

## **“Liberation’s” Legal Limbo**

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“Acts of injustice done

Between the setting and the rising sun

In history, lie like bones, each one.” (W.H. Auden  
and Christopher Isherwood. )

Shereen Nasser is petite, pretty, charming, has a BSc in Biomedical Sciences and an MSc in Medical Microbiology. She also has a steely determination. In work she loves, in love and married for little over eighteen months, she should have the world at her feet. Instead she is fighting it, taking on the might of the US and UK governments, in the face of stunning injustice – and facing slamming doors and vanishing legal norms at every turn.

In December 2007, Shereen (25) married Khadum Rida Al-Sarraj (29) in a ceremony in Dubai, due to the tortuous bureaucracy involved in obtaining Khadum a UK visa. They finally held their reception, at Shereen’s family home in Carshalton, outside London, in August 2008, relevant visa and spousal permission to reside in Britain, finally obtained. A joyous month was spent together planning their future. They bought a house – then parted for what was to be less than two months.

Mr Al-Sarraj is from Baghdad – as are Shereen Nasser’s parents, the couple met through Shereen’s aunt and Khadum’s sister, who were friends – where he had lived all his life, until it became too dangerous, and he moved to the relative safety of Erbil, in northern Iraq, in October 2006, to continue his specialised profession, selling pacemakers. He returned there to complete his contract – to finish in October 2008 – and give his employer, Jordan based Agmest Medical, time to select his replacement.

An expert on cardiac monitors, his thesis for his MSc at Baghdad’s College of Engineering at Nahran University, was the invention and documentation of a cardiac monitor which: “... can contribute significantly to more accurate CO (cardiac output) measurements as well as it being (a) simple and accurate CO meter.”

Khadum al-Sarraj left London for Erbil on 15th September last year – and vanished. For ten agonising days, amid conflicting stories, nothing was heard of him. Then his brother had a visit from a just-released former detainee, held one of the US gulags in Iraq, Camp Cropper, outside Baghdad – where Saddam Hussein was held until his lynching and his ailing, frail Deputy Prime Minister, Tareq Aziz, is still held, with others of the illegally overthrown government, who have so far escaped a mediaeval fate.

Khadum had been arrested on landing at Erbil airport – his passport taken – transferred to the American forces and incarcerated in Camp Cropper. He had asked a fellow inmate to

alert his brothers. It transpires that the US military hold their randomly snatched detainees for forty days without either contacting, or allowing contact with relatives.



#### Camp Cropper

Once alerted, his brothers in Baghdad approached the relevant US officials who, incredibly, says Shereen Nasser, initially denied he had even landed in Erbil. He had entered Liberation's legal black hole, courtesy, the Land of the Free.

Gradually, the nightmare was unravelled.

In 2007, Khadum's home in Baghdad was burgled. Amongst items taken, was his cardiac monitor – representing four years of meticulous, loving creation. When American troops raided a house in Baghdad, they found the monitor with a quantity of other stolen goods. It had eleven sets of fingerprints on, one of those were, of course, Khadum's. America's finest deemed it to be bomb-making equipment.

Those responsible for the other ten sets of fingerprints, seemingly, have never been traced.

"You never imagine it will happen to you. When you hear someone is a terrorist, you think there must be something to it – then this happens and you realise how many innocent must be caught up", Ms Nasser commented quietly.

It fell to her, from London, after weeks of battling officialdom in the UK and Baghdad and praying for a positive outcome, to telephone her mother-in-law in Baghdad and tell her of the arrest. Khadum's family had been at a loss as to how to break the news, telling her he was travelling on business. Khadum's brother had been kidnapped in April 2007 and his brother-in-law two weeks later. They survived, but the ordeal had taken a terrible toll.

The outwardly calm Shereen Nasser, broke the news as carefully as she knew how, did all she could to reassure that a positive outcome was simply a matter of time, that all was in hand. She had the best legal representation, had amassed kilos (literally) of documentation from proof of residence, to academic records, proof of profession, the police reports of the burglary and every ancillary scrap of possibly pertinent material. "I think I reassured her. Then I put down the 'phone and fell apart."

Finally, on 23rd November Khadum's wife, mother and brother visited him together. "We had just ten minutes face to face, then had to talk via prison 'phones. We had so much to cram in, we kept cutting each other off, both trying to speak", and feeling frustrated and restricted by the presence of strangers. "I tried to keep emotions in check", to be positive, but: "He had lost weight and his brother assessed he was 'under a lot of stress'." As well he might be.

Khadum was being interrogated weekly, questioning allegedly, frequently unrelated to the heart monitor he designed, or the charges laid against him. However, by the 9th December, he was hopeful and his spirits had risen. The case had been referred to an Iraqi Court and he had been told there was no real case against him, no evidence and he would be released. (Which surely begs the question, why continue holding him at all?)

The family finally managed to visit him again on 23rd February 2009 and learned that he

had appeared in Court on 16th February, with just five minutes notice given to him. None of the painstakingly collected documents collected had been submitted, which included proof of his residency in Erbil, the police Reports of the burglary, his passport with his UK visa in it and spousal residence status, his Citizenship ID, or even the thesis on his remarkable invention. He had no lawyer. The Judge, however, passed no ruling and ordered the papers submitted to the Court.

In a supreme irony, inspite of holding Mr Al-Sarraj for so many months on farcical charges, the US military brought their own medical expert to Court, who confirmed that the cardiac monitor was exactly that.

In early April, having read the papers, the Judge declared that there was no case to answer, dismissed all charges against him and ordered that Mr al-Sarraj be released. At this point, he should, of course, have been released and again become a free man.

Nearly seven months later, he is still in Camp Cropper, his laptop with all his work on it is missing, as is his passport with the precious, hard-won visa and British right to remain in it. The US authorities claim they never had it. Mr Al-Sarraj says he saw it in the file they had, during the frequent, relentless interviews.

April also brought another visit from his wife, with more tumbling over words as they again tried to communicate, to catch up. Numerous photos of the two of them together were on his laptop, so she took all she had: "I have nothing else to give him. I have given him all my photos of us, I have none of us together now."

During that visit she went to all the places in Baghdad he used to talk about, walking for miles, day after day, then wrote and to tell him of her visits and bring the places he loved closer to him. No letters ever come back. "Everyday seems like an eternity. Early on, people said the Americans keep people at least six months." It is just short of a year, with legality ignored and mocked, every passing hour.

The house they bought had lain empty, waiting for his return, when they had planned to move in: the start of their life together. But security considerations finally forced her to take up residence there: "The one person I want to share all the big things with, I can't. I can't even share that I have moved in, as he'll worry at my being alone." And he has more than enough to worry over.

Shereen Nasser has received support from her M.P., Liberal Democrat, Tom Brake, who asked a question on the case in Parliament and went with her to the Iraqi High Commission. She had hopes, but they did not know of the case, in spite of the appointment being made through Mr Brake's office. It must also be the only Embassy in London, where a country's representative, equalling Ambassador, needs the services of an interpreter.

Her local branch of Amnesty and Cage Prisoners (<http://www.cageprisoners.com>) have urged that letters regarding the case, be written to the UK Foreign Secretary, David Miliband and the Prime Minister, Gordon Brown.

At a meeting over six weeks ago at the Foreign and Commonwealth Office, Minister Bill Rammell ( "voted very strongly" for the Iraq invasion, "voted very strongly against an investigation" in to the Iraq invasion: <http://www.theyworkforyou.com>) assured of all assistance, including help in Jordan, facilitating Mr al-Sarraj's renewed visa. A week later he

was moved to the Ministry of Defence, but a letter from the FCO., to Ms Nasser, which arrived on August 5th., reads in part:

(Our officials in Baghdad) “ ... understand that Mr Al-Sarraj has been through the committee structure established under the US/Iraq security Agreement, which has established that no arrest warrants are outstanding for him. The US expects him to be released in Autumn 2009. They are not able to narrow this down further.” The FCO response to this publication was equally sanguine. Neither the American Embassy in London or Baghdad offered courtesy of any reply to our correspondence

Asked why, given the “sovereign Iraq’s” Court ruling of no case to answer, the door could not simply be opened and Mr Al-Sarraj walk free? Daniel Carey, of Iraq law experts, Public Interest Lawyers (<http://www.publicinterestlawyers.co.uk>) who acts for the couple, simply replied: “Exactly.”

On June 30th., the US and Iraq signed the State of Forces Agreement, a pact which includes the requirement that criminal charges must be laid against prisoners held for twenty four hours. That Mr al-Sarraj is innocent, has had all charges against him dismissed and is still held, would disgrace a despotic regime.

The Statue of Liberty seemingly stands for nothing.

Further, says Daniel Carey, this detention is a breach of international law, the UN Convention on Human Rights and the International Convention on Civil and Political Rights (ICCPR) to which the US is a signatory.

Article 1 of the ICCPR guarantees: Protection of individuals’ physical integrity against execution, torture and arbitrary arrest

Article 2 is explicit as to: Procedural fairness in law, rule of law, rights upon arrest, trial, conditions and rights to a lawyer. Only the Iraqi Court, who certainly showed ‘procedural fairness’, comes out of this shameful saga with credit. The US authorities have, yet again in Iraq, fallen woefully short on all counts.

“The UK has a clear role in Iraq, in this case it is clearly in a strong position. There are no security problems with Khadum ... the US has stated that it has no interest in him”, states Carey.

Ironically, as Mr Al-Sarraj remains in jail, according to the New York Times (17th August 2009) Iraq’s Prime Minister Nuri al-Maliki has “extracted a promise” that a militia group which has killed both Iraqis and Americans, being held in US-run jails, be released, having apparently renounced such attacks.

Asaib Ahi al-Haq (League of Righteousness) is: “considered architect of an ambush which killed five US soldiers in Karbala in 2007. Four killed in cold blood after being taken prisoner.” The leader, Laith al-Khazali has already been released.

Further, on 7th August, Samantha Orobator (20) convicted of smuggling heroin and jailed for life in Laos, flew back to Britain (reportedly accompanied by the British Ambassador) after strenuous Foreign Office intervention.

In contrast, the FCO’s ‘strong case’ on behalf of Mr Al-Sarraj, appears to be remarkably

under-exploited.

On September 16th, Iraq takes control of Camp Cropper. The release before the hand-over of an innocent man, is the one essential act of decency the United States and Britain can and must expedite with the utmost speed.

An unasked question and an unspoken fear hung between us when I met Shereen Nasser. I could not bring myself to broach it and finally telephoned the following day.

She answered instantly and very quietly. "Yes, I constantly fear he will be disappeared to Guantanamo ..." So inexplicable is his continued detention. (Another being held in spite of his release being ordered by an Iraqi Judge last November, is Reuters cameraman, Ibrahim Jassim. Again, so much for Iraqi "sovereignty.")

Last January, Khadum Al-Sarraj was to present a paper on his cardiac monitor, at the Third International Conference on Modeling, Simulation and Applied Optimization at the American University, Sharjah, U.A.E., entitled: "An Innovative Computer Based Module for Cardiac Output Determination Using Transthoracic Bioimpedance Information Recent Improvements in the Mohonk Waspaa Templates."

The invitation was the confirmation of his exceptional creation. He had been counting the days with delight and pride. As the Conference took place, he was, of course, in jail. He now says never wants to see his monitor again.

And: "No smoke without fire"? In this case there was not even smoke. How many more?

"Cherish pity, lest you drive an angel from the door." (William Blake, 1757-1827.)

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