

Innocent Guantánamo Torture Victim Fouad al-Rabiah Is Released in Kuwait

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The long ordeal of Fouad al-Rabiah, an innocent man and a 50-year-old father of four, who had been in US custody for almost exactly eight years, finally came to an end today, when he was flown back to his homeland of Kuwait from [Guantánamo](#), where he had spent the majority of those lost years, after several brutal months in US custody in Afghanistan.

Until the moment of his release, everything about his treatment at the hands of the US government was shameful. Twelve weeks ago, when District Court Judge Colleen Kollar-Kotelly granted his habeas corpus petition, and ordered his release, she revealed the most extraordinary – and extraordinarily depressing – [story](#). This shone the most unflinching light on Guantánamo as a place where men, who were rounded up for bounty payments by the US military's allies in Afghanistan and Pakistan, and were never adequately screened on capture, were then sent to Guantánamo. Once there, in the absence of any information to back up the administration's claims that they were "the worst of the worst," they became the victims of false allegations made by other prisoners (who were either coerced to do so, or were bribed with the promise of improved living conditions), and were then tortured and abused to make false confessions.

During the prisoners' habeas corpus petitions over the [last 14 months](#), numerous [examples](#) of dubious allegations made by unreliable witnesses have been exposed by the judges, as well as other examples of cases that "[defie\[d\] common sense](#)" or exposed the use of [torture](#), but until al-Rabiah's case was examined, the existence of a clear chain of torture and threats inflicted to produce false confessions at Guantánamo had never been revealed with such alarming clarity.

Al-Rabiah's story began when he traveled to Afghanistan in 2001 to provide humanitarian aid, but was caught up in the chaos following the US-led invasion, and ended up in the hands of the US military. What followed was truly shameful. In Guantánamo, unreliable witnesses – whose unreliability was acknowledged by the authorities – claimed that he had met Osama bin Laden and had provided him with a suitcase of money, and also claimed that he had played a supporting role to al-Qaeda in the battle of Tora Bora, the showdown between al-Qaeda and US-supported Afghan forces in December 2001, when bin Laden escaped into Pakistan.

Under torture, which included, but was not limited to prolonged sleep deprivation – being moved from cell to cell every few hours over a period lasting for several weeks at least, in a program that was euphemistically known as the "frequent flier program" – al-Rabiah finally broke down, inventing a story to please his captors, and dutifully repeating it in 2004 during

his Combatant Status Review tribunal, a military review board designed to establish that he had been correctly designated as an “enemy combatant,” who could continue to be held without charge or trial.

Although the authorities knew that the witnesses were unreliable, and interrogators and other personnel cast serious doubts on al-Rabiah’s story, he was, nevertheless, put forward for a trial by [military commission](#) at Guantánamo in November 2008, based on the credible-sounding story he had parroted at his tribunal, and it was only when Judge Kollar-Kotelly was able to review his case that the whole sordid story emerged.

As she noted in her ruling, in one of several passages loaded with controlled disdain for the Bush administration (and for the Obama administration for pursuing the case):

Not only did al-Rabiah’s interrogators repeatedly conclude that [his] confessions were not believable – which al-Rabiah’s counsel attributes to abuse and coercion, some of which is supported by the record – but it is also undisputed that al-Rabiah confessed to information that his interrogators obtained from either alleged eyewitnesses who are not credible and as to whom the Government has now largely withdrawn any reliance, or from sources that never even existed ... If there exists a basis for al-Rabiah’s indefinite detention, it most certainly has not been presented to this Court.

What makes this story even more shocking is that al-Rabiah’s innocence was established in the summer of 2002, when a CIA analyst and an Arabic expert interviewed him as part of a fact-finding mission to Guantánamo, which revealed that a large number of the men held “had no connection to terrorism whatsoever.” As Jane Mayer described his findings about al-Rabiah in her book, “[The Dark Side](#)”:

One man was a rich Kuwaiti businessman who took a trip to a different part of the world every year to do charity work. In 2001, the country he chose was Afghanistan. “He wasn’t a jihadi, but I told him he should have been arrested for stupidity,” the CIA officer recalled. The man was furious with the United States for rounding him up. He mentioned that every year up until then, he had bought himself a new Cadillac, but when he was released, he said, he would never buy another American car. He was switching to Mercedes.

What followed was even more disturbing and demonstrates, succinctly, how the “enemy combatant” program developed by the Bush administration was fueled by the most damaging arrogance. As Mayer explained, when John Bellinger, the legal adviser to the National Security Council (NSC), and Gen. John Gordon, the NSC’s senior terrorism expert, learned of the agent’s report and tried to reveal the information to President Bush to ask him to urgently review the cases of the men held at Guantánamo, a meeting with Alberto Gonzales, who was then the White House counsel, was hijacked by [David Addington](#), Vice President Dick Cheney’s legal counsel, who dismissed their concerns by declaring, imperiously, “No, there will be no review. The President has determined that they are ALL enemy combatants. We are not going to revisit it!”

As Fouad al-Rabiah prepares to greet his family for the first time in over eight years, having spent the last 12 weeks detained at Guantánamo for no reason whatsoever (beyond the two weeks’ notice [demanded by Congress](#) before any prisoner is released), David Cynamon, one of his attorneys, provided me by email with the following statement on behalf of the legal

team that worked so hard to secure his release:

“We are pleased that the US Government has at long last complied with the court order to return Mr. al-Rabiah to Kuwait. The court’s opinion in his case is proof that his release is long overdue. Mr. al-Rabiah is an innocent man. His complete innocence is clearly demonstrated in the trial court’s decision, which the U.S. Government did not attempt to appeal. In fact, at the very outset of Mr. al- Rabiah’s confinement, the United States’ own expert intelligence analyst concluded Mr. al-Rabiah was an innocent man in the wrong place at the wrong time. Nonetheless, this innocent citizen of one of the United States’ best allies was wrongfully imprisoned at Guantánamo Bay for almost eight years, during which he was tortured, abused, and coerced into making false confessions. We call upon President Obama to provide both a formal apology on behalf of the United States and appropriate compensation for Mr. al-Rabiah’s ordeal. Mr. al- Rabiah can never reclaim the eight years he lost at Guantánamo Bay – and the United States must not simply turn and forget.”

Andy Worthington is a journalist and the author of “[The Guantanamo Files](#)” (Pluto Press), the first book to tell the stories of all the prisoners in Guantanamo. He maintains a blog [here](#).

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