

near Terre Haute, Indiana, on March 18. Jones became the third Federal death row inmate to be put to death since the U.S. government resumed executions in June 2001, under the Bush II/Ashcroft Administration. Jones had appealed to President Bush to commute his sentence to life in prison, based on disclosures—not made at the time of his trial in 1995—that he had been exposed to nerve gas when his unit demolished a munitions plant during the 1991 Gulf War, and that he suffered from Gulf War Syndrome, which, according to testimony on appeal, had caused severe brain damage and altered his personality.

It is ironic, that just as the death penalty is coming under increasing scrutiny throughout the states of the United States; and moratoria are under discussion or, in the case of Illinois, already in place; the Federal government is stepping up its campaign to impose the ultimate sanction in Federal cases. According to the Moratorium Campaign, “Ashcroft is aggressively seeking the death penalty for Federal cases by overriding local Federal prosecutors’ recommendations and is seeking the death penalty for cases in states where there is no death penalty.” It seems that Ashcroft, a follower of the late University of Chicago Prof. Leo Strauss, who promoted the legal doctrines of his sponsor, Nazi jurist Carl Schmitt, recognizes “states’ rights” only when it is convenient for his fascist agenda.

Incredibly, Ashcroft’s co-thinkers attempt to draw a comparison between the use of Federal power to override the states in death penalty cases, and the government’s role during the Civil Rights struggles of the 1960s: According to a senior Justice Department official quoted recently in the *Washington Post*, “Someone who commits a Federal death penalty crime should be treated the same, no matter where they committed the crime. States do not have the option of opting out of the Federal death penalty law any more than they had the option of opting out of Civil Rights laws in the 1960s.”

Moreover, the Ashcroft DOJ has arrogated to itself the ability to seek the death penalty for a wide range of crimes, including murder of a Federal judge or law enforcement official, treason, espionage, or even drug trafficking. There are now 27 defendants awaiting death in the Federal system.

Ashcroft reportedly enjoys reviewing each and every case eligible for the Federal death penalty. Indeed, according to the Moratorium Campaign, this so-called Christian fundamentalist is “twice as likely as former Attorney General Janet Reno to ignore the recommendations of local prosecutors to seek a lesser sentence.” Since taking office, Ashcroft has reversed the recommendations of Federal prosecutors at least 28 times, even at times ignoring deals previously made by his staff.

As *EIR* has documented, Ashcroft has spearheaded the drive to rip up the U.S. Constitution, using the pretext of the “war on terrorism.” Presidential candidate Lyndon LaRouche has called for his immediate removal. The time to act is now, before he kills again.

Interview: Dr. Najeeb Al-Nauimi

‘Is Guantanamo a Land Where No Law Applies?’

Dr. Najeeb bin Mohammed Al-Nauimi is the former Justice Minister of Qatar; now Chairman of the Committee for the Defense of the Detainees at Guantanamo, he personally represents 93 of those being held in the U.S. military prison in Guantanamo Bay, Cuba. He was interviewed in EIR’s May 31, 2002 issue. On May 15, Dr. Al-Nauimi was a guest on “The LaRouche Show,” where he was interviewed by Michele Steinberg, Edward Spannaus, and members of a LaRouche Youth Movement panel.

Steinberg: Dr. Najeeb, when you came here, among other things, you were seeking the ability to have contact—meet—your clients, who are detained in a gulag in Cuba. Can you tell us how they got there, and what you have found since you’ve been in the United States?

Dr. Al-Nauimi: Yes. I have, in fact, formed this committee in March last year; and the aim of the committee, in fact, is to try to defend, and seek access to meet the detainees, and make some kind of legal presentation for them, and to follow up on behalf of their families. You know, their affairs, the way they’re living, being treated, and their location, and whether they’ve been tortured, or they’ve been not, or the way they’ve actually been taken as well.

So, what we did from the beginning: In fact, these detainees were really tainted with one color, which is “these groups belong to al-Qaeda, and belong to Taliban, and they are actually the enemy combatants captured during the war.” And this is not the truth. The painting of one color was wrong, because the majority of them are innocent. They were captured in the streets of Pakistan, walking around, or in a mosque, or in a library, or a shop, and they were detained, and transferred by plane to Guantanamo; and we have seen the way they were treated on the plane. They were chained on the plane’s floor, and their hands tied, and their eyes closed, and that is, in fact, a breach of international law—anti-torture law—which America has actually signed and ratified it.

From that day we have been corresponding with the President, and then the Department of Defense, and then we talked to Defense. And we were waiting, in fact, two ways—either they have to release them, or they have to actually put them on trial. And in fact, after a long media campaign, and a dialogue discussion, they realized that there *are* many of them who are innocent, and they have no links to any terrorists.



They were normal civilians, being around within that area. They were the victims of war themselves. . . . They were normal people, either working on a charity basis, or working on agriculture, or working in education—some in Pakistan, some in Afghanistan. And it took the Department of Defense some time to investigate and find out that what we have said from the beginning, was true.

And another thing: Some of them will actually be put on trial, which is applying the law, of setting up a [Military] Commission, which is called a tribunal—but a special tribunal, like the Milosevic Tribunal—a military tribunal, which means that a Commission will be set up by an appointment by the President, and upon the recommendation of the Secretary of Defense; and the prosecutor will be from the Army, the defendants' [lawyers] will be from the Army, the hearing will be conducted by the Army, and the location will be Guantanamo Bay. It's not going to be in the United States, it's going to be on that island.

We, in fact, legally speaking, oppose such a Commission to be set up. They should be treated like any other civilians, because if you have to accuse them, if you would accuse them as militia, or a part of a certain army, or a system—at that time, Taliban—then you have to apply the Geneva Convention, which sets up the rules of treatment. And as well, [they] should be released by the end of the war. Or, if you will treat them as a criminal, and you have to have your own criminal system, to be applied. . . .

Spannaus: We've been told that these people are—they're all terrorists—these are "the most dangerous people in the world." . . .

Dr. Al-Nauimi: It's not true, and it's been realized by the U.S. government that it's not true. They found out themselves after one year—four months—that it's not true. And let me tell you, that the first two people released after four months of capture and interrogation in Guantanamo, were two people who were mentally disabled. One was Afghani, one from Tajikistan. They were actually disabled, because when the

war broke out in Afghanistan, these guys got out of the hospital, and started hanging out on the street, because they [and] everyone ran away [from the hospital]. So, they were captured. After four months, they found out that they were actually mentally disabled. Then they were released.

And the rest of the four which were released—one guy over 97 years old—they have nothing to do, really, with . . . the law which was issued after September—you know, anti-terrorist—which is either they have to be a member, or associated. They're not a member, and they are not associates. They were just normal civilians, and even if they were sympathizers, you can not classify them as a member.

Spannaus: How many of the prisoners in Guantanamo actually, do you believe, are al-Qaeda, or Taliban?

Dr. Al-Nauimi: Well, the [total] number that are there, are 625, to my knowledge. Some say 650. To my understanding, those who could be really in a clear commitment [to al-Qaeda or Taliban], are around 60-70 persons, no more. . . . And the rest are not. Really, they are just normal.

Take, for example, a cameraman from al-Jazeera. He was there reporting officially, to al-Jazeera, and he's there in Guantanamo. He didn't do anything. . . . And a lot of stories of students who went there, during the holidays, you know, July and August. They were actually captured, at the time, after September, because usually they go back home after 15th of September. But, after the 11th [Sept. 11, 2001], all the borders were sealed, all flights were stopped, everybody was checked to see if he's an Arab, and so they were actually trapped. And some of them managed to get out, and some of them could not. And they're in Guantanamo. But they are not a member.

Spannaus: Under international law, or the Geneva Convention, which I believe the United States has signed, what should be happening with these people?

Dr. Al-Nauimi: From my point of view, they are civilians. . . . I wouldn't classify them as militia. Militia means that these guys, for example, have been there for over a year, and they left their countries, and they're joining some kind of camps, and they were trained for one year, two years; they know what to do, they are very well aware of their destination, and their purposes. But these are not. The ones there are not. They were there for three months—I wouldn't make them at three months, during their university vacation, school vacation, as really an army.

So, they are civilians. They have to be treated as civilians. And they should be released after interrogation. Let's say, okay, they have the right, the Defense [Department], to interrogate [them] because of the security of the United States. Fine. But after that interrogation, if you have found out . . . that they have nothing to do with it, or they have little—and it was announced that they don't have information, that was said by Rumsfeld himself—So, release them!

Spannaus: Are they supposed to have access to a lawyer, under the Geneva Convention?

Dr. Al-Nauimi: They are not being given access to a lawyer. I am their lawyer. I was denied to even travel to Guantanamo, denied to meet with them . . . and that is a breach of international law.

Steinberg: Dr. Najeeb. I'd like you to clarify, as we were discussing before the show, the confusion that many observers have: Have these detainees been charged? And, as I understand from you, they are not being prosecuted by the Justice Department, or [Attorney General] Ashcroft, but under the military. Can you explain that to our listeners?

Dr. Al-Nauimi: Yes. The situation, the legal situation, is as follows. The detainees fall within the jurisdiction of the [Department of] Defense, and not under the jurisdiction of Ashcroft's [Justice Department]. They have been actually, in a way, outlawed from the normal civilian laws, and Constitution, in the United States. . . . They've been actually put outside the judicial system of the United States. And many cases have been filed on behalf of the detainees in the U.S. courts, and the U.S. courts, in fact, have decided on one element: Saying, we have no jurisdiction to adjudicate and declare on the merits of the applications, or the petition, so-called. Because, they say, they were detained outside the United States—which is in Afghanistan, Pakistan—and relocated outside the United States, which is Guantanamo Bay, which the Cubans have the sovereignty; and the United States has the jurisdiction, and the exercise of military power, over the island.

So, they are, from the [standpoint of the] American judicial system, they are actually aliens who do not fit with our legal system.

Spannaus: But didn't you try and go to the court in Cuba also?

Dr. Al-Nauimi: I tried to go to the Cuban court, and I met with the diplomats there, and they refused to allow me to file an application, or a petition, against the United States or against the Cuban government. And they answered, saying, we have enough problems with the U.S. government, we don't need more. It was not really a legal answer, it was a political answer.

Spannaus: The UN High Commissioner for Human Rights, Sergio Viera de Mello, said this week, "I cannot accept that there's a legal black hole in Guantanamo." He said: "How can we even conceive that on this planet, there exist square kilometers of land, where no law applies?" Is that accurate, that there's no law that applies to this area?

Dr. Al-Nauimi: No, there are laws applied to this area. There are so many things. It is in the hands of the U.S. government, or in the hands of the governments which these detainees belong to. Because under international law, any state who has one detainee inside Guantanamo, can file an application before the International Court of Justice in The Hague, in

Holland, and request the United States to release them on the basis of breach of humanitarian law.

There are ways of really approaching [this]. But unfortunately, these nations, and their governments, are corrupted governments—governments which are really dictatorships, where there is no democracy—they obey and they follow whatever the U.S. government says, because they're scared . . . not to be overthrown. . . . So, these governments are corrupted. There are ways and means to get out of that, but unfortunately, nobody is exercising these rights under international law.

Steinberg: Can you tell us, Dr. Najeeb, about the Committee itself? Who else is on it? What is it doing?

Dr. Al-Nauimi: The Committee is really an ad hoc committee. It contains different lawyers worldwide. Members are Ramsey Clark from the United States, for example; and from Kuwait, and from Saudi Arabia, from Jordan, from Egypt, from Yemen, and from Denmark and Sweden. Their aim, in fact, is really to keep in touch with the families of the detainees, and feed them back information, and try to get from them the power-of-attorney to represent them before any courts, and to help and assess and communicate with the U.S. government—for example, the Secretary of Defense—and try to find a way and means to follow up their destination, whether they will be released, or whether they will be put on trial. Our aim is humanitarian. It is a volunteer committee. We don't take money. We are an NGO, and we only do it for sake of human rights.

Steinberg: And, do you have a publication, or a website? Or how do people get in touch with the Committee?

Dr. Al-Nauimi: We have actually an Arabic website, which is called Guantanamo website. In English, I think they could contact through my e-mail, which is drnajeeb@qatar.net.qa. Anyone can send to me, and I'll reply immediately.

Steinberg: Dr. Najeeb, are there any specific charges against any of the people in Guantanamo, relating to Sept. 11, or other alleged crimes, at this point?

Dr. Al-Nauimi: No. We have to distinguish between Sept. 11, and who was arrested in Afghanistan. Those who did Sept. 11 were a group of people who were actually moved to the United States, and carried out such a horrible act. The ones who are in Guantanamo, were actually either visiting Pakistan, or Afghanistan, or having a short period of charity work, or even one of them was actually there to get married, and on his second night of marriage, in Pakistan, he was kidnapped early in the morning by some youngster, in exchange for a few hundred dollars; handed over to some joint force of Americans and Pakistanis. That guy had nothing to do [with it]—just getting married, but unfortunately at that time, anybody who would be known to have an Arabic accent, or an Arabic face, or whatever, will be arrested on the presumption he might have some link with al-Qaeda, or other organiza-

tions, which is a false image being made by the media. And these people are, most of them—or some of them, by the way, farmers; some of them drivers, taxi drivers; some of them have bookshops; some of them are workers; some of them are teachers. And naturally, as they've been classified, there's no charges against them, until this moment.

Spannaus: I've read that a number of the inmates at Guantanamo have tried to commit suicide. Can you tell us anything about that?

Dr. Al-Nauimi: There were a few attempts. In fact, a few months ago, there was one of the doctors in the Guantanamo hospital, in an interview with BBC, the British Broadcasting, mentioned about 29-30 tried to commit suicide; and I have investigated, myself, that statement, and found out it was not true. The doctor was referring to people who were injured in the X-ray camp, and their cause of injury is really frustration, or getting very tired because of the interrogation that they got, because they had not enough sleep. Like, for example, he hit his head on the bar, and he got injured on the head, or cry, or, you know, because of frustration. Then, he . . . is taken to the hospital, and they classify it as committing suicide.

After that, there was a release of a statement from the Defense [Department], I think, saying, "Oh, no, no. It's only three people, and not 29." Then recently, just last month, one of my clients—this is serious. He tried to commit suicide, and he has a brain hemorrhage at the moment in the Guantanamo hospital. This guy is not living—he's almost dying, and we requested that he should go home, and die among his family. He's not been charged yet. But, we don't know what happened.

Committing suicide, by Muslims, is a crime itself. But, to show you how far these people are feeling, really inside their hearts, that they are innocent, at being kept over one year and four months isolated in a small cell, and getting really frustrated. Getting letters and sending letters, that's normal, through the Red Cross. And they explain, "We are innocent, we are innocent." They have wives, they have mothers, fathers, they have brothers. Just like any normal person. If you keep anybody normal even for a few days, he gets crazy. So, you would expect anything could happen to them.

Steinberg: Ed, I have a question for you. What effect would our campaign—in exposing and getting Ashcroft out—would that have an effect on this horrendous situation that Dr. Najeeb is describing?

Spannaus: Sure. Because, what's happening at Guantanamo is just really an extreme case, a matter of degree, of what's happening inside the United States itself. Even though the Guantanamo prisoners—as Dr. Najeeb has said, this falls under the military, or under the Department of Defense—the actual sort of crafting of this policy was done by Ashcroft. Ashcroft is operating as part of a team within the Administration, and this is actually what Lyndon LaRouche warned, remember, back at the time of the confirmation fight, about

Ashcroft. LaRouche warned that under crisis conditions, that it's not just Ashcroft's role as Attorney General, but Ashcroft's role as a crisis-management team, and that's exactly what's happened. The way that he's worked with the Pentagon, with Rumsfeld, on this stuff; the Homeland Security Department. Ashcroft is the President's chief legal adviser, but, in this case, legal is hardly the word for it. . . . He's the chief adviser for tearing up the Constitution.

So, knocking Ashcroft out would make a big difference. They've done a lot of the same things to detainees in the dragnets here, even for American citizens, as we've seen in the cases of [José] Padilla and [Yaser] Hamdi. On Guantanamo, they're saying, "They have no rights whatsoever." So it's all the same package, and Ashcroft is the guy who's right in the middle of it. And if we can get rid of him, if he would "exit," along with Wolfowitz and Perle—we need an "exit strategy" out of this police-state horror that he's creating right now.

Let me ask you this, Dr. Najeeb. This is, I believe, your second trip, at least, to the United States, in connection with the Guantanamo detainees. Have you gotten any meetings, or any response, from anyone in the United States government? I mean, you're here representing these prisoners, you're representing their families, you're coming to the capital of the country which is supposed to be the champion of human rights. Has anybody in the government been willing to talk to you about these things?

Dr. Al-Nauimi: Well, according to our normal correspondence, I have met [Department of] Defense people, and they assured me, that there will be some people released, who have been found not really guilty of anything, and innocent, and after a long time; and some will be put on trial. I have, as you know, I have sent 422 letters, to 422 Congressmen. I have sent actually a letter to the [House] Committee on International Relations, an e-mail. I spoke with them, requesting that I be given the chance to speak to the Congressional committees, or the Senate. No reply. I sent to [Deputy Assistant Secretary of State] Elizabeth Cheney, an e-mail, spoke to her office, saying, "You know, you have to hear us. We have to explain." They said, send an e-mail, and we got no reply. . . . I think the feelings of being a superpower, are that they can neglect anybody, not only me.

Steinberg: Dr. Najeeb, what was your impression in terms of the LaRouche movement, and dialogue with Mr. LaRouche, while you were here?

Dr. Al-Nauimi: I think Mr. LaRouche has his own way of changing for the good, and I think he has a clear idea of how he would like to handle such an administration, if he would win the Presidency. And I think the movement is really clear-cut, as we say, it has a good faith. You can see in your movement, that you're saying the truth, and you're dealing with the facts, and you're basing your movement in humanitarian and social activities.