg

Then suddenly I received a letter - I was suffering from Angina - I received a letter from the hospital that we have made arrangements for you to go to hospital.

When Moazzam heard that his father was going to have an operation, he came to me and he said: "I'll drop the idea of going to Afghanistan until you are well". I say "No, you go. I'm in safe hands and you cannot do much here so you'd better go. I'll be alright, don't worry". But he said "No, this is a bad time, I need to be with you, I'll not go."

Jamal al-Harith

I decided to [travel] to Turkey, through Iran to Turkey [with a guy who had a truck full of people]. The truck went off and then in the journey it was stopped. I was in Pakistan and then they stole the truck and I was just handed over. Gun toting Afghanis. They didn't steal the truck to get me, they stole the truck because they wanted the truck themselves.

When the truck was being pulled over, you don't really think anything. You think, oh, they're just going to look in the truck or its some road toll you know. That was what was crossing my mind, they were just going to check the truck or whatever. But then they just ordered everyone out and then you know me and the driver's mate were put in their jeep or whatever to take away. Then I start to think, oh well, things aren't, you know, going as I planned - there's something wrong here, something's wrong. And obviously you're scared, your stomach's turning over and you just....

Mr Begg

He is a good son. He is the best son of mine. I told him "You are wasting your time here, you are wasting your money here. They are not going to wait for you, you had better go and start the job and you can come later on, come and see me". After about a week of intensive conversations, he somehow agreed. But he had small children. I said "I don't particularly like that area because Afghan people are very different people as compared to us or to English people. We are more like English person: how can you live with Afghans?" He said, "No I won't live with them, I'm teaching them but as far as living is concerned I'll be confined to my wife and children.

Jamal al-Harith

[I was handed over to the Taliban.]

Wahab al-Rawi

My brother [and my partners tried to join me in Gambia but] at Gatwick they were taken. They were held for, I think four days altogether. Our homes were searched and the whole case went in front of a judge and the judge found there was absolutely nothing, I mean he asked the secret service why did you arrest these guys and they showed him a piece of equipment, electrical equipment and our solicitor, Gareth Peirce, she said...

Gareth Peirce

[One of Mr Al-Rawhi's partners Mr Al Banna had] a visit from special branch two days before he was leaving saying we know you are going. And he said do you have a problem with that?

And they said no. Two days later they get to Gatwick and they're all taken off and away from embarking on the plane, their luggage searched, held on a completely false pretext for two or three days, said that there was a suspect item in the their luggage, which turned out to be a battery charger so that we were able to go down the road from Paddington Green Police Station to Argos and get a catalogue saying here's the battery charger, while they were busy saying they were flying a forensic expert from Bali to inspect this thing.

Wahab al-Rawi

The judge dismissed the case

Gareth P

However, they then go to Gambia and are immediately arrested.

Wahab al-Rawi

..all of us, my brother, my two partners, myself, my driver, my contact in Gambia, we were all arrested by the Gambian secret service.

Mr Begg

[After Moazzam) went [to Afghanistan] he was ringing me up all the time from there, telling me: "I have submitted the application to Taliban government. and I'm going and coming every day and there is little movement." He felt that they are not very keen to have English or Maths or education in the country and he started getting a bit disappointed.

One day he said that I have got another idea in my mind, to put in water pumps for people living far, far away from the water source. I think that in a weeks time the water was there. He called me and said "people are very, very happy – they are dancing, they're kissing my hands, and I'm very happy". I said "Son, I'm happy too, that you have done that very gentle work, very high class work

Jamal al-Harith

[The Taliban took me to Afghanistan and] I was put in some building for three days and questioned, well not really questioned really – the main questioning was in another place. And then that's when I, you know, the kicking and all that. And then they took me out to the main prison, a political prison that they have. And then I was in isolation for two weeks but in that two weeks was when I was questioned. They asked me... where do I study, surprisingly and all this stuff. What education have I got. Then they said I'm part of some elite special forces from England obviously, some British special forces military group that was trying to enter Afghanistan and that, er, where are the rest of the other guys, you know? And what rank do I hold in the British army. Oh and, what mosque did I go back home? Would you believe it, what mosque do I pray at back home? (laughs) Even the Americans asked me that.

Wahab al-Rawi

They took us to the secret service HQ in Banjul and they started interrogating us. it's a routine investigation. They asked us about the business. What we were coming to Gambia to do, who did we know in the Gambia, All of the stuff that were routine to the Gambians. At the end of all this two Americans came in. They introduced themselves as Mr Lee, and the other guy I can't remember what. Mr Lee said I'm with the American Embassy, we're here working with the

Gambians, can I ask a few questions? I said, you can't ask me anything, you have no authority over me. I want to see a solicitor. I want to see my High Commissioner. Mr Lee turned to the other guy and said, this guy's going to be trouble and he left the room.

Jamal al-Harith

The Americans had started bombing while I was in there, and after two or three weeks I'm not sure, the Taliban released me out into the normal population, the prison population that is.

Wahab al-Rawi

We were separated and put in different rooms in the Gambian HQ. I was in the conference room with a mat on the floor. They told me to relax and take it easy. I was very very upset. I was shouting and screaming and being abusive. I knew that I hadn't done anything and I didn't know who had, I mean I suspected that the British authorities had ordered the arrest, but I didn't know why.

We were all moved into a house in the suburbs of Banjul. There were three or four Gambians, but I wouldn't say guarding. Don't forget this was Ramadan in Africa, so it was hot and people were fasting. It was low security. I was preparing breakfast on most occasions because the food they were bringing wasn't so tempting, so actually once I went out of the house and did some shopping on my own. Well, the guy was with me, supposedly.

[After two days] we were taken back to the Gambian secret service headquarters. [In the interrogation room] was the two Americans in front of me, and the two Gambians beside me. They went over the whole thing again and again. About the business; about who I knew. And then after they had finished about the business, they go onto fanatical questions.

About what did I think of Mr, what is his name, not the Taliban, the Qaeda guy, what's his name...em... - Bin Laden. I said, I don't know Mr Bin Laden, you probably know him more than I do, you trained him. They said, do you know any terrorists? I said, of course I don't know any terrorists. They say that we think you have come here to do so, so and so. And I say, well this is stupid because there is no basis for that.

One idea was that [we] were in the Gambia to build a training camp. The division of labour as follows: I was the cover, going to run the business. [One of my partners] was to keep an eye on me just in case I did something wrong, so he was to be my policeman, and my brother, because of his skills, is supposed to be the trainer of the camp.

I said have you found any training equipment or military stuff? They said no. I said: my brother is supposed to be training these people but he only has a visa for one month. How can he set up a camp and train people in one month?.

At the next meeting they brought another theory. We were supposed to come to the Gambia to blow up something. So I told him OK, name two targets in the Gambia that are worth blowing up and he could only name one – the American Embassy. There aren't any targets in the Gambia. Point one. Point two is: if I was coming over to blow up something, why would I come through the airport, you have two hundred miles of porous borders – no police no nothing – I could have easily slipped through these borders. Third, where is the equipment that I was supposed to use to blow up anything? Have you found a bullet or a gun or explosives? No.

Mr Begg

When Moazzam was [putting in] the fifth water pump the American bombardment started. He rushed to his house in Kabul, took his wife and children, crossed the border and came to

Pakistan. He reached there and he telephoned me that we are all safe, children are all safe. I said: "Why don't you come back now, enough is enough". He said "No, I've just started and I'm quite happy with it and this thing will stop in a weeks time."

Jamal al-Harith

When the Taliban, the government, fell and the new Afghan government came in to power, we were told we could leave and they were offering us money to travel to Pakistan with some guards...and I said, well, it's quicker for me to go to Kabul, thinking it would be quicker to go to Kabul, because I heard the British had an embassy there. So they got hold of the Red Cross [and the Red Cross] said, okay then you stay here and we'll be in touch with the British in Kabul and then you can, you know, make arrangements to travel.

Wahab al-Rawi

They told us they were going to move us to a better place I understood later they were actually using my tools and my equipment and my timber to build a jail. You heard they were boarding the windows and blocking the doors. They were using the food we had brought with us to feed us as well. We were hooded and handcuffed and we were moved at two o'clock in the morning to this house one at a time. We didn't see each other.

At every single interview and every single occasion, whenever the subject comes along, I would ask to see the High Commissioner. Every single time they said the High Commissioner doesn't want to see you, sometimes they tell me, who do you think ordered your arrest? The British already knew you were in this situation.

Mark Jennings

I was working three days a week doing case work for Ed Davey, the MP for Kingston and Surberston and Ed happened to say to me [he had a case that] turned up to one of [his] surgeries: an Iraqi guy nabbed in the Gambia. I met the family and. I got to know them as friends and it struck me that no way are they fanatical about anything. [What I learned about] Bisher was that, yes, he was reasonably devout but he's the sort of guy that can sleep for England – he used to sleep through morning prayers.

Wahab al-Rawi

There were questions that intrigued me, for example, The Americans had files on us. They were asking me about Abu Qatada and what Abu Qatada said about us.

Mark Jennings

[The connection to Bisher] is suspicious immediately because first of all, yes he's a Muslim, [and] there's Abu Qatada. [Bisher] also in 1998 did a pilot's licence to fly small light helicopters, little two / four seater things, it's hardly 737s if you want to get into that, and he's a bit of a speed freak, he's got a collection of seven motorbikes, well we think there's seven – they're all in different stages of disassembly in the garage and in various places and he likes parachute jumping, he likes the adrenaline thrill. But then on the other hand he's a young man with probably slightly more money than sense so I think the only connection to any Al-Qaeda is Abu Qatada and I mean [the British have] held Abu Qatada in Belmarsh prison for getting on for eighteen months, if not longer. We haven't been able to charge him with anything

[With] Bisher [and Abu Qatada] certainly I think it was a friendly relationship. Bisher strikes me, from what I've heard, as being very popular with his neighbours, Muslim and non-Muslim. He's the sort of guy that's helpful. As far as I know he and Wahab, Bisher's elder brother, used to take Abu Qatada's kids swimming. I think Abu Qatada's got quite a few kids. I think the other thing they used to do was take Abu Qatada's wife to the hospital which again is hardly the stuff of terrorism.

Wahab al- Rawi

One day they came into my room. Mr Lee, he came into my room and he asked me if I worked for the British secret service. I said, well I really can't answer this question, you will have to go to them and ask them politely. What kind of a question is that, I mean? So I thought about it, and I thought they must have asked him to release me.

If I tell you exactly what happened, you would never be able to come up with an answer to this problem. It's very very stupid. It's dumbfounding.

Jamal al-Harith

[The Red Cross took my details] and so on, so on.. Then the games began. They were in contact with the British Embassy. They said oh you know the British will be sorting something out for you. I was using the journalists' phones, they had satellite phones, so I was phoning the British Embassy all the time to speak to the guy, said yeah yeah we're sorting it out, you know, we're going to get either someone down, or we are going to fly you up.

[We were] constantly in touch for about over a month [then] the Special Forces came – the American Special Forces – and they questioned us to give our stories and then the Red Cross came like the day after and said like “Oh you're going back now” said “you're going to fly out in a plane from the American base to Kabul” and the British obviously will meet [you] there. This was arranged by them they said.

Two days before I was booked to fly out then the Americans come in and go, you know, “You're not going anywhere. We're taking you to Kandahar” to their base. They took me to their base obviously but put me in jail or in a concentration camp* and they questioned us. Even though MI5 were there at the time in Kandahar questioning other British people that were there, they refused to see me for some reason, I have no idea what for. I spoke to some SAS guy. And then I spoke to American Intelligence – American military.

[They asked] mainly my details in England, where I lived, what jobs I had. Didn't really seem interested in anything else. Mainly just where did I work in England. At what time? My education and so on, so on. Where did I go? Where did I pray? They just seemed more interested in getting all that out than why I was here it seemed. And the SAS guy said – he interviewed me about twice, at night, cold – he said “I can't release you”. He didn't actually say “You are going to be sent to Cuba”, but, “the decision is going to be with the Americans whether you get let out or not”.

Wahab al-Rawi

After two weeks of interrogation and threats and all of that stuff, he comes into my room, Mr Lee that is, he says, there's your passport and your ticket, you're going home, this is not a joke, we're not playing with you, you're really going home. And then he starts to relax and starts, you know, acting normally instead of the formal way.

He told me that [he had freed my one partner the day before and now, he said,] we're getting rid of you, [so] I can concentrate more on your brother.

It doesn't make sense. I'm friends with Abu Qatada, why was I let go? The whole thing doesn't make sense. If it is because we know Abu Qatada, ok, I know Abu Qatada, why release me – do you see what I mean? – and take my brother. It doesn't make sense.

Mark Jennings

The only difference between [the two brothers] is that Wahab al-Rawi has British citizenship and Bisher doesn't. When [they came here from Iraq] they left behind quite a large nice house plus some other assets, and they thought well Bisher is the youngest member of the family, if he keeps Iraqi citizenship, if there's ever a change in the regime – and I hasten to add they were very anti the war – if there was ever a beneficial change in the regime in the future, there's no problem for him as an Iraqi citizen for him to go back and say, we want our house back, thanks very much.

Wahab Al-Rawi

Mr Lee asked me if he could keep my Iraqi passport – I had an expired Iraqi passport – and he said he wanted to keep it as a souvenir and I said no, you can't keep it as a souvenir. He said, can we give this to the guards – we had some brake pads and some expensive equipment, he said, can we give that to the guards? And I said, no you can't give that to the guards. You can give this to the guards – and we were trying to negotiate what I can keep and what I can't. And then again I was hooded, I was taken to the airport, I was taken into a lounge on my own with the Americans. We sat down talking normally and the Gambian security guard came in at that point and asked them about my property. Mr Lee denied ever knowing anything about it. He said what property. I said my factory, my lorries, my equipment, my cars, my generators. He said, no we don't know anything about it, so I understood it was all gone....Altogether about a quarter of a million dollars.

[My one partner] and myself [had been held for] 27 days.

My brother and [my other partner Mr Al Banna] have been in prison ever since.

Mr Begg

One night two Pakistanis...two American soldiers, assisted by two Pakistani officers, burst into [Moazzam's] house [in Pakistan], took him as prisoner, threw him to the floor, bundled him up and put him into the boot of their car – in front of other neighbours and the little child, she saw that and - they took him away. I received a telephone. ...it was whispering...I think he had his mobile with him or what ..he said - just like that

Mr Begg drops his voice and whispers

“Dad”,

Raising his voice to normal

I said: “Who is that?” He said:

Dropping to a whisper again.

“Moazzam”.

Normal voice

I said: “Why you are talking like that?” “I have been arrested.” I said: “By whom?” He said: “two Pakistanis...two American soldiers and two Pakistanis soldiers.” I said: “Where are you?” He said: “I’m in the car and they are taking me away, I don’t know where. My wife and children are in Pakistan, please take care of them and don’t worry, ” and then either somebody saw him talking or something.....

Well, I was so shocked for ten minutes I was just looking as if something had happened to my mind – it didn’t work at all. I didn’t know why? How? I couldn’t make out anything.

My wife got up as well and she said “Well, you calm down, nothing will happen ” I said “In that [area] people kidnap people for the sake of money and they kill them and throw their bodies and take the money and so - that area is very dangerous...

Wahab al-Rawi

The law in Gambia is that you can’t hold somebody for more than 40 days or something like that. So, we moved immediately to get the solicitors to work on his behalf, but just before the expiry of that deadline, [Bisher] was moved with [my other partner Mr Al Banna] to Bagram airbase [Afghanistan]

Mr Begg

Moazzam said that two Americans assisted by two Pakistanis [had taken him], but who knows whether they were Americans or Pakistanis? But it comes to my mind that they could be Afghans, dressed up as Americans or something. How could I think that - that Americans will catch my son, he’s from England. I couldn’t think that.

Wahab al-Rawi

It’s worse than kidnapping. It’s like, if you take it from the American standpoint, we want to make sure that our people in America think that these people are terrorists. So they came not from Gambia, they came from Bagram airbase, from Afghanistan, so they must be terrorists.

We don’t know exactly [how long they were held in Bagram] Because Bagram everybody knows is a no-go zone for anybody – there’s no human rights, nothing.

Mr. Begg

I used my resources, whatever we have in Pakistan in army – because we come from army you see. For generations we have been with British army [and] we do not know any civil life except recently. [So] when the Foreign Officer didn’t give me any answer, proper answer, I rang up one of my cousins who is Brigadier General there. I asked his help and he straight away said: “very sorry about it, I’ll do whatever I can.” Then I rang up General Begg who was Chief of the Army Staff some time ago, and then I got in touch with several officers, the high ranking officers to search and find out if Moazzam is dead – but nobody could find that Moazzam is dead. They

said that Moazzam is not here; he must be either as you say kidnapped by local Patans or he is with Americans.

Wahab al-Rawi

[we got one letter from Afghanistan]

Bisher

Dear Mother, I'm writing this letter from the lovely mountains of Afghanistan at a US prison camp. I am very well. The conditions are excellent and everyone is very very nice. I hope that you, my brother, my sister and all the family are well. Give my salaam to everyone and I hope we meet soon. p.s. Tell

CENSORED

that the food is very good and I can pray as much as I want. Your loving son, Bisher.

Mr Begg

I was like a madman for one month because [Moazzam] was very precious to me. After one month I receive a telephone call from a gentleman called Simon. He rang me from a province called Kandahar next to Pakistan province – and said “I am speaking from Red Cross. This is about your son. He is in the custody of Americans [here] and he sends you regards” – that’s all. I said: “Tell me please more”, he said: “I’m not allowed, nor I know. I can’t tell you anything more”.

On one hand I was happy that [Moazzam] was alive and on the other hand I was shocked that he was in custody and I thought that possibly he is there for a week or two and then he would be released. Now, Birmingham Red Cross people came down and [they] had a letter from Moazzam.

Moazzam

To dad,

As Salamu alaikum

I am writing this letter after around 4 wks, I am in good health and ok. I don't know what is going to happen with me, but I believe everything will eventually be ok. Please contact my wife and ask her to go back to the UK and stay with her mother. I am sorry to put you all through this, but I didn't want any of this to happen.

Mr. Begg

[The letter was] from Kandahar. After about two or three weeks, he was transferred to – from Kandahar to – there's another American base which is known as Bagram. We went to the Foreign Office and they say, “Well, unfortunately we don't have any access to American military bases, they won't allow anybody, so, go to the Red Cross, ” and that's it.

Jamal al-Harith

I actually thought I was going to be released, because they said before we left [Kandahar], they said “ you have to complete the process”. The guy he said “the process is that you are going to be [in Cuba] for one or two months and then you'll be sent home, but anyone who comes to our

prison in Kandahar [has] to go to Cuba”, he said. So I said “OK then”, well I didn’t say “OK”, but “if I have to go, then I have to go” and then they sent me.

Interval

Act two

Tom Clarke

[My sister] was I think a very, very independent, capable, flexible – an enormously sort of liberal minded person who.. she was a very....it’s hard to talk about someone’s life without saying sort of something insipid... I don’t know charming, attractive, sensible, intelligent person, enjoying her life in New York. We lived together for a while, for a couple of years, in New York actually, because I was studying there and my sister had a successful job and she offered to support me in my time of need. So I lived with her ... and at first it was a kind of a convenience thing and we hadn’t really spent any time together since we were kids, but it worked out really, really well. It was interesting, we never used to fight or argue, until we got home of course, you know what siblings are like as soon as you put them in a sort of domestic environment, things go tits up. But it was you know, it was absolutely, it was wonderful. It was the happiest couple of years of my life, and I was, in a way, you know I look back and know that I was very lucky to have had that – it would have been a much greater shame if I hadn’t had the chance to spend so much time with her.

[I call it September 11th] not 9/11. I’ve always had this thing about American dates.

This is someone who worked in Public Relations, you know [but] she was always sort of politically minded and she studied Politics at College and that’s what she was always going to be sort of interested in. She got into Public Relations through working for the European Commission and things, that’s how she got into it. But ...and ..it was, I don’t know, I just remember thinking that [the Middle East] was something we spent so much time thinking about and that she actually genuinely cared about. And that was one of the great the things that made me most sad. Aside from I mean obviously her loss was the most sad thing, but of all the sort of things peripheral to it, of all the sort of injustices and wrongs, the fact that she cared, sort of, she actually did care about the things that led some people to think that was a smart thing to do some sort of clever stunt and it was so...that really upset me.

Call to prayer – 2nd. Noon. : over loudspeaker

Moazzam :

Dear Dad, Mum, Twins and Motard,
As-Salamu alaikum

I was very happy to receive your letter today, and I hope that you are all fine and well. Thank you for staying in touch with Zaynab and the children. Two letters have arrived from her and they should allow me to read them today or tomorrow. I have been extremely worried about them, and don't know even if they were left with any money. Please, help them in whatever way you can and I will repay you as soon as I can. Don't let my children want for anything due to any financial problems. I am doing well here and treatment has been good. Food, water, clothes and Quran are all provided. I am now about to complete my 7th reading of the Quran, and have memorised many chapters, praise be to Allah. The days go by slowly, but my ability to speak English has been a tremendous help. I cannot tell you much about what is going to happen, but I remain patiently hopeful and pray that soon I will see you all again. This is the hardest test I have had to face in my life and I hope I have not caused you too much distress, but I will pass this test by the will of Allah and your prayers. I love and miss you all very much. I thank you for all that I never did thank you for (both you and mum).

Your loving son, Moazzam

Donald Rumsfeld in press conference.

Newspaperman 1

Mr Secretary...

Newspaper man 2

Mr Secretary... Rumsfeld

Rumsfeld

Let me just answer the previous question

On September 11th the terrorists attacked the United States, killing thousands of innocent men, women and children. Less than a month later, the coalition countries responded and the Taliban had been driven from power. This is a dangerous and determined adversary for whom September 11th was an opening salvo in a long war against our country, our people and our way of life. Our task, our purpose must be to stop the terrorists; to find them, to root them out.

We were able to capture and detain a large number of people who had been through training camps and had learned a whole host of skills as to how they could kill innocent people – not how they could kill other soldiers. We've got a good slug of those folks off the street where they can't kill more people.

Bisher Al-Rawi is putting on the orange boiler suit of Guantanamo marking his transition from Bagram to Guantanamo

Bisher

Dear Mother,

I'm writing to you from the seaside resort of Guantanamo Bay in Cuba. After winning first prize in the competition, I was whisked to this nice resort with all expenses paid. I did not have to spend a penny. I and Jamal [Al Banna] are in very good health. Everybody is very nice.

The neighbours are very well behaved. The food is first class, plenty of sun and pebbles, no sand I'm afraid. Give my salaam to everybody and my special salaam to Wahab. I wish him the very best with his life, religion and business. I hope to see you soon if you want. Your son, Bisher.

Ruhel Ahmed is wearing the boiler suit

Ruhel

Assalamwa-alakum

Bisher

p.s.- Please renew my motorbike insurance policy.

Ruhel

Hi, how are you all. I'm fine and well. I receive your letters and photos. Well about my eyes u can send me contact lenses. Get them from Sandwell hospital (Eye Clinic) and solution [from] Boots [chemist]. Its call (Boston advance care). and I need protein tablets to clean them.....(Total Care tablets for hard contact lenses). Both solution and tablets for hard contact lenses. Its going to cost total of £30.00. I need 2 packets of tablets and 1 packet of solution. You don't need to worry about me. They army cool with me and everyone. Well what can I say to u all. The solders call me by the name of Tiger and Slimshady for some reason. Im know very well. All the army know me as U know everyone me back home as I used to be centre attraction where ever I went. ..Hope to see you very soon inshallah, assalemalaykum, love Ruhel Ahmed

Rumsfeld points at one of the newspaper men.

Newspaperman 1

But have you determined [the detainees] status individually, on an individual?

Rumsfeld

Yes, indeed, individually.

Newspaperman 1

So you know which are al Qaeda and which are Taliban?

Rumsfeld

"Determined" is a tough word. We have determined as much as one can determine when you're dealing with people who may or may not tell the truth.

Newspaperman 1

Right

Rumsfeld

So yes, we've done the best we can.

They are not POWs, they will not be determined to be POWs.

Don't forget we're treating these people as if the Geneva Convention applied

Gareth Peirce

There are a number of concepts which are deliberately confused by the American administration. It seized people for purposes that are clearly the obtaining of information and having seized those people, it transferred them to a place which it believed would be beyond the reach of courts in America. It claimed that it had seized people on the battlefield, there were frequent references to capture on the battlefield, and then, having presented it to the world in this way, found itself stuck with the immediate response, well if these are prisoners of war, they are entitled to give name, rank and number and no more and they deserved to be treated as the Geneva Convention dictates and not to be made the subject of interrogation. So having at first flush grabbed the nearest label, finding that it meant that there were international treaty obligations to provide prisoners of war with rights, the regime very quickly had to redefine what it had, and therefore it said these were unlawful combatants who were not wearing uniform and were not conforming to the norms of warfare.

Rumsfeld

We said from the beginning that these are unlawful combatants, and we're detaining them. We call them detainees, not prisoners of war. We call them detainees. We have said that, you know, being the kind of a country we are, it's our intention to recognise that there are certain standards that are generally appropriate for treating people who were – are prisoners of war, which these people are not, and – in our view – but there – and you know to the extent that it's reasonable, we will end up using roughly that standard. . And that that's what we're doing. I don't – I wouldn't want to say that I know in any instance where we would deviate from that or where we might exceed it.

Moazzam

Dearest Zaynab,
As-Salamu alaikum

I am writing this message late at night, which is usually when I cannot sleep, because of thinking and worrying all the time, the heat and bright lights. I have written several messages to you and it appears that you have not received any except the first one.

Please let me know exactly what messages you got (the date I wrote on the message) and I will see what has happened. These past few weeks have been more depressing than usual especially since the birth of our son, May Allah bless and protect him and all my family. Time is dragging on so slowly and things don't change here at all, if they do it is very slowly. I still don't know what will happen with me, where I will go and when, even after all this time! There is nothing here to do to occupy time, except read the Quran which I have finished so many times. There are many rules here which does not make this wait any easier. The food has been the same for 51/2 months, 3 times a day, first meal in the morning and last in the late afternoon, and most of the time I am hungry. I miss your cooking so much.

CENSORED

The most difficult thing in my life is being away from you and the kids, and being patient.

CENSORED

I miss you and love you as much. Moazzam

Clive Stafford Smith

I run a [legal] charity called Justice in Exile in the US, which is devoted to representing the people in Guantanamo Bay. Guantanamo Bay is a massive diversion. It's got nothing to do with the real issues – none of [the people that they think are] the real bad dudes are in Guantanamo Bay, because the American Government would never put them there while there is a possibility that we'll get jurisdiction to litigate to get them out of there. So all of them are in Bagram air force base and places like that.

Gareth Peirce

There are many thousands around the world, distributed in places where Guantanamo would probably look quite humane. And there is a process of shipping people for instance to Egypt, where you know they'll be tortured. [You] torture something out of them, then get them back to Guantanamo. [It's] a grotesque international redistribution. And what are you getting out of it? Well maybe that's where the weapons of mass destruction came from. Certainly the product you'll get is bound to be complete nonsense, bound to be, once it's ricocheted off [hundreds of] people in Guantanamo, any cocktail of invention will have happened.

Rumsfeld

Anybody who has looked at the training manuals for the al Qaeda and what those people were trained to do, and how they were trained to kill civilians – and anybody who saw what happened to the Afghani soldiers who were guarding the al Qaeda in Pakistan when a number were killed by al Qaeda using their bare hands – has to recognise that these are among the most dangerous, best trained vicious killers on the face of the earth.

Newspaper man 3

Mr Secretary, there was a debate...

Rumsfeld

And that means that the people taking care of the detainees and managing their transfer have to be just exceedingly careful for two reasons. One, for their own protection, but also so these people don't get loose back out on the street and kill more people.

Newspaper man 3

Mr Secretary, there was a debate yesterday in the British Parliament. I happened to notice.

Rumsfeld:

Oh I read some of that. Just amazing

Newspaper man 3

and it – well it was interesting. And one of the comments made was that [the] handling of John Walker, a United States citizen, has been different from the handling of the others, and that this demonstrated that the United States would not treat one of its own people the way that it has treated these others. And I would ask your reaction to that

Rumsfeld

Well, it's amazing the insight that parliamentarians can gain from 5,000 miles away. I don't notice that he was handled any differently or has been in the past or is now.

Newspaper man 3

Well, will he be put in an eight by eight cell that has no walls but only a roof?

Rumsfeld

The... just for the sake of the listening world, Guantanamo Bay's climate is different than Afghanistan. To be in an eight-by-eight cell in beautiful sunny Guantanamo Bay, Cuba is not a – inhumane treatment. And it has a roof. They have all the things that I've described. And how each person is handled depends on where they go. And Mr Walker has been turned over to the Department of Justice. He will go where they want him. He will not go to Guantanamo Bay, Cuba. Yes.

Newspaper man 5

Mr Secretary, you've said that you reserve the right to hold the detainees until the end of the war. You've also said that there won't be a signing ceremony on the Missouri in this war.

Rumsfeld:

Right

Newspaper man 5

So when exactly is the end of the war? And are we talking about the war on terrorism or the conflict in Afghanistan

Rumsfeld

Well, at the moment, we all know the conflict in Afghanistan is going on, so we're not past our deadline or our due date. I don't know how to describe it, and I suppose that will be something that the president would make a judgement on, as to when it was over.

Rumsfeld Exits

Moazzam

.....When I wrote about all those insects etc – that was in the Summer; now it's well into Winter. The camel spider is the only 10 legged spider in the world, and, I believe, is not an arachnid: (technically not a spider). But it grows to bigger than the human hand-size, moves like a race car and has a bite that causes flesh to decay – if untreated. In the Summer there were plenty here, running into the cells and climbing over people; one person was bitten and had to be treated.

Apart from that, there is the usual melee of scorpions, beetles, mice and other creepy-crawlies.
Thank God it's Winter !

Mr Begg

I received a telephone call from the Foreign Office.. and the person in charge of the case she told me that [Moazzam] has been transferred to Guantanamo Bay from Bagram air base. .. It was a surprise yes. I was not expecting him to go there. I was expecting that he was going to be released. He's an innocent person and he didn't do anything wrong as far as we know.. [Moazzam's] oldest daughter here, she understands. She understands that her father has been taken away by Americans and they.. she gets at times nightmares. She says at times, "my father is being beaten up, his head is bleeding."

Jamal al-Harith

I used to sometimes think "Gosh, I'm from Manchester, what am I doing here ?"

When I first arrived [in Cuba], they put me in a block where there was some English [people but] I was only there for an hour , because when I came in, obviously the plane journey with a mask, and everything, and goggles, I nearly fell out there unconscious from the plane. [Then they] moved me to the hospital. The guy took blood pressure and x-ray and then he just gave some tablets. Didn't say anything apart from "How do you feel now?" said "OK", "No, how do you feel?" and I said "like my muscles are just relaxed". He had given me a muscle relaxant. And he said "Oh your blood pressure was one of the highest I've seen here". But the reason why was cos the chains on my foot.

You had four or five different types of chains there. If they came with chains that made you sort of hunch up and have to walk like that then you knew they were going to be hard on you when you get to the interrogation. Or if the chains were where you can actually stand up, easier and walk, then they want something from you, so there're going to be nice, and they might offer you tea or something like that, or a drink of water.

Gareth Peirce

I think slowly the world has become aware that Guantanamo Bay is a convenience, it's a resource pool for American intelligence and even more disturbingly perhaps, the intelligence services of the rest of the world, who are deemed to be allies, or even those who are perhaps not deemed to be allies. There is a huge range of nationalities captured there.

Jamal Al-Harith

I found a lot of the guards were stupid. Just young coming in like they were in training, and I would say to them, especially when they said to me "Oh, we've put your name and your picture through like Interpol, all the Intelligence Agencies of the world or whatever, first World countries, and nothing came back on you, you haven't even got a parking ticket." I said "That's because I haven't done anything". And I said "You know I'll walk out from here when I leave free, because I haven't done anything at all, but your problem is that you've got me here and you can't release me without having something on me.

They have these names they use. In [Delta] it was 'reservation'. "You're going for reservation". It means interrogation, but they didn't like to use the word 'interrogation'. "You're not really

being interrogated, we're investigators". In Delta it was – no sorry in X-Ray it was 'exhibition'. "You're going for exhibition" it meant interrogation.

They use words but there's evil behind it man. There's malice.

I got put in isolation for [the first time], because I refused to wear my wrist band. I said "In concentration camps they were given tattoos, and now they've given us these, it's just the same really" I said: "As a matter of principle", I'd keep saying "As a matter of principle" – I'd keep saying it, and that would easily get me into trouble. So as a matter of principle every time they gave me a wrist band, I'd rip it off. The cages [had] little bits sticking out, I'd just put the band on it until its cut then I'd rip it off and [then] I used to throw it out. And this went on for a couple of weeks, and after a certain time they just said, "We've had enough, mate", so they put me in isolation for four days.

There was nothing in the isolation cell except bare metal – built like a freezer, AC system blowing through cold air for 24 hours, so it turns it into a freezer box, a freezer, a fridge. I had to go under the metal sheet because the cold air was blowing in. I tried to go to sleep but you can't because you're just shaking too much. I said, oh I can't do this to myself. I said I can't do this. Some people admitted to stuff in Kandahar, because of the beatings and they used electricity on some of the people there as well, but in Cuba they changed their minds, they said "Oh no, what we said wasn't right. It isn't true". I know some people signed papers, but I don't know what they signed. I know under pressure that people have admitted to stuff, but I said "No way, am I doing that". I mean without being arrogant, but internally I am mentally stronger than a lot of people.

Clive Stafford Smith

We have learnt shocking things. For example in the first few months at Guantanamo they had 32 suicide attempts and then suddenly the suicide attempts [stopped]. There was genuine effort on behalf of the powers that be down there to act as if, ah, everyone's calmed down now, they're taking their Prozac, there's no problem. But then we discover that far from suicide efforts stopping, they'd just been re-classified by the military into manipulative self-injurious behaviour. There were more than 40 of those in a six month period, since the re-classification of suicide attempts.

Mr. Begg

It's very personal but I'll tell you [this]. I talk to [my son]. Because I love him. When you are in deep love with somebody you tend to talk to him – in your dreams, in your life, when you are alone.

At times I see that he is sitting here and I'm shouting and he puts his head down and quietly listening to me. He's a grown up man, he's a married man, he's got children, he's a responsible person and I was shouting at him – telling him off – [and he just sits there]

Wahab al-Rawi

The times that are awkward are when you're on your own at night when I don't sleep and then you ask yourself what can I do, is there anything I can do, and you end up on a nightmare, and I keep getting these stupid nightmares. Just ugly ones – I'm walking in a tunnel, and I turn to my left and just near the staircase my brother is there and he's getting beaten up by four guys, and he just turns to me, and he doesn't say anything, he just turns to me and gives me this look, as if

'why aren't you doing anything about it?' and I wake up sweating and angry and I just want to punch something. You tell me what can I do about it?

Jamal al-Harith

I had a dream a year in that I was going to stay there for two years. And that's one of the big things in there – dreams. People had dreams and they would tell it to everyone, and raise everyone's spirits. So dreams was a big thing, and you had interpreters of dreams as well there. In Kandahar, I [dreamed] myself back home, watching the news, with some guys about Cuba. So I said "That's the sign for me that I'm going back home". And I would take it as a sign that's my personal sign to me that I'm going back home. But some people would say "No, you can't take it, it's just a dream" and I'd say "No, no." You have to hang on to something, because that was my hope. I freely admit that when I did see that dream, I said to myself "I know I'm going back home". And I just had to keep on believing. No-one swayed me on that.

Ruhel Ahmed

Assalamwalaykum How you three doing. Hope you all are behaving at home and school, Shanaz, how is ur college study going on and junel what are u doing school or not. U have'nt wrote to me so write and tell me now what u doing ok. Juber how are u doing and is ur study at school, behave at home and outside the area that's both of you listen to Mum and Dad do as they tell u to do, I miss u guys alot u have heard the US army has made a new prison. We got transfered here on 27/04/2002 and its better in some ways. We have a toilet and a bed. We hardly see the sun or moon anymore cause we are in side buildings in the old prison it used to be open air u could see different animal and stuff like that.

All of u pray all time not for me, for urselvs cause on day of judgement u all have to answer for ur own actions and deed. No one will want to know anyone on that day. Are you excesizing Shian, Junel and Juber. Keeping healthy if not start, stay in shape. Me myself excercis all day long about 4 hours a day. Got a nice pack of six pack now & looking good as always. Mom and Dad How are U. I hope u all forgive for the pain I brought too u both in these last few years. I know I haven't been a good son. Hope u can forgive me. Luv u all and miss.u . inhsallah. See U soon. Assalamwaalaykum. Luv Ruhel.

Clive Stafford Smith

[I've done death penalty work] for the last 20 years. It's all about hatred. About how you get a huge group of people to hate a small group of people and in that way you get them to quit blaming their problems on the Government. You hate black people because that avoids you blaming the Government for your own problems and [you] hate people on death row and blame them all for the problems in the world.

[But] OK, [so] we hate people on death row. If they hate us back, it doesn't have any impact, because they have no power. Yet when we translate this onto [Guantanamo, and] the international stage, and we hate Muslims, and let's be honest that's what's going on here, despite the pathetic attempts to pretend that's not true. There are one billion Muslims around the world, and when we [hate them] we create a world which is a very very dangerous and unpleasant place. Translated onto the international scene, it's terrifying.

Wahab al-Rawi

What is the difference between Saddam Hussein and Bush and Blair? Saddam Hussein did exactly the same thing to my country and that is why we came there and we came here and we end up with the same misery – ten times over – because this is supposed to be a land of freedom and laws.

I even thought about putting [on] a suicide belt, but that doesn't help [Bisher]. That doesn't help anybody.

Tom Clark

When you mentioned you were doing this Guantanamo thing, I sort of thought, well, what do I think, what is my attitude because it changes and it swings over time. But, you know, [my sister] would have been incensed.

..... But then, she, you know, was incinerated publicly, live on television, you know for, I don't know, an hour and forty minutes...

Let's say for the sake of argument among those detained at Guantanamo Bay are some of the people who led to her death – who murdered her essentially – that's a little difficult for me to, you know, it's difficult for me to say it was a bad thing that they were there.

Suicide bombing is a completely bizarre thing. It is...if there was such a thing as evil, I've lost the belief there is...but if there was, I mean, that would be the most evil thing. So yeh, lock 'em up, throw away the key.

Jamal Al-Harith

[I stopped talking to the guards] , because I couldn't justify myself laughing and joking with them, [after] they're beating upon this guy, I turned away from them. I wouldn't communicate with them. Sometimes I wouldn't even ask for salt. And the guys through the holes in the cells, used to pass me salt and so on, because they knew that I had a principle that I was not going to back down on.

[There's one detainee] an Arab. They hate him, the guards the Americans hate him. Because he organised. Say right If someone was in trouble, say not giving medicine to someone, cos they used to do that, if you were ill they wouldn't give you medicine until you drop out or there's blood, because then it's not counted as serious. So if you're in pain, it doesn't matter, be in pain. He would, if it was in his block, then say he would organise this: "Right, no-one's taking food, or: "We're not going off to showers, no-one's going to go in interrogation", and everyone would just stand firm and say right "We're not going until this guy gets seen to by a doctor", and we had to do that quite a few times as well.

That same guy [who] organised people said right every block's got to have like an Emir (that's a leader in Arabic) that people you know have a question whatever you ask. And then if something happens everyone gets together, because only when you get together can you stay strong and sane. So they try to implement it but anyone who was elected Emir would get put in isolation. So they were trying, and then the thing is [that guy], he read the Geneva Convention in Arabic, and it said that you are allowed to do this, I think it was Red Cross someone said you are allowed a Leader. But the Americans said "There's no law here, it does not apply. So we tried to use codes, and one of the codes was like, have you got a cook in your block, yeah, yeah, no we haven't got a cook in our block, well you need to get one man, you need to get one

Ruhel Ahmed

...It's getting hot again here as summer is around the corner. Bros getting married which I cant belive and Im stuck in Fucking Cuba mind my French cause it bad....Everytime I write a letter I can't think what to write. Suppose don't do anything here except the same thing day in day out. I myself don't know how long its going to be until come home but Inshallah soon.

Tom Clark

Part of me is like, yeah, throw away the key, let 'em rot. Who gives a shit really?

Part of me wants to say it's completely fine. But what I can't understand, and cannot live with, and I think is really really wrong is why have they been detained for so long. I mean what the hell have they been doing up there? You know they, the American Government put ridiculous amounts of resources into this, they've got so much money to spend on the war against terror I mean surely, they could have them processed quicker? Surely, they could figure out which ones are dangerous, which ones aren't and at least if they decided they needed detaining in some way, to do it in the eyes of you know either their own people or an international court or something, at least illustrate what they're doing to these people. Because, although their initial reaction I think I'm I'm comfortable with, given the sort of, the extremes, I'm furious at the length of detention of these people, furious because those who are innocent have been, have lost three years of their life, much much like you know I lost ... I've been living in a sort of private hell since my sister was murdered and although at least I've been able to sort of recover and and get over it and and deal with, and still sort of have my life, they've had theirs taken away. And that's ... and they'll never get it back and I'd I'd I'd buy them a drink if I met them, you know, if if in truth they had done nothing wrong, I can't imagine a worse thing for any person, they deserve I don't know all of our sympathies and all of our efforts to sort of make sure they do actually get the justice that they deserve.

Call to Prayer

Act Three

Major Mori

[I am a Defence Counsel at the Military Commissions. My client, an Australian, will be the defendant in one of the first of four cases against Guantanamo detainees for violating the law of war.] I was working as a Head Prosecutor for the Marines [when I got this job]. It was half a challenge, half just wanting to find out if it really was going to be like they were planning. The US Court Martial system is an efficient and fair criminal justice system [that already has] jurisdiction to try Law of War violations and its rules and procedures specifically gear to battlefield type cases. (But) all of a sudden you see this step back in time to before the Geneva convention came into play. [These military commissions are] doing away with all the safe guards and checks and balances in the justice system that are there to ensure that innocent people aren't convicted.

I don't understand it. It seems very contrary to fundamental fairnesses. In my introduction to the Military, and through my legal training, these are very basic protections that are needed in the

justice system. You need to have an independent Judge, you need a independent review process, The system cannot be controlled by people with a vested interest only in convictions. The problem with this system [is] it's not a justice system, it's a political system.

Mr Straw's aid

The Foreign Secretary Mr Straw will not be taking questions after this statement

Jack Straw

Good afternoon. I am going to make a statement concerning the nine British citizens detained at Guantanamo Bay.

In July 2003, two of the British detainees were designated by the United States authorities as eligible to stand trial by the United States Military Commissions.

The British Government has made it clear that it had some concerns about the Military Commission process. Consequently, the Prime Minister asked the British Attorney-General to discuss with the US authorities how the detainees, if prosecuted, could be assured of fair trials which met international standards. Our discussions are continuing.

In the meantime, we have agreed with the US authorities that five of the British detainees will return to the UK. They are:

Ruhel Ahmed

Tarek Dergoul

Jamal Al Harith

Asif Iqbal

Shafiq Rasul ... Thank you

Greg Powell

So finally Jack Straw tells us that [my client] Ruhel Ahmed is going to be released but there is no date given . So what you have is journalists ringing me up saying it's going to be whenever . Tuesday and it's going to be at Northolt Airport, and they should arrive at 8 o'clock on a plane. Well it's news to me you know, because no-one tells the lawyers. It's all been leaked out to [the] Press boys, who then ring the lawyers and tell you, and then you ring the family and tell them, then you ring the Liaison Police Officer and tell him and he says "Well, I don't know about that", then he has to then ring somebody else and find out about it. At the airport Jamal al-Harith, who has been jailed by the Taliban and then handed over to the Americans is released.

Jamal

If I am the worst of the worst, and obviously the scum of the earth, and people should fear me, of course. why then have I been released? After two years in there, I mean they still didn't give me a reason for being in there.

Greg Powell

The other four, which include the Tipton three, are taken off to Paddington Green to be interviewed by the anti-terrorist squad. When we arrive at the freezing cold Paddington Green Police Station foyer, [there are] thousands of policemen outside, and they've got Press and they've got barriers up and created a one-way system round the police station, high security and all that.

It was maybe half ten by the time we had finished the booking in procedure. And all the Police are going to do, they tell us, is take fingerprints and DNA and that's going to be it for the night. [But first] we have this farce over finger printing. We go into a little finger print room [with] quite a large Officer, who is fat and tired, and obviously hasn't taken fingerprints for a long, long time. There is no live scan computers: they are going to do it on a Victorian ink block. So he gets out the ink block and inks it all up but the block doesn't quite fit on the little spindle. It's not quite stable and it rocks. And he's got lots of bits of paper, and he's going to put finger prints on them. He is putting the right hand ones on [when he sees] he's [using] the left hand piece of paper. He start(s) again with the left hand piece of paper and he [sees] that he has done the right hand and it isn't quite right.

The [trick is to] take the finger and roll it in a certain way,

Greg Powell now using his index figure to demonstrate

make a certain movement with it, [but] because he had not done it for a long time, he's not very good. He [can't get] clear images. So he gets another Officer to help, then [one more] Officer turns up to help him [with] a Finger Print Case [and a] different roller. [And all] this takes over two hours to do. The officer is getting hot, he's beginning to sweat and knowing he's having to do it again, and he feels really uncomfortable because it is all humiliation for him: there's this high-tech, top of the tree, top class, anti-terrorist squad officer taking over two hours to fingerprint somebody. You can't imagine how many bits of paper there are in this room [My client] is trying his best to help, and the Officer is getting ink on his shirt, and I say to them at one point : "I'm sure I've seen something like this on [children's TV]."

It was biggest farce really, at the end of it can you imagine two and a half years in Guantanamo Bay, you arrive back in the country, you go to Paddington Green High Security Police Station and you end up you know at 1am with this pile of finger print paper and this Officer up to his knees in Victorian ink The next day all four which include my client Ruhel are released, so the three boys from Tipton can finally go home.

Gareth Peirce

One of them, the tallest of them, has problems with his joints, real problems, because the space in which they had to exercise. And one of the young men had problems with his eyes, a particular dislocation of his eyes, which require contact lenses, they require them to stop something horrible happens to the eyes he hasn't had them for two years. Ultimately the eye breaks if it isn't held in.

Greg Powell

Ruhel and I get into a plain police van, we drive out, put our heads down so no-one can see that we have left, and we go from Paddington Green Police Station to Harrow Road Police Station, and we sit in the car park there, and West Midlands Police arrive in their car, and they take Ruhel to a hotel in Oxfordshire and they arrange for his (dad and his brother) to meet him.

Mr Ahmed

[When I first go to meet my boy, Ruhel I thinking him like] a small little boy., no hair, no beard . Now he have very long beard up to there.....

gestures down almost to his waist.

I'd like to cry but can't. He look like people you know who walk around the streets. You know dumb people, I think, I do not cry
But my heart filling, I see my boy after about two years, I want to hold him, I want to cry myself, but I can't do it . [if somebody] hitting you, you can cry, somebody beating you, you cry – but without reason you can't cry, but when I see him in this condition I, I, surprised....I did what to visit. I did like to see him. But how much think he's not like this?
He said give me telephone. I say to him, I give you mobile to you and he doing this.

Mr Ahmed holds up a make believe mobile to show how his son held his face really close to the phone – illustrating how bad Ruhel's eyes are

I say what are you doing? He say I can't see
I don't know how my cry coming out. I don't want it coming out... This make me so upset so he is my son, he is a young boy and I am old man. I can see....he could not see anything. So I am crying myself. And he said Dad don't cry, it will be alright. .
The next night ...we go with his mother – we crying everybody... He don't cry He say, dad, don't worry I'm OK, He's got less feeling, less feeling than before.

Gareth Peirce

The [boys] are three young British lads who are like all our children – they're people who are very familiar, very easy to feel immediately comfortable with. And yet the story they tell is one of terrible stark medieval horror. It's like going back in time to something unimaginable from beginning to end of what they say, of being bodies in a container suffocating to death, waking up to find everyone around you dead, to being tortured in a prison in Afghanistan, being interrogated with a gun to your head, being transported like animals to a country you don't know where you are, and being treated like animals from start to finish for two years. I think perhaps we're very calloused. We read, we watch, we hear about atrocities – we know what man's inhumanity to man consists of, we know all that, but we don't sufficiently register it. We don't have the capacity to take it in and react in the way we should as human beings. But when you have [in front of you] in a kitchen men you're getting to know and they're talking about it, not because you're interrogating them, but it's tumbling out and they're reminding each other, they're telling things that they haven't told anyone. Maybe it's a testimony of every survivor from a concentration camp or a massacre or a ...How do you tell it? How do ordinary words tell it? But yet they do if you are realising the people who are telling it to you are the people who've survived it. It's a complete ordinariness of where they are now, suddenly, from something so extraordinary. It's as if they've come from another planet.

[There's] two contradictions. [There's] Guantanamo where there is continuous interrogation for the purposes of making people talk. [And there's] the converse [in Britain] under internment [in Belmarsh] where 16 foreign nationals have been certificated by the Home Secretary since December 2001 as requiring to be detained indefinitely without trial [and] none the[se] people have been asked a single question, they're simply locked up.

Greg Powell

The lesson I take from Guantanamo Bay is that it is about social control and it extends beyond Guantanamo into ordinary crime.[There are] many features inside the British criminal justice system which allows government to exercise very powerful social control from different areas of criminal law. Take football hooligans – football hooliganism established the right to take away your passport, the right to make you report to the Police Station on certain days, and the right to ban you from travelling abroad and attending some certain social functions; anti-social Behaviour Orders aimed at children on estates establish a whole series of things; anti-social behaviour can be for life, it can be that you are not allowed to speak to a named list of people or associate with them, you are not allowed to meet in public with more than two or three people at a time, and you must stay out of a quarantined area, a geographical area. Releasing prisoners on licence introduces home detention curfews and tagging, so you must stay at a certain place between certain hours. And finally prisoners staying in Guantanamo Bay and Belmarsh without trial.

It does not take a genius to add these together [and] you slightly reinvent the world. . All those features that I just described can be made applicable to you, so effectively you have this fantastic level of social control by some individuals inside the community. And having done it to terrorists ... you can just extend it to the whole population of people who upset you because they commit crimes. So you can enter a whole new era of social control.

You can't start to think like this unless something like Guantanamo exists. In a way is an experiment but it leads you on into a much more controlling social control criminal justice system.

Major Mori

We are two and a half years into these peoples' detentions [and finally] the Supreme Court has said they have to have the ability to challenge their status. All that has done [is] force the powers-that-be to go back to do what they should have done two and a half years ago. The issue for some-one captured during an armed conflict is really what is their status under the Geneva convention – either prisoner of war or a civilian. The combatant status review tribunals [that were started as a result of the recent Supreme Court judgement] aren't going to make that decision. They're only going to determine whether they committed a hostile act or were supporting hostile forces. It's side stepping the whole main issue that should have been done upon their capture or quickly, thereafter [which] was what is their status, are they prisoners of war or civilians?

The next issue that gets into the federal court again could take two and a half years to work its way through ... and obviously, my client he's locked up. And will be locked up as long as that process takes.

Mr. Begg

I have quite a lot of letters [from Moazzam]. A lot have been lost. In the beginning I didn't bother about them because I think well he's coming out in a month or two or three or maybe four – so I didn't keep track. But I've got ten or eleven letters.

[At first] he didn't mention anything about er his life there, he talked his normal. [Then] one day I wrote,[my heart is better now] I am absolutely alright, I go to the park, I walk , I do so many things which I could not do before and... er there is nothing wrong with me. After this we received a letter that [is always] on my mind. Because he wrote in reply to my letter, Dad I'm

pleased to know that you're well... and you can do so many things, but my situation is different. I've been treated like an animal. Most of the time I'm in chains and they throw me into cells or what do you call it... - cages –

Moazzam

Dear Dad,
As Salaam Aleikum

I received your message and am glad to hear all is well with you and the family. It is nearing a complete year since I have been in custody and I believe ... that there has been a gross violation of my human rights, particularly to that right of freedom and innocence until proven guilty. After all this time I still don't know what crime I am supposed to have committed for which not only I, but my wife and children should continually suffer for as a result. I am in a state of desperation and am beginning to lose the fight against depression and hopelessness. Whilst I do not at all complain about my personal treatments, conditions are such that I have not seen the sun, sky, moon etc for nearly a year!

CENSORED

since it is the same three times a day, everyday – for all the time that I've been here! My situation here is unique in so many ways – for “good” and “bad” but mostly bad. I believe it is wrong for me to be kept like this and I have more than served enough time for whatever has been perceived about me, yet I still see no end in sight.

CENSORED

and passed to

CENSORED

I hate so much to place this burden upon you, and do as a last resort to alleviate this injustice. Please remember me in your prayers. You son, Moazzam.

Mr Begg (wiping tears away)

[I have another letter]

Moazzam

Ass-alamu alaikum

Mr Begg

...that means ‘ peace be upon you’

Moazzam

Eid mubarak

Mr Begg

that means congratulations for the festival... and Ramadan blessings

Moazzam

'dear dad, I hope and pray all is well with you and the family. I am in receipt of your Red Cross messages and I'm glad to hear that all is sound. I have written countless Red Cross messages and letters by US mail to you Azam, Zaynab, mum and even Shobu. I expect that after this "bombardment" ...'

Mr Begg

Letters he means...

Moazzam

of news, I have "inflicted" upon the authorities here, that some may find their way to you. My experience thus far however, has left me to believe that much of my mail to and from home has been deliberately constrained.

Including even, pictures of the family. I have yet to receive any of them father. I have not received any communication that was brought over by the visiting British delegation despite the fact that they informed me that they were handed over'

CENSORED

salaam to all the family, Moazzam'
'please forward my greetings to T and others'

Mr Begg

This is the last letter I received.
He wrote it in 2003.
I received [it in march 2004]

Gareth Peirce

We know that Moazzam Begg is in solitary confinement, we know he's been in solitary confinement since he was designated as an enemy combatant last summer. We have very good reason to think he's been driven into mental illness from oblique and unattributable comments that have been made to us – not by [the British] Government, not by the American Government, but we believe that he is in a very bad way now and that's what this letter is saying. We believe he's in a very bad way.

Clive Stafford Smith

He has confessed, apparently, Moazzam Begg, to being an Al-Qaeda agent who was going to take part in a plot to send an unmanned drone aircraft from somewhere in Suffolk to drop Anthrax on the House of Commons. That's the confession right. Now what do you think? You as the jury. Do you feel that that's a credible allegation?

[I say] if you believe that, you believe in the tooth fairy.... Number one, the only people who have drone aircraft in the world are the Americans, they cost \$50 million each, they don't ever

hit the target anyway and if you want to drop Anthrax on someone, you just stick it in the damn air-conditioning system and the whole thing is ludicrous.... Now you think about what happened to the Tipton lads and you see the incredible good fortune that they had, because they confessed to being at the Al-Farouq training camp – every single person I’ve come across so far has confessed to being in the Al-Farouq training camp, they must have had millions of people in it at one time – and they confessed to being there in 2000. The Americans got very excited they put them in a solitary cell and were getting all fixed to prosecute them for being vicious Al-Qaeda terrorists. Well fortunately, and purely by good fortune, MI5 checked the story for the US. [and they] proved that they really weren’t in the Al-Farouq training camp, they were working in Currys [electrical store] in Birmingham at the time. So the reason those kids didn’t get charged with that and they got let out of the whole solitary confinement, was that purely by fortune an alibi was proven

Mr Begg

If my son has done anything wrong he should be brought back to this country. Let him see his wife, his children and us. Let him be normal. If he is [medically and physically] alright take him to court and let the court decide whether he is guilty or not. If he is guilty he should be punished. If he is not guilty he shouldn’t be there for a second. This is a human rights issue, I’m not asking for mercy from any one, I’m asking justice.

Gareth Peirce

I would like to be wrong, but with the people we represent [in Belmarsh] we don’t want to mislead them. [They] want to know, can I win my appeal? [They] want to know, is there any point me participating in the process? They want to know, our case is going to the House of Lords, is there any hope? Will I see my wife and children again in the foreseeable future, or is this is it? And one has to be truthful at the same time as wanting to give hope, it isn’t right to give false hope and it’s that growing feeling, knowledge, not just feeling, knowledge that you’re not meant to get out of this and that you might be there forever and the indefinite prospect in front of you and the feeling that if you were not a good Muslim who found the concept of killing yourself abhorrent, that you might be going on the view that your wife and children, for instance, might be better off without you...

Mr Begg

Justice in process. Justice. Human rights justice.

Major Mori

One of my fears is that they’re not going to bring someone just to testify against my client they are going to bring some document written by some investigator of what Mr Smith told him, and they are going to use this document, and I’m never going to have the opportunity to cross [examine] Mr Smith all the fundamental protections of a fair trial have been removed. I worry about [not being able to do my duty to my client properly]. There is no independent judge in this process, and in our criminal justice system both in the Military and the Civilian in America has recognised that you need an independent judge to serve certain functions to ensure that there’s a fair system, that both sides get an equal shot at putting on their case, and equal

access to evidence, that there is an independent person not part of the prosecution to rule on motions.

I think September 11th was an event that you can understand that the government felt there were new steps and new challenges in protecting America. Yet with those new changes in our conduct we have to be..... ensure that we don't sacrifice our traditional values of fairness and due process that we've championed as Americans throughout the world.

And that's all I've been asking for [my client] : fairness and due process. [And that's not going to happen.]: Not within the commission process.

Lord Justice Steyn

At Guantanamo Bay arrangements for the trials are proceeding with great efficiency. A court room with an execution chamber nearby has apparently been constructed. But the British prisoners will not be liable to be executed. The Attorney-General has negotiated a separate agreement with the Pentagon on the treatment of British prisoners. He has apparently received a promise that the British prisoners of war will not face the death penalty. This gives a new dimension to the concept of "most favoured nation" treatment in international law. How could it be morally defensible to discriminate in this way between individual prisoners? It lifts the curtain a little on the arbitrariness of what is happening at Guantanamo Bay and in the corridors of power on both sides of the Atlantic[.....]

The question is whether the quality of justice envisaged for the prisoners at Guantanamo Bay complies with minimum international standards for the conduct of fair trials. The answer can be given quite shortly: It is a resounding No[...]

Trials of the type contemplated by the United States government would be a stain on United States justice. The only thing that could be worse is simply to leave the prisoners in their black hole indefinitely...

The type of justice meted out at Guantanamo Bay is likely to make martyrs of the prisoners in the moderate Muslim world with whom the West must work to ensure world peace and stability[...]

It may be appropriate to pose a question: ought our government to make plain publicly and unambiguously our condemnation of the utter lawlessness at Guantanamo Bay?

John Donne, who preached in the Chapel of Lincoln's Inn, gave the context of the question more than four centuries ago:

"No man is an Island, entire of it self; every man is a piece of the Continent, a part of the main; . . . any man's death diminishes me, because I am involved in Mankind; And therefore never send to know for whom the bell tolls; it tolls for thee."

Call to prayer: Isha : sung from the stage

Voice over:

UK citizens Feroz Abassi, Moazzam Begg, Richard Belmar and Martin Mubanga, and UK residents Bisher al-Rawi and Jamil Al-Banna are among **around** 520¹ prisoners **still** held in Guantanamo. Most are from countries with even less power than Britain to influence events. They're being held indefinitely .

¹ Adjust number to make accurate for time of first preview