

PERSPECTIVES ON THE ICRC



A Guantanamo detainee's perspective

Sami El-haj

Sami El-haj was working as a photographer with the Al-Jazeera television channel when he was detained in Guantanamo where he spent six years. He was released in 2008. He is now the Manager of Public Liberties and Human Rights Department at Al-Jazeera Network

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My story of the International Committee of the Red Cross (ICRC) is not exceptional. It more or less reflects the situation of all those who have languished or are languishing in the depths of Guantanamo or any dark prisons of injustice. However, it is my hope that, by telling this story and by clarifying certain notions and presenting some proposals, I may help to improve the ICRC's humanitarian services and its relations with detainees.

The history of this time-honoured organization and its role in alleviating the suffering of victims of war, torture, and imprisonment are too well known to require an introduction. As for me, I regard the ICRC as having been born on the day that I came to know it and it came to know me, when I came to accept it – after rejecting it for a long time, because I was unaware of what it did and how, when it presented to me its system of values, which I had previously failed to understand.

Thus, my story began in January 2002, with a blank sheet of paper handed to me by the American investigator at Bagram who requested that I write a letter to my family and specify their address. I distrusted this request because I thought it was part of the investigation. My fellow prisoners and I felt the same distrust for the second time that year during our encounter with the ICRC in Kandahar prison when its delegates asked us to give them an account of how we had been detained and transferred there. The first instance of positive appreciation came shortly before

the Eid al-Adha (Feast of the Sacrifice) when the ICRC presented us with copies of the Holy Qur'an that it had brought to Kandahar prison. It also brought us dishes of mutton from ritually sacrificed sheep, which had a highly positive effect on us. Someone had remembered us during the Eid and compensated us to a certain extent for our privation on that great occasion.

I received the first letter from my family, through the Qatar Red Crescent, in September 2002. It enclosed a photograph of my baby son Muhammad, whom I had left while he was taking his first faltering steps. The feeling was indescribable: a strange mixture of solace and sadness; tears were my first reaction. All my fellow prisoners in the neighbouring cells also broke into tears because they thought that something bad had happened to my family. This continued for more than an hour during which time I was unable to explain the situation or even to read the letter. The mere fact that I had received it, together with that photograph, had a tremendous impact, and not only on me!

Subsequently, there was a regular exchange of letters with my family through the ICRC, and my trust in it, and in its role, increased with the arrival of the first Arab delegate, from the Arab Maghreb, in whom we had even greater confidence when we found that he knew the Qur'an by heart. My reason for mentioning this is to draw attention to the prevalent notion among the detainees that an organization displaying a cross as its emblem must be a crusader organization. The fact that the ICRC delegate was a Muslim who had memorized the Qur'an rectified the misconceptions that we were harbouring concerning the organization with which we had not previously had any dealings in our countries.

He was followed by a succession of Arab delegates, which had a very positive effect on our attitude towards the ICRC insofar as their presence made us feel comfortable and confident since they were fellow Arabs with whom we could communicate more easily. At the very least, we could understand their facial expressions in which we perceived genuine feelings and a sympathy that seemed more authentic to us because of cultural similarities.

Later, the ICRC brought specialists and doctors. The availability of medical care gave us a feeling of relief and this feeling became stronger with the arrival of jurists who answered our questions. The provision of a library was even more welcome since the ICRC supplied more than 10,000 books, ranging from the principal Islamic reference works to the best detective stories. We were able to take advantage of this store of knowledge in order to organize a programme between the sunset and evening prayers. During these evening sessions one of us would read a book and summarize it for the others. We read to those who did not know how to read, and some of them began to master the Arabic language. Even more importantly, reading and exercising our imagination was very helpful in enabling us to preserve our sanity. In this connection, it is noteworthy that a consultant from the prison's administration – this time of Arabic origin – deprived us of these books by warning the prison administration that it was 'training theologians'. After that we started receiving *Tintin and Milou* stories and books bearing offensive titles such as *A Donkey from the East!*

The ICRC improved its interaction with the detainees by developing the means of communication between them and their families to include the Internet and a telephone line.

In the light of my above-mentioned experiences, I can point out some negative aspects that could have been avoided in the ICRC's contacts with the detainees:

- 1 The dispatch of non-Arab delegates created a psychological barrier because of cultural and linguistic differences, resulting in a lack of trust in the ICRC on the part of the detainees.
- 2 Regarding the ICRC's emblem, it would obviously be unreasonable to ask the organization to change its emblem in order to build bridges of confidence with the recipients of its humanitarian services. However, it would be extremely helpful if the ICRC could pay attention to this point and endeavour to clarify the issue of the emblem by giving a historical explanation in order to dispel people's misconceptions, and especially those of people from Islamic backgrounds who might be unaware of the true facts.

In accordance with its confidential approach, the ICRC does not make public its observations from inside Guantanamo. At first sight, the services that the ICRC has succeeded in providing for the detainees seem to merit this heavy price. However, as a former detainee, I would venture to suggest that the ICRC's silence should be limited and not absolute¹ since there are aspects that could and should be criticized frankly and openly in the media. Clear examples of this are the refusal to allow the detainees at Guantanamo to benefit from the privileges provided for in the Geneva Conventions, including the right to study and receive appropriate medical care. It is paradoxical that we sometimes felt that we were the ones who were protecting the ICRC delegates and not vice versa. Their silence rendered them weak in the eyes of our jailers, while we wanted them to be accorded respect as persons of note.

The ICRC should therefore establish a mechanism for fruitful cooperation with the international media in order to expose all violations of the Geneva Conventions that degrade human dignity. Although we certainly applaud the Red Cross's success in gaining access to Guantanamo, at a time when leading personalities are loudly advocating for democracy and human rights, it is no longer acceptable to remain silent about Guantanamo's very existence, let alone what is happening inside its walls.

1 Editor's note: The ICRC reserves the right to issue a public condemnation of specific violations of international humanitarian law providing the following conditions are met: (1) the violations are major and repeated or likely to be repeated; (2) delegates have witnessed the violations with their own eyes, or the existence and extent of those violations have been established on the basis of reliable and verifiable sources; (3) bilateral confidential representations and, when attempted, humanitarian mobilization efforts have failed to put an end to the violations; (4) such publicity is in the interest of the persons or populations affected or threatened. See 'Action by the International Committee of the Red Cross in the event of violations of international humanitarian law or of other fundamental rules protecting persons in situations of violence', in *International Review of the Red Cross*, Vol. 87, No. 858, June 2005, p. 397.