

REPORT

**ONE THOUSAND DAYS AND NIGHTS
OF TORTURE**

The Systematic Torture and Abuse of

Moazzam Begg

a British Citizen

**by the
United States of America**

November 24, 2004

(Sexual Abuse / Mental Health Redacted)

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Memo re: Systematic Torture and Abuse of Moazzam Begg
Date: November 24, 2004

Introduction

This report is written upon the return of Mr. Begg's lawyer, Clive Stafford Smith, from Guantanamo Bay, without notes (which had to be sent to Washington via the slow procedures required by the Department of Defense). It is therefore necessarily incomplete. Quotations come from other aspects of the file, with italicized quotes being matters that have already been declassified. Statements attributed to Mr. Begg without citation are counsel's best recollection of what he related. Mr. Begg has an extremely good recollection of names and dates, but it is next to impossible for counsel remember these critically important details without notes.

Mr. Begg is willing to have this information divulged because he recognizes that it is important that the world understand the systematic abuse that he (and many others) underwent. However, because much of the information is humiliating (humiliation being, of course, a major purpose of torture), his instructions are that the release of the information shall be controlled by his attorneys alone, and nobody else has permission to release this information. Both the U.S. and the U.K. governments are specifically prohibited from releasing this information without prior approval by Mr. Begg's lawyers.

Material that has already been declassified is marked either U (unclassified) or FOUO (For Official Use Only).¹

Because, sadly, we deal with issues of torture that should have been consigned to history books about the Middle Ages, there are certain terms that may be unfamiliar to the reader. These are defined in the glossary at the end.

1. Death, Torture by threats of

Mr. Begg has frequently been threatened with the ultimate torture – death.

a. Threats of summary judicial execution

Particularly during the month of May, 2002, Mr. Begg was constantly threatened with

¹ It is not clear what is meant by "FOUO", since the process of representing someone in a political case such as this quintessentially involves the use of political means – which must involve both governments and the media. In an effort to clarify this term, counsel consulted with Jennifer Campbell of the Court Security Office, who has (reasonably enough) also indicated her confusion at the scope of the term. (11/23/2004)

execution. This was done most vociferously by FBI agents from New York (who identified themselves as █████ and █████ (pronounced █████)), the CIA agent, and the Major who was in command of the Bagram base at the time. While in Bagram, Mr. Begg was threatened with electrocution. Later, he was threatened with lethal injection or death in a gas chamber. He was told that he was already guilty, that he would be summarily tried and convicted and executed:

"(i) I would be held, indefinitely, probably for several years before even a defence counsel, or court hearing date was determined; (ii) I would face summary trial in U.S. Military Tribunals which could well result in a life sentence to be served in a maximum security "prison"; (iii) I could be facing the possibility of execution by lethal injection or gas; (iv) in either case I would never be allowed to see my loved ones again; (v) I would remain in solitary confinement until a decision was made." (027) (138) (FOUO)

He was told that the British government had effectively given their thumbs up to this, and would not help him in any way. (One hopes that this is a lie, since the UK government is firmly opposed to the death penalty, but it certainly seemed convincing to Mr. Begg.)

2. Witnessing the murder of other prisoners

Mr. Begg witnessed the murder of two other prisoners, both at Bagram. This has been a major factor in the psychological abuse of Mr. Begg, as he knows that Americans who have threatened his own life have actually taken the lives of at least two other prisoners, right in front of his face. This has clearly added exponentially to his apprehension and fear when being threatened himself.

His despair is compounded by the fact that he, although guilty of nothing, has been tortured and held for three years without process. In contrast, those American servicemen who committed murder have, in some instances, apparently not even been investigated at all, have not been arrested, and have certainly not been punished.

1. The First Murder: Two MP's beat a Young Afghan to death

One murder was also witnessed by British detainee Richard Belmar. This involved a young Afghani who managed to get out of the cage in which he was being held, by crawling through the toilet. He was rapidly apprehended on the other side of the wire, where two MP's grabbed him. They had him among some machines left over from the days when the hanger was used by the Soviets.

Mr. Begg can clearly describe both MP's and knows one to have gone by the name █████

(LNU), from [REDACTED]. The other MP was also from North Carolina.² Mr. Begg was particularly upset about [REDACTED], because [REDACTED] had shown him some decency at times, and had even brought a British soldier (a cook from Newcastle) who was stationed at Bagram in to talk to him one time.

Mr. Begg could hear while the young Afghani was being beaten to death among the rusting machines. Then the young man was dragged out and his body carried in front of Mr. Begg to the medical station, across from his cage. A while later the young man's body was brought out on a gurney, covered by a blanket.

After initially bragging about this, [REDACTED] showed some remorse to Mr. Begg later on, saying he should not have done it. The other MP, on the other hand, bragged about it and made comments about the same thing happening to the other prisoners.

A third officer later told Mr. Begg that the young man had been slated to go home a week later. Desperation had led him to try to get out himself; despair flooded Mr. Begg at the thought.

2. The Second Murder: A particularly Sadistic MP beats another Afghan to death

Mr. Begg also witnessed events leading to the death of another Afghani prisoner. To get into the cage where Mr. Begg was held, there was an "airlock" which was the small (slightly larger than 1m x 1m) area between the two gates that led into it. Part of the interrogation process when prisoners first came to the cages at Bagram was for them to be held in the "airlock" and left there, shackled in the *strappado* torture position for as long as the interrogators dictated for each prisoner. The prisoner's hands would be passed through between two horizontal bars well above his head, and the handcuffs would be placed on his wrists so he was essentially suspended there. The height of his shackling would depend on the prisoner's height and the guard's sadism - in other words, some might be able to stand with their arms outstretched, while others would be dangling with much of their weight on their arms and, painfully, on the handcuffs that would be cutting into the skin around their wrists.

This particular Afghani was placed in the airlock in the *strappado* position and left there. He initially protested that he was in pain, but the MP's ignored him. Then he gradually sank until he was limp. One MP³ came in and ordered him to stand up. He could not comply. The MP repeatedly forced him to stand up, but he collapsed each time the MP raised him. The MP then

²Mr. Begg is very clear on the details of this entire incident, with detailed descriptions of those involved, what was said by whom, and so on. Counsel, on the other hand, is currently not allowed to have his notes and may not be clearly recalling the details for this memorandum. The accurate details will be revealed when counsel is reunited with his notes.

³ Mr. Begg can give thorough details of the MP involved.

began to punch him mercilessly in the kidneys and about the body, going on for a long time. Mr. Begg remembers vividly the entire episode, since the horror is imprinted in his mind.

Eventually the MP undid the cuffs and took the man down, cuffed him again, and dragged him off to one of the interrogation rooms. Later, Mr. Begg and the other prisoners learned that the prisoner had died.

This is a homicide that has, apparently, been investigated, and Mr. Begg has been debriefed by law enforcement in Guantanamo Bay.

2. Physical Torture (Torture in the First Degree)

There are many ways in which Mr. Begg suffered from physical torture himself.

a. Beatings of Mr. Begg

Beatings would be carried out with various implements. Beatings with the fists were the most common, with other beatings interspersed.

i. Beating the Prisoner with Truncheons

Mr. Begg reports being beaten or threatened with heavy sticks that were of the same general weight as truncheons. This happened regularly.

ii. Stomping on the Prisoner's the Feet

As he was initially moved by the U.S. military to Afghanistan – a war zone that he had fled for his own safety and the safety of his family – Mr. Begg was taken off the plane and roughly handled. He was barefoot, in the freezing Afghan winter, because he was snatched from his own home without footwear, and the broken pair of sandals he had been given in the Islamabad prison had been taken away by the Americans.

At one point, as he was waiting on the cold ground to be processed, trying to keep his circulation going, he moved slightly, thereby provoking the ire of an American MP. The soldier came over to him and viciously stomped on Mr. Begg's feet in combat boots. The pain from this abuse was constant for a long time, and the deformation of Mr. Begg's big toe is partially attributable to this act of brutality.

iii. Beating Mr. Begg about the head

Mr. Begg reports being beaten about the head during his interrogation sessions in Afghanistan. He was also hit, and threatened with being hit, when being moved to Kandahar and Bagram.

iv. Beating Mr. Begg about the ears (*Telefono*)

Mr. Begg reports being boxed about the ears during his interrogation sessions in Afghanistan, during the month of terror in May 2002. Beating victims around the ears to cause pain and possible long term hearing problems is a classic, medieval form of torture called *telefono*. Mr. Begg now suffers from ear problems, and has been told that he needs surgery on his ears.⁴

b. Kicking Mr. Begg

Mr. Begg reports a series of vicious kicks from U.S. personnel. These would generally happen when he was shackled and on the floor. He was kicked in the back, the side, and the stomach, as well as being kned in the stomach and the groin.

c. Cold / Hypothermia used as Physical Torture

Mr. Begg's abusers used the cold in Afghanistan as habitual tools of torture. When he was first taken to Kandahar he was given two thin blankets to serve as his mattress, his bedding and his pillow in the freezing temperatures of his initial confinement.

Particularly in Bagram, the cold was used to increase the suffering of Mr. Begg and other prisoners during showers, and as punishment for any minor perceived infraction. For example, showers were taken in the freezing cold, and Mr. Begg reports one prisoner actually succumbing to hypothermia. Mr. Begg, along with others, suffered greatly through this.

If the prisoners did not obey the rigid timing of the showers then they had more cold water tipped on them and were put in the *strappado* position in the airlock gates of the cages.

d. Guns used to Threaten Mr. Begg's life

The use of weapons to terrorize Mr. Begg and others being held with him was one of the most effective forms of abuse.

i. Direct threats with guns

The use of guns began with Mr. Begg's abduction. It was around midnight on the night of January 31, 2002, when roughly eight people, including two American FBI agents, burst into Mr. Begg's home. They placed a gun to his head, seized him, and put a bag over his head.

⁴ Naturally, because he has not had an appropriate medical assessment, the etiology of his suffering cannot be precisely identified, but it is certainly due either to his physical abuse, or to the generally unsanitary conditions of his confinement for the past three years.

Mr. Begg was threatened with guns many times over the months to come. Every day the guards in Kandahar and Bagram would point their weapons – either semi-automatic rifles or shotguns – at Mr. Begg. The guards would loudly chamber rounds of ammunition and threaten to kill anyone who moved.

When he was being interrogated for the dark month of May 2002, the CIA agent who was involved in the interrogation constantly had a semi-automatic rifle, intended to intimidate and terrorize Mr. Begg during questioning.

ii. Direct threats with tasers

When he was seized in his home, Mr. Begg was also threatened with a taser. The person with the weapon then went into his house, in the direction of his wife and children, causing Mr. Begg even greater alarm.

e. Stress & Duress Physical Abuse

It is a sad commentary on the state of the world that Mr. Begg's real abuse began when he was turned over by the Pakistanis to U.S. custody. The Pakistanis have an unsavory, and often well-deserved, reputation for treating prisoners badly. However, aside from being forced to watch the abuse of another prisoner, Mr. Begg was treated well by the Pakistani authorities, who did not even handcuff him for the most part, and who never used leg shackles. All of this changed when he was turned over to the Americans at the airport in Islamabad. The use of short-shackling, the marching position, the torture position, and other duress measures were immediately employed, along with continual abuse by the guards.

The amount of physical abuse that was occasioned by the so-called "stress and duress" tactics of the U.S. personnel is too extensive to be fully detailed here, since it happened every day, in any number of ways. There follows a brief description of some of the methods used.

i. Duress Positions

One tactic which was used against Mr. Begg and others was causing pain by forcing him to hold his arms out for an extended time. For example, "[o]n the first anniversary of the September 11th attacks all detainees were made to stand for hours and hold up both hands high in the air" (045)

Similar duress positions were forced on the prisoners both as punishment (for, *inter alia*, the free exercise of religion) and in preparation, softening up the prisoners for interrogation.

ii. The "Marching Position"

The "marching position" used by the U.S. personnel to march prisoners involved short

shackling them at the feet (so that fast movement was very difficult and painful), with the arms shackled behind the back, bent double, generally with a hood over the head. The prisoner would then be forced to march along at double speed, which was twice as difficult for a person of Mr. Begg's small stature. The tight manacles would cut into his skin both at the ankles and the wrists, causing great pain.

iii. The "Torture Position"

Some of the prisoners came to use the term "Torture Position" for the position in which prisoners were forced to travel to Bagram and to Guantanamo (particularly in the early days of the base). The prisoner would be hooded, often with ear plugs, shackled at the ankles, shackled with the arms behind the back, sitting on the hard and often very cold floor of the aircraft, forced to lean forwards for many hours on end without talking. This caused great pain to the prisoner. At one point, Mr. Begg understood that he had to hold the position because the U.S. soldiers (who could not use guns inside the aircraft) were behind the prisoners with their knives drawn, ready to use them on any prisoner who dared to move, or who did not properly hold the position.

f. Physical abuse by Shackling

Shackles were used as a major part of the abuse process. Even today, Mr. Begg is held in Hiatt Corporation shackles that are stamped, "Made In England."

i. Shackling Generally

Shackles – whether the handcuffs for the hands, or the ankle variety – were tightly locked, and often linked together in a system of short shackling that limited movement, and caused great pain when the prisoner was forced to move quickly.

ii. Suspension by Shackling

The most painful form of shackling involved suspension of the prisoner while shackled. This took two forms:

(I) The American variation on the Reverse Strappado

The U.S. version of the reverse *strappado*, an ancient torture from medieval times, is perhaps the worst. Mr. Begg describes this as happening to him at the hands of the U.S. soldiers when he arrived at Kandahar. He was being forced along in the "marching position," with a hood on, but he could not keep up the pace. Two soldiers (one on either side of him) therefore locked their arms into his own, and lifted him off the ground, his weight being borne by his arms, which were shackled behind his back. This was excruciatingly painful, particularly because of his history of a dislocated shoulder. He cried out in pain, and tried to explain his injury, but he was merely abused the more

for this. This particular abuse went on for between five and ten minutes the first time, and an equal time later the same day when he was being moved elsewhere.

(2) **The American version of *Strappado***

The classic version of the medieval *strappado* was to be suspended by the wrists, which would be shackled together in front of the prisoner. An American variation of this abuse was used as punishment at Bagram. The prisoner would have his “hands shackled to a gate, above head height by around two feet in length, and a hood covering the head. Then to be left for an hour or two – sometimes more. It was one such occasion that ultimately brought about the death of one of the two detainees killed in custody during my [Mr. Begg’s] presence. * * * The said detainee, for his protestations and pleas for help, was physically beaten in front of me, and subsequently died soon after.” (044)

Mr. Begg was himself a victim of the *strappado* on several occasions at Bagram, an abuse generally inflicted on him for reading his Koran to himself for comfort, or talking to one of the other prisoners in his cage.

3. Torture by Rape & Sexual Abuse

Perhaps the most disturbing species of torture that came to light at Ab Ghraib was the sexual abuse of prisoners. Sadly, Mr. Begg has been a victim of this as well.

[ACTUAL DETAILS OF SEXUAL ABUSE REDACTED]⁵

Mr. Begg was threatened by his interrogators with being sexually abused in other ways as well – threats that thankfully did not materialize.

Mr. Begg has also been subjected to sexual humiliation, where he was stripped on several occasions, and photographed naked by voyeuristic American soldiers. He has demanded of the Guantanamo authorities “*why I was physically abused, and degradingly stripped by force, then paraded in front of several cameras toted by U.S. personnel.*” (145) (U)

4. Threats of Rendition (Outsourcing Torture)

One of the most terrible moments of Mr. Begg’s time in Bagram came in May 2002, when

⁵ This abuse is horribly humiliating to Mr. Begg, and he has requested that, while the fact that he was sexually abused may be mentioned, the details not be made public.

he was told that he was not telling the truth as the interrogators wanted to hear it, and they had made up their minds that he should be sent to Egypt. Mr. Begg relates that the threat of “Cairo” struck terror into the hearts of the prisoners in Bagram, as Egypt had a hard-earned reputation for utilizing methods of torture that even the diabolical U.S. torturers would balk at.

Mr. Begg’s blood ran cold when this threat was made. He was taken from the room, put into the “marching position” with a hood on, spun around several times to disorient him, and left alone in a room to contemplate his fate. He genuinely believed he would be taken to Egypt and he was prepared to confess to anything, no matter how false, to avoid it.

It is clear from the experience of Australian national (and current Guantanamo Bay prisoner) Mamdouh Habib that Mr. Begg’s fears were well-founded.⁶ Mr. Habib has described how he was actually rendered to Egypt for six months to be tortured, and detailed his experiences including:

a. being suspended from hooks on the wall, to be “kicked, punched, beaten with a stick, and rammed with what can only be described as an electric cattle prod.” (118)

b. “The Egyptian authorities also made particularly diabolical use of other physical and psychological torture.” (118) This included three variations on water and electric shock torture –

i. Being placed in a room which was gradually filled up with water until Mr. Habib could only just stand on the tips of his toes, and feared drowning. (118-19)

ii. Putting him in a room, handcuffed, where he could only stoop, and filling that up with water, refusing to let him kneel. (119)

iii. Putting him in a room with water to his ankles and threatening him with electrocution if he did not talk. (119)

iv. “On another occasion, Mr. Habib was suspended from hooks on the wall, with his feet resting on the side of a large cylindrical drum. Down the middle of this drum ran a metal rod with wires attached to both ends. The wires ran to what appeared to be an electric battery. When Mr. Habib did not give the answers his interrogators wanted, they threw a switch and a jolt of electricity ran through the rod, electrifying the drum on which Mr. Habib stood. The action of Mr. Habib ‘dancing’

⁶ Counsel has consulted with counsel for Mr. Habib on this, because the issues of rendition and the threats of rendition to Egypt are important to both cases. Mr. Margulies and Mr. Stafford Smith have both provided notice to the Court Security Office (CSO) reflecting a mutual need to know this information. The notices are on file with the CSO. However, counsel has not shared the details of this discussion with Mr. Begg, as to do so might be inconsistent with the Protective Order.

on the drum forced it to rotate, and his feet constantly slipped, leaving him suspended by only the hooks on the wall. The instinctive struggle to regain his balance forced him to place his feet back on the drum, which of course only sent another excruciating jolt of electricity into his feet. Eventually, Mr. Habib was forced to raise his legs, leaving him to hang by his outstretched arms until he could stand it no longer and, exhausted, he dropped his legs back onto the electrified drum. This ingenious cruelty lasted until Mr. Habib finally fainted." (119)

S. Threats of Torture and Abuse (Second Degree Torture)

The term "Second Degree Torture," coined by the Spanish Inquisition, underrates the terror that it can inspire. It was apparently during the Spanish Inquisition that those bent on torture learned that the terror inspired by the implements of torture could be as effective as the torture itself. Indeed, from the perspective of the torturer, the danger of torture is that it will leave the victim unconscious or dead. The threat of torture allows the victim to dwell on his fate.

Similarly, the perpetrators of torture also learned that while a strong person might resist the pain inflicted on himself, threats against loved ones could rapidly break the resolve of the most determined prisoner.

1. Threats against Mr. Begg's wife and children

Mr. Begg recognizes that his own abusers soon came to know his weakness – he constantly asked after his family, betraying his mortal fear for their safety. This was used to exploit him. Mr. Begg notes that, when he felt that his wife and children were in danger, he was prepared to say and do anything to satisfy his captors.

1. Threats against Mr. Begg's wife Sally

Mr. Begg had no idea what had become of his family when he was abducted from his home on January 31, 2002.⁷ He consistently begged his abusers (and the British MI5 agent who would take part in his interrogations) to tell him that they were safe. He was given no assurances, and lived in a state of fear for their well-being. He did not even know whether Sally had been abducted as well as himself.

During the month of May 2002, one stratagem used by the four-man U.S. abuse team – FBI Agents ██████ and ██████, the CIA agent, and the Major in charge of Bagram – was to put Mr. Begg in fear for his wife Sally. Therefore, they placed a woman in the room next to the one where he was being interrogated. He could clearly hear her piercing screams, apparently crying out in agony as

⁷ While the classified return has the wrong date, and does not credit the involvement of the two U.S. FBI agents in the abduction, it does concede that he was living in his own home: "Pakistani authorities captured BEGG on 30 Jan 02 in his home in Islamabad, Pakistan." (O18)

she was tortured.

He hoped against hope that this was not his wife. However, he later learned that the other prisoners, still in the cages below, had heard the woman's screams and – knowing his close attachment to her, and his fears – had themselves reached the conclusion that it was his wife being abused.

Many months later when he received mail from his wife, he learned that his fears were unfounded. However, by then he had been through a maelstrom of doubt, anxiety, and anger. He was helpless to defend her, and his hopelessness knew no limit.

ii. Threats against Mr. Begg's children

In abducting him from his house, his captors seized his laptop, which held various pictures of his children. They had printed off one of the pictures and brought it to the interrogations in Bagram. They waved it in front of his face, and threatened him on various occasions, saying, "there is nowhere on earth to hide from us." Mr. Begg took this as a clear threat against his then-six year old daughter. Again, his anger was interwoven with despair.

b. Threats to torture Mr. Begg as others had been tortured

While Mr. Begg's greatest weakness was his love for his family, his interrogators also used their abuse of other prisoners to intimidate him.

i. Threats in Pakistan

When he was first held in Islamabad, he was held in solitary confinement. However, after a while another prisoner, a Pakistani, was brought in. The prisoner was accused of stealing money that was meant to support Muslims on the Haj, a charge which the prisoner denied.

The prisoner was taken out of the cell for interrogation. When he came back that evening, he had been savagely beaten. He relayed how the officers had tortured him all day, telling him to confess. He insisted that he was innocent, and would not do it. He was terrified by the experience, and Mr. Begg understood his fear.

Later, a Pakistani officer came into the cell, looked at Mr. Begg, and then turned to the prisoner. The officer pushed the prisoner to the wall, and started beating on him with his fists. When the prisoner would collapse, the officer pulled him back up, and beat him some more. Mr. Begg shied away in the corner, watching in horror but unable to assist. When he thinks back on what happened, Mr. Begg is filled with shame that he was not able to help the man as he was abused.

ii. Threats in Afghanistan

When he was forced to watch the other prisoner's abuse, this was a taste of what was to come for Mr. Begg, and he was very afraid. However, other than this, he was treated well by the Pakistani authorities. He was never threatened by them, they told him that they knew nothing against him, and that he was being held solely at the request of the Americans. He was promised that he would be set free shortly, and he lived in the hope that this was true.

When he was told that he was leaving the Islamabad jail, he initially thought he was going to be freed. However, then he was shackled and his head was covered, and he was filled with fear.

The change in treatment when he was handed over to the Americans was dramatic. He received death threats continually, he was constantly threatened with guns, and he was constantly forced to hear the agonized cries of others.

For example, during his worst interrogation week in Bagram in May 2002, the Major who was in command of the detention center personally threatened to break every finger in his hand if he did not confess. The officer held Mr. Begg's left hand by the wrist and made it very clear that he meant to carry out his threat. This is offered as just one example of many - other threats of physical torture were too frequent to enumerate here.

In addition to the torture that was meant to be his wife in the next door room, Mr. Begg also suffered through the *"terrifying screams of fellow detainees facing similar methods [of torture]."* (146) (U) This induced dread in Mr. Begg and his fellow prisoners.

3. Threats concerning Guantanamo Bay

When not threatening to render Mr. Begg to Egypt, a favorite tactic of the interrogators was to threaten them with going to Guantanamo Bay. The interrogators told Mr. Begg that it was far worse than Afghanistan - that he would be kept there for a long time or forever, that he would never see his family again.

4. Threats in Guantanamo Bay

Within four days of his arrival in Guantanamo Bay, U.S. personnel appeared to level the same threats again. They came to interrogate him late in the evening of February 12, 2003. The next day they made him sign a statement.

Mr. Begg's February 2003 'confession' was exacted by threats by four people, and he *"had been dealt very severely by before"* by two of them. (027) (138) (FOUO) These agents had identified themselves only as FBI Agents [redacted] and [redacted]. They told him that

"(i) I would be held, indefinitely, probably for several years before even a defence counsel, or court hearing date was determined; (ii) I would face summary trial in U.S. Military Tribunals which could well

result in a life sentence to be served in a maximum security 'prison'; (iii) I could be facing the possibility of execution by lethal injection or gas; (iv) in either case I would never be allowed to see my loved ones again; (v) I would remain in solitary confinement until a decision was made." (027) (138) (FOUO)

Mr. Begg insisted that the statement as they had written it was full of inconsistencies and falsehoods. They let him change some minor things, but insisted on many other matters that were false remaining in the document. They had the document retyped and insisted that he sign it. Ultimately, in a continued state of fear from the many months of threats and torture, he did.

Mr. Begg has repeatedly stated that he wants a copy of the statement "taken from me on the 12th (or 13th) of February 2003." (068) To date, neither Mr. Begg nor his counsel have been permitted to see this statement that the Agents said they were making him sign as "an insurance policy" against anyone ever saying he was "innocent."

Of course, in any fair legal system there would be no reason to deprive the suspect of copies of his statement. How can it be something that should be kept from the suspect, if the statement is true, when the suspect would presumably be able to repeat it all to the lawyer. Not so a statement made while the accused is being tortured and coerced, because (as Winston Churchill said) only if you tell the truth the first time can you expect to remember what you said.

Mr. Begg notes in his own memoranda that he was forced to sign this statement despite obvious mistakes. Indeed, a British person (or someone with a little geographical sense) would know it is false. For example, the classified factual return purports to quote Mr. Begg as follows:

"Begg has also admitted, including in a signed confession on 13 February 2003, to receiving . . . training in Turnbridge Wells, Essex, UK, in 1997 and 1998, where Begg taught the Koran and martial arts." (03/20/2003 DOD memo) (011)

Tonbridge Wells (properly spelled) is in Kent, not in Essex, something Mr. Begg would obviously have known were the confession his. Similarly elementary errors pervade the documents provided to the defense.⁸

6. Isolation as a method of Torture

Mr. Begg has been tortured by terrible isolation, designed to totally break his spirit.

⁸ The 'confession' is false – wholly false insofar as it purports to incriminate Mr. Begg in vague and unspecified actions against the United States. While the Government has not identified the sources for the purported allegations against Mr. Begg, this statement is believed to be the case against him.

a. **Confinement in Isolation**

For approximately 22 months (a total of over 650 days and nights) out of the total of 33 months he has been held to date, Mr. Begg was held in total isolation from other prisoners.

i. **Solitary Confinement in Pakistan**

During the approximately two months when he was first held in Islamabad (from January 31, 2002), he was held in solitary confinement for the first part of his imprisonment, before another prisoner was placed in his cell and viciously abused in front of him. (*See below*)

Mr. Begg was denied legal counsel and consular assistance, despite repeated demands, while he was held in Pakistan.

ii. **Isolation in Kandahar**

For roughly the first seven weeks that he was in Kandahar, he was held in a wire cage that was one of six in the hangar / warehouse where he was held. Each one was separated from the others by concertina wire. Each cage held just one person. The cages were freezing cold. The prisoners were not allowed to communicate in any way with the other prisoners, on pain of severe punishment. This was apparently the place where the U.S. held people from whom they particularly wanted to extract information. From what limited communication that he did manage over the long time he was there, he established that one of the other prisoners held in this area was a former head of a region in Afghanistan, thought to be a senior member of the Taliban. Another prisoner was a Russian.

Mr. Begg repeatedly begged his captors to take him out of his cage because the total isolation was causing him such mental health problems.

Even when he was moved to “general population” the rules were very strict as to whether a prisoner could talk, and to whom.

Meanwhile, Mr. Begg was denied legal counsel and consular assistance, despite repeated demands, while he was held in Kandahar. He made these requests to British personnel as well as Americans.

iii. **Isolation in Bagram**

For most of his time in Bagram, Mr. Begg was held in “general population,” although again he was severely restricted with respect to talking to others, and communication. Indeed, if Mr. Begg or other prisoners were seen moving their lips, even if this was because they were reciting the Koran in silence to themselves, they would be severely punished – generally with the *strappado* torture, hanging from the door in the cage “air lock.”

The most stressful and violent period of his interrogation was May 2002, when the official records themselves reflect that he was interrogated officially at least fifteen times, with the actual number of "sessions" probably being more. Many of these sessions went on for several hours. However, in between sessions for the whole month Mr. Begg was held in utter isolation under terrible circumstances.

This isolation was accompanied by intense physical pain. Mr. Begg was hog tied in his shackles, with a bag over his head. Mr. Begg reports as follows:

"I was shackled with my hands behind my back, and then to the shackles on my ankles – so that it was impossible to move, except to roll around very awkwardly in the ground – and a hood placed over my head, causing suffocating breaths. I am an asthma sufferer and mentioned it to deaf ears." (044)

Mr. Begg was abused terribly during this period, and now permanently suffers from an aggravated form of claustrophobia which causes him to panic when placed in the vehicles used to transport the prisoners at Guantanamo, or when he feels that his cell is closing in on him.

Again, Mr. Begg was denied legal counsel and consular assistance, despite repeated demands, while he was held in Bagram. The effect of this isolation was exacerbated by the credible statements made by his abusers that his government had intentionally and irrevocably abandoned him.

iv. Isolation Torture in Guantanamo

It is not clear why Mr. Begg was singled out for such abusive isolation treatment in Guantanamo Bay, but for 19 months (roughly 570 days and nights) from *circa* February 7, 2003, until September 2004 he was held in total isolation in Camp Echo.

b. The refined Isolation Techniques in Guantanamo Bay

The confinement of Mr. Begg has been far more calculated in Guantanamo Bay. Given the mental problems caused by his torture in Afghanistan, this must be viewed as a frightening exacerbation of his other abuse.

(1) The lay-out of the Isolation cell

His Camp Echo cell can be described as follows: It is approximately 2m x 2¼ m, with the steel bed taking up half of the cell, the steel toilet another part, leaving a small space to stand. Two walls are concrete, two are mesh. The cell door leads to an area with a shower with a curtain at roughly waist level. A second door leads from this area to the second half of the cell, which is the interrogation section (now also used for attorney visitation). The cell was therefore hermetically sealed so that he did not to be taken out of it for interrogation or any other reason.

In theory, in the early days Mr. Begg was permitted one 15 minute “recreation” time every two days alone in the 5m x 5m mesh cell in the middle of the Camp Echo courtyard. This was later meant to be increased to 30 minutes, and was then to one hour. The rest of the time (at least 23 hours a day) he spent in his cell.

However, for 5 months, starting in September 2003, he was denied recreation altogether, and from November to January he only came out of the cell twice. (060)

“From September 2003 to January 2004, MB was deprived of natural light. From November 2003 to January 2004, he was not taken out of his cell except on two occasions. On two occasions he was placed in a ‘three-piece suit’ shackle and frog-marched around the gravel prison yard for twenty minutes as ‘recreation.’ It resulted in cutting and bleeding on his ankles.” (142) (FOUO)

Given that this was the only ‘recreation’ that was permitted, Mr. Begg refused to be taken out and further abused until the rules were changed in January. Even then, his ‘recreation’ was again limited to the 5m x 5m exterior cell with a small football that he was meant to kick about by himself.

(2) The intent of the interrogators was to hold him in utter isolation

For the first several months at Guantanamo Bay, Mr. Begg was held in such a cell in Camp Echo isolated from all other prisoners, yet there was a guard required to be in his cell, staring at him for 24 hours a day. The guard was not supposed to talk to him at all.

Then cameras were installed in the cells, almost directly over the toilet. These rotate around the cell so that they can keep a permanent track on the prisoner. The most intimate things are on camera twenty-four hours a day. Yet at this point, Mr. Begg was left utterly alone. The guards were meant to come in only to deliver his food through the hatch in his cell door.

Mr. Begg did nothing to deserve being held in isolation as a punishment. He was only removed from this isolation regime in Camp Echo after his first legal visit in September, when Camp Echo was turned into the legal visitation center. He is now held on a tier with other prisoners who have been designated for military tribunals.

(3) The euphemistic “comfort items”

In the cell that is used for tours the approved “comfort items” are laid out on the bed. These include an orange uniform (of the type rendered so notorious in the Guantanamo Bay media that the savage kidnapers in Iraq are now copying them), flip flops made in China, a towel, two orange disposable razors (of little use to those whose religion compels them not to shave), a small bar of soap, a toothbrush with a short handle for the thumb and forefinger, a small tube of paste, a bottle

of water, and a box of the game Chequers.

When asked who the prisoner is meant to play Chequers with, the officer providing the tour said, "with himself," because the guards are specifically prohibited from playing. Mr. Begg confirms that he is meant to see whether he can beat himself at this simple game, 365 days in the year.⁹

(4) Isolation from those who could help

Mr. Begg repeatedly demanded legal counsel in Guantanamo Bay. He did not receive it until August 2004.

He was not permitted to see a member of the ICRC until several months after arriving in Guantanamo Bay. (029)

(5) Isolation from family

Mr. Begg's isolation has been completed by the limitations placed on his right to keep in touch with his family and receive mail. His fourth child was born after his abduction, and he has never seen his own son. This causes him great distress. He dwells on his fears that his other children will not know him – even his oldest child. He also worries constantly about his family's well-being, a concern that was heightened in the early days of his captivity when he did not even know whether they had been abducted themselves, or had reached a safe place.

Mr. Begg has sent over 60 letters to his family, but apparently only five have been allowed through, and those have been censored. He has received only limited mail himself, and even the words from his small children have been censored. Letters from Mr. Begg's "eight year old daughter were heavily censored." (142) (FOUO) Mr. Begg has demanded of the Guantanamo authorities "[t]he justification for withholding most of my family mail, and incongruent obscurance of what little amounts have trickled through – even from 8 year olds." (145) (U)

All of this contributed to his desolation.

7. The abuse of Bright Lights

As a technique for torturing prisoners, bright lights are often used in conjunction with sleep deprivation. This has been true in the case of Mr. Begg.

During Mr. Begg's time at Bagram, for example, he reports:

⁹ It should be noted that these sadistic and stupid rules are not imposed by the guards in the camp, and Mr. Begg would be the first to say that they are not the guards' fault. They are rules that were created by Maj. General Miller and the other misguided senior officials, who believed that abusive procedures would force statements out of the prisoners.

"Bright lights were constantly pointed towards us, and over the course of my time they were never once turned off or dimmed to enable decent sleep." (045)

Around the cages at Bagram, floodlights would be constantly focused on the prisoners. In addition to the light, the noise of the generators contributed to the sleep deprivation. Earlier, in Kandahar, the same kinds of bright lights were kept constantly on.

During the worst part of Mr. Begg's interrogation, in May 2002, he was hog tied in tight shackles in an upstairs room. A bright floodlight was directed at his eyes, preventing him from sleeping.

During the actual interrogations themselves, the two FBI agents flanked the CIA agent with his automatic rifle. Again, a bright light shone down into Mr. Begg's eyes. It was placed about eight feet above the floor, directly above the CIA agent's head, and semi-blinded Mr. Begg. This rendered his interrogators dark silhouettes as they berated, abused and tortured him.

In Guantanamo Bay, again Mr. Begg was exposed only to bright artificial light. Only around the time the U.S. Supreme Court ruled in favor of the detainees did the prison, for the first time, cut small vertical windows into the other side of the Camp Echo cell where Mr. Begg would periodically be interrogated. This shed no meaningful natural light into the other side, where he was held at least 23 hours a day. Additionally, for a while, the prison started turning the lights on in the cells at four o'clock in the morning to wake the prisoners up.

At the other end of the spectrum, the lack of natural light is another factor in the abuse of the prisoner. Being constantly kept under bright artificial light is intentionally disorienting. For weeks and months on end, Mr. Begg was kept in isolation away from natural light.

8. The abuse of Sleep Deprivation

Sleep deprivation can, standing alone, ultimately kill a person. It is designed in the meantime to disorient the person, combine with other fears, and induce them to make statements - unfortunately, often false.

This stratagem was used a great deal by the people who abused Mr. Begg. For the entire time he was in Afghanistan he was kept deprived of sleep by a combination of bright lights, noise, and other direct action designed to disrupt his sleep. Some of these methods have been described already; the specifics of sleep deprivation is described below.

For example, in Kandahar, Mr. Begg reports that because there were tin walls to the place where the prisoners were held, the guards would throw stones to make a noise when people seemed to be going to sleep. Sometimes, foolishly, the guards would throw stones directly at the prisoners, prompting the prisoners to throw them back. Mr. Begg reports being hit painfully by a stone in this

way, although he resisted the temptation to throw it back.

In Bagram, aside from the routine efforts to interrupt sleep, the guards would come to get the prisoners for interrogation at night. Then, in the horrific month of May 2002, Mr. Begg was subjected to the Real McCoy of Sleep Deprivation. He was held in a room, with a guard watching him, with a bright spotlight on him, and told to write out confessions day and night, whenever he was not being interrogated. He is very confused about what he did during this time period, but he thinks he wrote out several pages of gibberish, as he was forced to continue writing as his faculties failed him. If ever he looked like sleeping, he was forcefully woken up. Varying in intensity, the sleep deprivation methods went on the entire month, until Mr. Begg was foggy with exhaustion.

Even at Guantanamo Bay, the same tactics were used, and at one point the prison started turning the bright lights on in the cell at four o'clock in the morning, to make Mr. Begg wake up.

9. The abuse of Noise

Another tried and true form of torture is the use of constant noise. Not only does this cause intense irritation, but it also contributes to the sleep deprivation.

At Bagram, Mr. Begg reports that there was a "reception" room established for new prisoners who, before being put into the cage airlock for abuse, would be placed in a room with very loud "music". For the most part Mr. Begg did not recognize the "bands" who performed this music, but described them as far more discordant than regular heavy metal (far worse than, e.g., Metallica). The noise room was adjacent to the cage in which he was held for a long time, and the noise was almost constant – with a particular emphasis at night.

Other noise – including the efforts to prevent sleep, and the sounds of the generators, etc. — have been described elsewhere, and all of this contributed to the mental health problems suffered by the prisoners.

10. Dietary alteration

At the best of times, the food was terrible and limited. No hot meals were ever served. When he was being held in Bagram, especially during the month of May 2002 when the most abusive interrogation was taking place, Mr. Begg was given limited food, and was not even allowed to eat what he had. He would be placed in the corner of the room where he was being held, tightly shackled, and with the hood only raised slightly. He would then be given an MRE and told to eat it. But because he could not open the package in that position, and because he could not maneuver to eat it, he asked the guard for assistance. When he did this, in violation of the rule that he should not speak, he had his meal taken away from him.

11. General Disorientation

Particularly during the May 2002 interrogation process, disorientation was another technique used to abuse Mr. Begg. He would be shackled in the marching position, with a hood over his head, and then spun around so he would not have any idea where he was, before being taken off to a cell to be left alone for hours on end.

12. Inhumane Conditions (see also Isolation, Light, Noise, etc.)

There have been various ways in which Mr. Begg has been the victim of torture by being placed in prison conditions that have been inhumane.

a. Lack of Sanitary Conditions

For the first two months in Kandahar, Mr. Begg was not permitted a shower once. When he was allowed to shower, this was often done under extreme conditions, with the water freezing cold. Similar conditions persisted in Bagram, resulting in one prisoner collapsing in front of him:

“On several occasions we were paraded naked in communal showers – during the winter – and made to wash in ice cold water. On one occasion a detainee collapsed from the sheer cold and was taken to hospital for hypothermia.” (044)

When he was in a cage with other prisoners in Kandahar, they all had to share one bucket in the cell as a toilet. This was often not emptied for two days. In the summer months there was a terrible smell and a high potential for the spread of disease because of these unsanitary conditions.

b. Vermin & maggots

While Mr. Begg was held in Guantanamo Bay, there was a foul infestation of maggots with terrible smell from a rotting animal under his cell for five weeks in June and July 2004. (060) the guards would not stay in the cell area, but he had to. Despite continual protests, nothing was done until the maggots were coming through the floor in droves. Finally, Mr. Begg was moved to a different cell.

13. Threats and Assaults with Animals

Mr. Begg has been threatened and assaulted with animals on various occasions.

a. Attack Dogs

On two occasions, during the worst of his interrogation at Bagram Airforce base in May 2002, dogs were used to threaten and terrorize Mr. Begg. On both occasions, both on the way to interrogation and on the way back, he was being forced along in the “marching position,” with a hood tightly over his head. Dogs were barking, and at first he thought that they were on the loose,

but it became clear that they were on a leash, and being provoked towards him. The soldiers with the dogs were saying, "Get 'im, boy!" The dogs seemed to be within inches of his face, though he could only hear them. He was very afraid.

On another occasion, while Mr. Begg was at Guantanamo Bay, he was in the small, 15-foot square "recreation" area outside, dressed in his orange prison garb, running around in circles getting the only exercise he could. One of the guards brought an Alsatian towards the area. The guard was telling the Alsatian that the orange thing was some kind of animal, a hamster, and the dog could maybe chew on some orange meat that day.

b. Camel Spiders

Mr. Begg is particularly afraid of Camel Spiders. Indeed, he showed me a National Geographic magazine in which there were some terrible pictures of such a camel spider. As he writes in one of the documents in the file, Bagram was plagued with these spiders:

"During the warmer months the place ran rampant with . . . gruesome camel spiders – that not only look nightmarish, but have a very powerful bite and rot the flesh around the bite. Several detainees indeed were bitten." (044-45)

Worse than the infestation was the sadism of the U.S. officers. The U.S. military would use camel spiders to torment the prisoners. Mr. Begg relates one example when there was an old Afghani in his cage at Bagram. One of the more sadistic among the guards summoned the old man over, seemingly with a promise of something to eat. As the old man got to the gate, the guard reached through with a plastic container, and threw a large camel spider onto the man. The man was not bitten right then, but later on that night the spider bit another person in the cell block.

Mr. Begg lived in constant terror of the camel spiders, particularly at night.

c. Other vermin, animals, etc.

There were many other vermin and poisonous spiders that were allowed to roam among the prisoners:

"During the warmer months the place ran rampant with mice, venomous scorpions and gruesome camel spiders. . . ." (044-45)

Mr. Begg was terrified of the scorpions that were in Afghanistan.

There have also been snakes that have been loose among the prisoners. Indeed, at Guantanamo Bay, Mr. Begg was in the small "recreation" area and there was a snake under a mat. The snake became very aggressive and was poised to attack Mr. Begg, who retreated to the other side

of the 15' square enclosure. Despite his calls for help, the guards took no action and did no more than watch. Fortunately for Mr. Begg, the snake ultimately did not attack him.

14. **Religious abuse (Abuse and Torture targeted specifically at Muslims)**

There was a systematic effort to humiliate and abuse Mr. Begg and others with him by playing on their religious sensitivities as Muslims.

a. **General denial of Religious Rights**

Mr. Begg has demanded of the Guantanamo authorities why he has not been allowed to meet with a Muslim chaplain in his entire time at Guantanamo Bay. (145) (U)

Mr. Begg has asked that they cease the "*racially and religiously prejudiced taunts.*" (146) (U)

b. **Abuses involving the Koran**

The Koran was constantly abused in an effort to offend the sensibilities of Mr. Begg and other Muslims. It would be trodden on by officers, and thrown on the ground. Mr. Begg heard (but did not witness) of it being thrown into the toilet buckets in the cages.

c. **Abuses involving Nakedness**

The U.S. personnel made consistent efforts to humiliate Mr. Begg and others with nakedness. This began with his arrival in Kandahar when he was stripped naked, continued with his arrival in Bagram, and then was routinely repeated when he and others were forced to strip publicly for showers. (While Mr. Begg concedes that this is not an infringement on the sensibilities of many non-Muslims, this was an effective method of humiliating devout Muslims.)

d. **Abuses involving Prayers**

The guards were intent on interrupting the prisoners' prayers and insulting them. Mr. Begg relates many incidents when prisoners were punished for silently reciting the Koran to themselves, and he personally received the *strappado* punishment for this. He also witnessed other prisoners being punished for announcing the call to prayer for other prisoners.

e. **Abuses involving Shaving**

Mr. Begg, along with all the other prisoners, was shaved – losing both his beard and his hair. This went on for the whole time he was in Afghanistan. It was humiliating. He saw two older men who had never shaved in their entire lives being forcibly shaved. They wept inconsolably for a long time when it was done. During the shaving, one of the guards remarked happily, "This is the part

that really gets to you Muslims, isn't it?"

15. Threats of a Summary Trial

As previously noted, Mr. Begg has continually been threatened with a summary trial where his legal and human rights would be disregarded, much like the show trials that were once used by the Soviet Union. The trial would simply be for show, and he was repeatedly told that the result was a foregone conclusion – he would be found guilty and sentenced either to life in "prison" (a desolate prison like Guantanamo Bay) or the death penalty (variously by electrocution, lethal gas, or lethal injection).

Mr. Begg constantly demanded access to a lawyer, which was periodically promised, but uniformly denied until August 2004 – some 30 months after his abduction. Despite being designated for a Military Tribunal in June 2003, 17 months have gone by and he still has not even been told what the charges might be. Ultimately, when he was promised a summary trial, it was to be a Combatant Status Review Tribunal (CSRT) as discussed below.

16. Lies and Duplicity

Lies and duplicity, while generally not amounting to torture, do complement a torture regime if the goal is to secure a confession without regard to the truth or falsity of that statement. This was a constant theme of Mr. Begg's abuse.

1. While Mr. Begg has tried to be honest, U.S. personnel have been duplicitous throughout their abuse and interrogation of him.

U.S. officials have constantly lied to Mr. Begg, and tried to deceive him, apparently in the hope that he would say something that would incriminate him. From his interrogations in Pakistan, through Afghanistan, and into Guantanamo Bay, he has constantly been told lies (about being allowed to go home, and so on), the interrogators have implied falsehoods (about others implicating him, about his wife being tortured, and so forth), and used deception to try to undermine his sense of reality.

The British Government (through the MIS) has been complicit in this, with [REDACTED] an MIS agent, telling Mr. Begg that he had to cooperate with the U.S. and that the more guilty he made himself seem, the quicker he would come home.

2. The CSRT's have been cynically created as yet another form of Interrogation

The duplicity used has been too extensive to be completely reviewed in this document. Indeed, the process continues with the stunningly cynical Combatant Status Review Tribunal (CSRT) that is meant to judge Mr. Begg's status, and hold out hope to the prisoner that he might be released

if he talks. Ultimately, as Mr. Begg has learned to his emotional and mental cost, the CSRT is nothing more than another arrow in the interrogator's quiver, designed to induce even greater hopelessness and despair in the prisoner.

i. **The "Personal Representative" is actually Mr. Begg's latest "Personal Interrogator"**

The prisoner is told that he can have a "personal representative" who is going to help him present his side of the case. This personal representative is a military officer, without legal training. Mr. Begg was not initially told that this representative would report everything back to the authorities:

"US Officials had not explained to . . . [Moazzam Begg] that the Combatant Status Review Tribunal 'Personal representative' was not an advocate for the detainee and that anything told to the Personal Representatives could be used against them." (141) (FOUO)

Representatives of the UK government were present when the explanation was given, and allowed Mr. Begg to be misled in this regard:

Representatives of the U.K. government were present when a U.S. official explained what the CSRT was and when the Personal Representative was described." (141) (FOUO)

The personal representative is, therefore, simply another of the interrogators.

ii. **The CSRT is itself simply another form of Interrogation with only the vaguest pretense that it will result in a fair result**

The prisoner is next told that he can call any witness or present any document that is "reasonably available." He is told this so that he will reveal this information to the personal representative. However, the U.S. was lying to him again, as Mr. Begg found out.

Mr. Begg was told that he was an enemy combatant, and he should tell the "personal representative" the names of anyone who could say anything relevant to shed light on this. So he told his "personal representative" the names of various witnesses who could show that he went to Afghanistan to help poor people with building wells, and he indicated the evidence that would assist in proving this:

"I also gave the 'Rep' my father's contact address to obtain documentation from my friends etc. about the school project and wells; the reason I went to Afghanistan in the first place." (071)

He also gave the personal representative names of other witnesses who he thought might help – although he was hampered by the fact that he neither knew the charges against him nor did he have a lawyer.¹⁰

The CSRT process then descended further into farce, with the government pretending to help while steadfastly doing nothing. The government knew the names of Mr. Begg's witnesses, but his lawyers did not – and the government not only failed to contact the witnesses, but refused to tell counsel the names so that counsel could do it. The government said it had been unable to contact the witnesses – although with some it was a simple matter of making a telephone call.

The CSRT was set for November 10. Counsel asked for a delay until November 19, when counsel would be in Guantanamo Bay. The government refused to allow counsel to be present (although the media could be), but announced (on November 10) that it would allow additional time for counsel to secure the necessary evidence – delaying the CSRT for *one day* until November 11, 2004. Counsel pointed out that this was ridiculous, given that counsel was on another continent and had not been provided with the names of the witnesses anyway.

The Government later announced the CSRT was going to be held on November 13, 2004. Whether it has been held or not Mr. Begg cannot say, since he had not (as of November 21) been told anything about it. All that Mr. Begg does know is that he has not been able to secure any witnesses or documentary evidence to defend himself.

According to the rules of the CSRT, the prisoner has the right to remain silent. However, under these circumstances, if the accused does remain silent there is no evidence that can be presented. This “right” is therefore also a mockery of our constitution, and the CSRT itself is simply another interrogation session where the prisoner must speak to the three military officers who preside over his fate, or have nothing to present.

When the prisoner learns that only one of more than 250 prisoners has been found not to be an “enemy combatant”, he will plunge further into despair. The open legal system in civilian society makes far more mistakes, and no reasonable person believes the Department of Defense's boast that this shows the reliability of their procedures – least of all an innocent person who has been tortured, such as Mr. Begg.

17. Medical Treatment, Abuse by withholding

Mr. Begg has been further abused by mistreatment for the medical problems that he has suffered as a result of the long-term, horrific abuse that he has suffered at the hands of the United

¹⁰ Mr. Begg did not know what crime he was meant to have committed (and still does not), and had been held in isolation for over two years. It was impossible for him, acting alone, meaningfully to identify how he could really defend himself, what witnesses could help, or what useful documents could be located.

States government.

a. Shocking and Seemingly Intentional Malpractice with respect to Mr. Begg's mental health problems

Given the torture and abuse that Mr. Begg has suffered at the hands of the U.S. government, it is hardly surprising – indeed, it is wholly inevitable – that he suffers from serious mental health disorders. Anyone who pretends to deny this either does not know the facts, or does not know what he is talking about – or both.

i. Some of the Indicia of Mr. Begg's mental health problems

As the bitter fruit of the torturers' strategies, Mr. Begg describes various symptoms and events that are clearly indicators of serious mental health problems. These should be evaluated by a trained and competent expert, in the context of a confidential mental health evaluation.¹¹

Mr. Begg suffers from mental attitudes sometimes seen in the victims of concentration camps. His mistreatment has become his reality, so that he now describes as acceptable treatment an experience that the normal person would find horrifying. Counsel spent a long time probing this mental framework to reveal to Mr. Begg how distorted his sense of reality has become.

[PRIVATE DETAILS OF MENTAL HEALTH PROBLEMS REDACTED]

¹¹ Counsel has significant experience in mental health issues from representing scores of prisoners facing the death penalty, and can confidently express the obvious opinions expressed below. Counsel's extensive experience in this area assisted in eliciting details of Mr. Begg's symptoms, despite Mr. Begg's active effort to repress his suffering. It is clear that Mr. Begg urgently needs to see a competent, reliable and confidential mental health professional.

[PRIVATE DETAILS OF MENTAL HEALTH PROBLEMS REDACTED]

[PRIVATE DETAILS OF MENTAL HEALTH PROBLEMS REDACTED]

All in all, Mr. Begg presents as a person who is suffering from very serious mental health problems that need urgent and competent treatment.

2. Shocking Mistreatment of Mr. Begg's mental health problems

Mr. Begg's hopelessness is exacerbated by the fact that he cannot speak with anyone. His supposed mental health professionals will not even tell him their names, and he understands that anything he says to them is subject to being reported and twisted around against him. When the British Foreign & Commonwealth Office (FCO) official [REDACTED] comes to see him, the meeting is not confidential, and is attended by at least one American. He feels it is pointless for him to describe his mental problems because there is nothing that can be done about them.

Indeed, the FCO meetings have often been a source of pain rather than comfort for Mr. Begg. For example, when he met with the FCO in June 2003, he was chained for 7 hours waiting for the visit. He complained to the FCO official, who promised to deal with it, and yet the same thing happened again the next day. (032)

No mental health professional can hope to establish a relationship of trust when everything said to the doctor can be reported back to the custodian – or even when the patient is not guaranteed such confidentiality. The need for this trust is the very core of the patient-physician privilege, long recognized in American law, but wholly abrogated in Guantanamo Bay.¹²

However, the malpractice goes far deeper than a lack of confidentiality. One mental health professional actually described to Mr. Begg how he could hang himself. She said that he could take his underwear, thread a blanket or trousers through this, and use it to hang himself. Mr. Begg has since been unable to get this image out of his mind, and it haunts him constantly. For a mental health professional to say this to a patient is the height of stupidity, irresponsibility or sadism.

¹² The privilege was largely irrelevant in the U.S. detention facilities in Afghanistan, where the U.S. was intent solely on abusing the prisoners without even pretending to treat the resultant mental health problems.

b. Medical Malpractice as part of the abuse of Mr. Begg

Beyond the failure to provide meaningful treatment of Mr. Begg's mental health problems, Mr. Begg also describes the medical problems that he is facing.

i. Mr. Begg's ear problems

As described elsewhere, Mr. Begg was subjected to a form of *telefono*, the intentional infliction of pain by beating the prisoner about the ears. Whether it was this, or the unsanitary conditions of his detention for the past three years (or both), Mr. Begg has suffered for many months from severe ear pain. He has been told that his ear must be operated on, which causes him significant additional fear given the low quality of the medical care that he has experienced at the hands of the U.S.

He was told that he would receive ear surgery in September, but it still had not been done as of November 21, 2004.

ii. Mr. Begg's foot injuries

Because of the abuse when Mr. Begg's feet (particularly his right foot) were stomped by an MP in combat boots, Mr. Begg suffers from severe foot pains, some related to the fact that his right big toe is becoming increasingly deformed, as is apparent to the causal observer.

iii. Mr. Begg's dislocated shoulder

Mr. Begg has a history of dislocating his left shoulder prior to his abduction by the U.S. and this injury has been significantly exacerbated both by the reverse *strappado* abuse described elsewhere in this document, and by the physical beating that his shoulder received.

iv. Visiting "hospital" in Guantanamo Bay

Mr. Begg is intimidated by the mere notion of being taken to the "hospital" at Guantanamo Bay. At one point he had some very minor dental work, and was taken to the hospital and chained (hands and feet) to a gurney and left. He had to wait *sixteen hours* before he was finally seen.

Glossary of Terms

Falaka – this is the Arabic term for the torture technique, frequently used in Egypt, where the torturer beats the soles of the prisoner's feet to take advantage of the many nerve endings in the feet, resulting in great pain that lasts for a long time after the beating has ended.

Hog tied – this is the position in which the prisoners' feet would be shackled, and his wrists shackled behind his back, but with the hand cuffs threaded through the feet shackles so that he could not move, generally with a hood on.

Marching position – this is the way in which the U.S. marched prisoners, short shackled at the feet (so that fast movement is very difficult and painful), with the arms shackled behind the back, bent double, generally with a hood over the head.

Reverse Strappado – this is a medieval torture technique where the prisoner would have his wrists bound behind his back and then he would be lifted and suspended from his arms, wrenching the shoulder sockets, and ultimately causing dislocation of the shoulders.

Second degree torture – this is the term first coined by the Spanish Inquisition where the threat of torture, or the threat to torture others (close family members) was often found to be even more terrible to the prisoner than direct torture.

Strappado – this is a medieval torture technique where the prisoner would have his wrists bound and then would be suspended from the wrists, causing great pain, and ultimately causing dislocation of the shoulders.

Telefono – this is the medieval torture involving boxing the ears with a view to causing great pain and ultimately perforating the ear drum.

Torture Position – this is some prisoners' and ex-prisoners' term for the position in which prisoners were forced to travel, to Bagram and to Guantanamo (particularly in the early days of the base); the prisoner would be hooded, often with ear plugs, shackled at the angles, and with the arms behind the back, sitting on the hard and often very cold floor of the aircraft, forced to lean forwards for many hours on end without talking.