

APDUSA VIEWS

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**STOP THE U.S.
TORTURERS!**

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STOP THE U.S. FROM TORTURING AL QAIDA AND TALIBAN DETAINEES!!

Tonight (12/1/02) we learnt on television that certain Taliban and Al Qaida members have been transferred to Guantanamo which is part of Cuba but militarily occupied by the US. Rumsfeld, the Secretary for Defence explained that these captives are being held as **unlawful combatants**. This means that these captives are NOT being held as Prisoners of War, which in turn means that these captives will not be offered the protection and safeguards of the GENEVA CONVENTIONS.

THE GENEVA CONVENTIONS

These consist of 4 international agreements for the protection of war victims signed on the 12th August 1949. Although these agreements or Conventions were agreed to and adopted as a group of four conventions, the origins of three of these conventions pre-date 1949. For example, Convention III which deals with PRISONERS OF WAR, was first agreed to in Geneva in 1929. World War I created certain problems of treatment and repatriation of Prisoners of War.

Under the Geneva Convention concerning the treatment of prisoners of war (POW), the capturing nation was not allowed to:

- a. Physically mutilate a POW;
- b. Make a POW subject to medical or scientific experimentation;
- c. Subject a POW to violence, intimidation or insult;
- d. Subject the POW to be an object of public curiosity;
- e. To extract any information from a POW apart from his/her name, date of birth ,service number and rank
- f. Deny the POW food, clothing, medical treatment, religious and intellectual activities.

CONDITIONS OF CAPTIVITY AND DETENTION

If the captives are not to be regarded as POWs, then they will not have the right to be treated in accordance with the requirements of the Geneva Conventions. Obviously, they are not going to be held in terms of American Law with all its safeguards and protections of detainees or prisoners. So, the question is: Under what law are these captives going to be held? The answer is : **Under no law!!** They will be at the mercy of their captors. Rumsfeld went on to explain *that as far as possible*, the captives will be treated in accordance with the Geneva Conventions. What does it mean? What does "as far as possible" mean? It means that when the Geneva Conventions becomes obstructive, (for e.g. where the captive does not make admissions or a confession or refuses to give information), then they are to be disregarded. That in turn opens the way to torture, mental and physical abuse of the captive and all the tried and tested methods of illegally obtaining information so beloved of the Gestapo, the MKVD aka GPU, the French and white Algerian police, the notorious South African Special Branch. To a lesser or greater extent , the police forces all over the world engage in cruel, degrading and inhumane practices. Of the so-called western democracies, the US leads in the inhuman police practices.

TORTURE AND DEATH.

Declaring the captives as "**unlawful combatants**" is simply a licence to mistreat, torture through physical, psychological or so-called truth drugs and to murder. Make no mistake about it, imperialism is not squeamish about murder or death. Mass murder and widespread

destruction is the modus operandi of imperialism. So what is the big deal if a few "terrorists" get killed?

Already, the ground is being prepared for such murders. The reader will recall the repeated reference to the "**suicidal tendencies**" of the Al Qaida members. From our own history, we will recall how deaths in detention in South Africa were explained as "slipping on soap" or "stumbling down a flight of stairs". But by far the favourite explanation of the Security Police was SUICIDE!!

We have already been told that these captives were placed in cages.¹ All or many had hoods placed over their heads. At least one was drugged.

There is no doubt that the American imperialists are determined to use all means, including torture and murder, in their dealings with the Taliban and Al Qaida captives. These captives have to be broken in spirit and if necessary in body, regardless of the cost.

The very fact that the base of their operation is the Guantanamo Naval base and not the US proper is an ominous pointer that evil and murderous intentions are at work. Otherwise why were these captives not brought to the US with its vast tracts of land and countless square metres of solid buildings to house the captives? The reason is clear. The torturers require **privacy**; they need to do their foul work without interruption; they want to be beyond the jurisdiction of Courts of the land and they need to be out of reach of human rights activists and demonstrators.

REACTION TO CONDITIONS OF CAPTIVITY AND DETENTION.

No sooner the captives reached the naval base of Guantanamo than there was objection and concern as to the status and conditions of detention of the Al Qaida and Taliban detainees.

For a start the Geneva based International Committee of the Red Cross (ICRC)² has swung into action. It has requested immediate visitation rights to the captives. The members of that Committee will no doubt insist on the proper treatment of the captives.

Then, Mary Robinson, of the Human Rights Commission of the United Nations Organization has called upon the US government to accord the detainees the protection of the Geneva Conventions and to give the lead in the humane treatment of captives.

Britain, the most enthusiastic partner in crime of US imperialism, is in an awkward position. Among the captives are three British citizens. Britain is, therefore, pressured to take an active interest in the welfare of the captives. In a reaction to the publishing of photographs showing the captives in Guantanamo Naval Base handcuffed and kneeling, Britain has officially requested an explanation from the US.

Most encouraging of all is the reaction of Justice Richard Goldstone, a leading judge of the South African Constitutional Court. According to Justice Goldstone, there can be only TWO

¹ Fascists or those fascists who have a thin veneer of democracy (like the rulers of the US) take great delight in taking away the human qualities of their captives or those subjugated by them. In 1965, Suharto, the butcher of Indonesia, put to slaughter over 500 000 alleged communists. Those who were not killed on the spot, were placed in tiger cages. These cages could accommodate a fully grown tiger, but for a human being to occupy it, that person had to remain either in a supine or a crouching position. There is no sitting or standing.

² Those of us who were political prisoners will recall with fondness the work of the ICRC in acting as a deterrent against the mistreatment of prisoners and in winning for very welcome improvements in our living conditions. The annual visit of the ICRC was an event eagerly looked forward to by prisoners. Naturally, the authorities dreaded such visits.

categories of prisoners³. The one is that of Prisoner of War whose treatment is governed by the Geneva Conventions. The other category can only be that of ordinary criminal whose rights are governed by the ordinary law of the land which contains a bundle of rights which protects a prisoner. There is no such thing as a third category of so-called **unlawful combatants**.

It was reported on the local radio today (21/1/02) that an application has been launched in the U.S. Federal Court challenging the detention of the Al Qaida and Taliban captives. It was also reported that Ramsay Clark, a former Attorney General of the US (a position which is a combination of that of the Minister of Justice and Director of Public Prosecutions) is actively involved in this application.

UNPRINCIPLED SILENCE.

There has not been a word of concern or protest from the South African Government about the outrage being committed against disarmed and helpless captives. The action of the US is clearly in conflict with the accepted international law and more significantly in direct conflict with the South African Constitution about which the government never tires of repeating that it is the most advanced in the world.

Likewise, Nelson Mandela has said nothing.

Both do not wish to embarrass or offend their newly acquired friend.

OUR POSITION.

1. Our first demand is the **immediate and unconditional** release of all persons who have been arrested and detained by the Americans in Afghanistan and elsewhere in connection with 11th September.
2. If there is credible evidence of any person's involvement in the event of 11th September, then let him/her be charged in an ordinary court of law of a neutral country which adheres to the Rule of Law and international conventions.
3. The laying of charges referred to above is conditional upon the US and UK being arraigned before an international tribunal like the International Criminal Court for their numerous crimes.
3. Pending arraignment and trial, the prisoners be accorded all the rights of awaiting trial prisoners.
4. We condemn in the strongest terms any attempt by the US to use fascistic and inhuman methods of treatment through the shameless stratagem of categorising the captives as **unlawful combatants**.

21st January 2002.

³ Actually, there is a third category. Prisoners of conscience or political prisoners. Throughout the stay of political prisoners in South African prisons in the latter half of the 20th century there was an unceasing demand that they be formally accepted as political prisoners and be treated as such. Under Tsarist Russia, political prisoners were treated quite differently from ordinary prisoners. They were allowed books and writing material. They wrote prolifically; associated with other political prisoners from other areas etc.. The British, likewise, had a policy of treating political prisoners differently. Gandhi, Nehru and others enjoyed that status.