

Camp Bucca and Guantanamo Bay,

Where the United States imprisons journalists

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Journalists kidnapped in Iraq

Right from the start, the war in Iraq took a tragic and bloody turn for the world's media trying to report on it and inform the public. It has now become the deadliest war for journalists since Vietnam 40 years ago, with 78 journalists and media assistants killed between March 20, 2003 and January 2006.

The major international media has cut back its presence in the country to a minimum, inasmuch as 35 of its people have been kidnapped and dozens more arrested or wounded. The press is now mainly based in "protected" areas of the capital, Baghdad, and news now depends on the extent to which Iraqi journalists and assistants are prepared to risk their lives.

The Iraqis are theoretically in less danger than their Western colleagues because they know the country. In fact, they have become the main journalist casualties of the war, comprising two-thirds of those killed since fighting began in 2003.

They have been murdered, kidnapped and threatened by armed groups opposed to the US presence and the new Iraqi government. They have also been shot by US and Iraqi troops. Press freedom in Iraq has been taken hostage

by a fierce armed rebellion and by US and Iraqi forces who frequently open fire indiscriminately and arbitrarily arrest journalists.

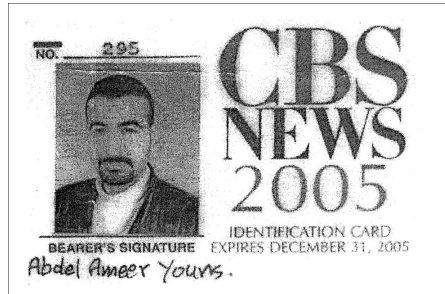
They are routinely arrested and increasingly held for long periods on suspicion of collaborating with the insurgents. They are not charged or tried for any crime by any appropriate authority and their detention is determined only by a questionable special tribunal.

Reporters Without Borders wishes to expose and condemn this intolerable situation by investigating the detention of journalists held by US troops in Iraq. Three of them, Majeed Hameed (of Reuters and Al-Arabiya), Ali Omar Abraham al-Mashadani (Reuters) and Samer Mohamed Noor (Reuters), were freed on January 15 and 22, 2006. Their release after months of imprisonment and without any legal action against them makes it all the harder to understand why their colleague, Abdel Amir Yunes Hussein, of CBS News, is still being held. Nothing can justify imprisonment for simply doing their lawful job for the benefit of the public.

Reporters Without Borders also wants to highlight the case of Sami Al-Hajj, a cameraman for the pan-Arab satellite TV station Al-Jazeera, who was arrested in 2001 and has been held since 2002 at the US naval base at Guantanamo Bay (Cuba).

I- One journalist imprisoned in Iraq, another at Guantanamo Bay

Abdel Amir Yunes Hussein. CBS News. Held at Camp Bucca (Iraq). Prisoner no. 172.339



Abdel Amir Yunes Hussein, 26, is a native of the northern city of Mosul. He is single and lived with his family in a Kurdish part of the city until his arrest on April 8, 2005, after working three months as a cameraman for the US TV network CBS News.

He is known to be a balanced and energetic young man involved in the public life of the city. He has a diploma from Mosul University's technology institute and combined being a freelance cameraman with working for the National Student and Youth Union. His cousin, Ahmed Rashid Hussein, a Mosul police commissioner for the past eight years, says:

"My paternal cousin Abdul Amir Yunes Hussein Wahab al-Badrani is one of my closest acquaintances. He could be described as a friend and confidant due to the closeness between our ages, the social relationship and the strong family ties between us. He never hid anything from me, whether a personal or professional matter. (...) I consider him to be an honest and diligent young man who loves his work to the point where he would do anything to perform it faithfully¹.

Wounded, given medical treatment, then arrested

On April 5, 2005, CBS News' Baghdad office heard that one of its cameramen had been

wounded in Mosul. At first it did not know who it was or how badly he was hurt. The Multi-National Force-Iraq (MNF-I) eventually announced that soldiers of the 1st Brigade of the 25th US Infantry Division had shot a "terrorist."

"During the engagement an individual appearing to have a weapon was standing near the terrorist and was shot and injured. This individual turned out to be a reporter who was pointing a video camera," it said.

CBS News was told the cameraman was in the Yarmuk military hospital in Mosul, but it was several days before it discovered that he had only been slightly wounded on his behind.

However, on April 8, the MNF-I said in another statement that it was holding a person wounded four days earlier who had a CBS News press card because he was suspected of having ties with the insurgents and that there was "probable cause to believe that (the detainee) poses an imperative threat to coalition forces."

CBS News producer Randall Joyce went to Mosul on April 15, and tried in vain for three days to see the journalist and look at the videotape that had been confiscated from him for "security reasons." Hussein's family were not allowed to see him either because it would supposedly "create a precedent."

An MNF-I statement next day said explosives tests on the journalist were positive and an investigation was ongoing into his possible collaboration with "terrorists."

On June 22, CBS News producer Larry Doyle was allowed to see Hussein, who was at that point in Abu Ghraib prison, near Baghdad. He strongly denied the accusations against him and shared his own version of the events:

¹ Statement attached to a July 3, 2005 letter from CBS News President Andrew Heyward to the Combined Review and Release Board (CRRB) before this secret tribunal considered Hussein's case.

Camp Bucca and Guantanamo Bay, Where the United States imprisons journalists

He said he was at Mosul University and when he heard an explosion, he phoned an Agence France-Presse (AFP) cameraman friend, who told him where it had taken place. Both of them went to the spot and split up. As Hussein filmed the site of the explosion, he was hit by a bullet. He said he saw no insurgents and that he had been held for two weeks in Mosul.

July 7: CBS News was told he had been sent to the Camp Bucca prison near Basra.

July 25: CBS News Baghdad bureau chief Ben Plesser and Iraqi lawyer Tariq Harb managed to see him for half an hour. Hussein again denied the MNF-I accusations and said he had not been interrogated since arriving from Mosul. The Iraqi interpreter with the visitors noted that Hussein had lost weight. Hussein complained that he was kept in a tent in the 104° F heat and was only occasionally given water. He had grown a beard and when the lawyer asked why he was unshaven (which he said made him look like an Islamist), Hussein said he was not allowed to shave.

August 25: CBS News was told the Central Criminal Court of Iraq had refused to consider Hussein's case. But he was not released, and the MNF-I said the case would soon be heard by the Combined Review and Release Board (CRRB), a secret tribunal handling MNF-I prisoners.

September 20: US Lt. Col. Guy Rudisill, of the MNF-I, told CBS News that "the CRRB process has determined continued internment for Mr. Hussein based on imperative reasons of security under United Nations Security Council Resolution 1546," and said the case would not be reexamined for 180 days.

CBS News conducts its own investigation

As soon as it learned of the accusations against its cameraman, CBS News led its own investigation. The US authorities did not reveal any of the evidence they said they had against him. CBS News was not allowed to

see the videotape confiscated from him on April 5 and which Hussein said contained nothing more than a small amount of footage taken before he was wounded. Hussein has never been formally charged with any offense. CBS News says the U.S. Army had not taken into account new evidence discovered in its investigation.

The TV network first talked to three people who saw what happened on April 5 and who testified under oath. Their statements were recorded and authenticated by lawyer Tariq Harb.²

Bureau chief Plesser told Reporters Without Borders by phone from Baghdad on December 27, 2005 that the evidence of the three eyewitnesses matched Hussein's version of what happened. This was especially important, he said, because none of them had had any chance to talk to Hussein since the incident.

Their evidence also shows that Hussein was at the university at the time of the explosion, just as he had said, disproving the US Army's claim that he could have had prior knowledge of the blast.

The CBS position

The TV network deplores the detention of Hussein, but especially criticizes the legal vagueness of the case.

Nine months after his arrest, the accusations against the journalist still have no other basis than what the MNF-I claims. Plesser stated:

"The important thing is that CBS News is not claiming it can determine whether he is innocent or guilty. We don't know what the charges are. (...) We do not consider ourselves investigated. We would like to know what he is charged with. We are not arguing the case itself (...) although we found nothing in our investigation that proves he is guilty. But because we are not an investigation agency, we want him to be tried by a judicial court, be it Iraqi or American. (...) We are asking for transparency."

² An account of this evidence is appended to this report.

He added that while he was being held without charges, recourse to a lawyer was impossible since a lawyer could only act within a clearly-defined legal context. CBS News was not asking for special treatment because he was a journalist, but Hussein had “a very good answer to the question about where he was at the time of the incident: ‘I was doing my job.’”

CBS News President Heyward wrote to US Sen.

John McCain on November 1, 2005 pointing out that an informed public depended on “thorough reporting” by CBS and other media in Iraq and that the work of local journalists was vital in this. “The detention of Hussein and other Iraqi journalists inevitably has a chilling effect on our ability to hire the right people and report the news to our audience back home. Moreover, it seems an odd example to set for a country our government is trying to ‘educate’ in the ways of democracy.”

Sami Al-Hajj. Al-Jazeera. Imprisoned at Guantanamo Bay.

The United States has also been holding Sami al-Hajj, a Sudanese cameraman of the Qatar-based satellite TV station Al-Jazeera, since December 15, 2001. He was taken from Afghanistan to the US naval base military prison at Guantanamo Bay, where he has been held with about 600 other prisoners arrested as part of the “war on terror.” Ahmad M. Ibrahim, of Al-Jazeera’s planning department, sent Reporters Without Borders a detailed report on his arrest and detention.

Hajj, 36, had worked for Al-Jazeera since October 2001. After completing his studies, he had emigrated to the United Arab Emirates, where he worked for a time with an import-export firm. He married an Azeri woman in 1997, and they had a son called Mohammed.

He went to cover the US attack on Afghanistan as part of Al-Jazeera’s team which went to Kandahar in late October 2001. The Taliban regime soon stopped the team from working, and the journalists were briefly arrested before the city was seized by US troops. He left for Pakistan but tried to return to Afghanistan with an Al-Jazeera crew on December 15 after extending his Afghan visa. He was arrested at the border by Pakistani forces. Al-Jazeera said he was arrested under a warrant bearing his name but with the wrong passport number. The station said he had lost his passport in 2000, and it may have been misused by counterfeiters.

He was held in the Pakistani town of Chaman for 23 days, and was visited there by a Qatari embassy official who failed to get any more details about his situation. Hajj was moved on

January 7, 2002 to a military prison in the border town of Quetta, where many Arab prisoners were being held.

That night he was handed over to US troops and then flown to the US air base at Bagram, in Afghanistan.

He was kept at Bagram from January 8 to 23, and accused of making videos of Osama bin Laden, which he strongly denied. At Guantanamo, he told his lawyer he had been beaten at Bagram, deprived of food and medical treatment and exposed to the extremes of the Afghan winter.

He was transferred to a prison in Kandahar on January 23. He said that during his five months there he was subjected to “unprecedented levels of degrading treatment that amounted to physical and mental torture. “ The International Red Cross (ICRC) was allowed to visit him once, after which he was permitted to have a shower for the first time in more than three months, according to Al-Jazeera’s Ibrahim.

Hajj was flown to Guantanamo Bay on June 13, 2002, along with about 40 other prisoners, where he has been ever since.

Al-Jazeera had no news of his whereabouts until four months after this transfer. In a letter that reached his wife in April 2002, with the help of the ICRC, he said that he was at the Guantanamo Bay naval base, where he was considered to be an “enemy combatant.”



Camp Bucca and Guantanamo Bay,

Where the United States imprisons journalists

Human rights lawyer Clive Stafford-Smith, a well-known campaigner against the death penalty, agreed to defend several Guantanamo prisoners, including Hajj. On several occasions he was allowed to meet with Hajj, who said he had been interrogated more than 130 times and tortured, including sexually. At one meeting, he also had a scar on his face. Stafford-Smith said the interrogators had threatened his family, especially his young son. The journalist said that soon after arriving at Guantanamo he was forcibly deprived of sleep for more than two days. He said that the aim of most of the interrogations over the last three years had been to get him to say there was a link between Al-Jazeera and Al-Qaeda.³

Stafford-Smith told Reporters Without Borders that Hajj was under extreme stress but was glad to know his family was being looked after by Al-Jazeera in Qatar. He was able to see him in early January 2006, and said he was depressed because he had now spent four years in prison but still showed great strength of character. He said that Hajj considered him a very useful reporter about what was going on in Guantanamo.

Hajj is also not being given medical care, despite having throat cancer, which was treated in 1998 but needs constant attention. He has reportedly taken part in several hunger strikes to protest the violent treatment he had received and to obtain medical care. In a letter to his lawyer dated August 9, 2005, he wrote: "We all had to go back on a hunger strike again. (...) We have to stand together on this, more for the prisoners who are being mistreated in camp V than for anything else. I hope to survive it. But please tell my wife and my son that I love them."

A US military tribunal, the Combat Status Review Tribunal (CSRT), reviewed Hajj's case, but on his lawyer's advice, Hajj refused to take part in the hearing. US authorities said in March 2005 that he was considered an "enemy combatant"⁴ suspected of traveling for secret purpo-

ses, running an Internet website supporting terrorism, trafficking in weapons, illegally entering Afghanistan and interviewing Osama bin Laden. The journalist and Al-Jazeera denied all of these accusations.

Stafford-Smith told Al-Jazeera in October 2005⁵ that Hajj was not being prosecuted and that his case, and that of other prisoners, was being looked into again by the U.S. Court of appeals in Washington. The US Supreme Court had allowed Guantanamo Bay prisoners in June 2004 to file habeas corpus requests in US federal courts to contest the legality of their imprisonment. These legal proceedings are very long however. "I wish there were a trial, because at least then we would have the opportunity to contest real allegations," Stafford-Smith said.

Al-Jazeera, a media outlet targeted by the US government

The targeting of Hajj was in fact a US attempt to get at Al-Jazeera, according to the British daily *The Guardian* in September 2005.⁶ It said that his interrogators had promised to free him and supply him with a US passport if he would agree to spy on the TV station. British soldiers were also present at some of the sessions. The paper quoted official records of visits from his lawyer in June 2005 that were recently declassified by the U.S. Army. Hajj's imprisonment thus seems to be part of the open US hostility against Al-Jazeera.

The station has been hard hit in both Afghanistan and Iraq. US warplanes bombed its Kabul offices in 2001, a month after former US secretary of state Colin Powell urged the ruler of Qatar to get the station to change its coverage of the war. Its Baghdad offices were also bombed in April 2003, killing a Jordanian-born Palestinian cameraman, Tarek Ayub. The US Central Command said both attacks were mis-

³ Amnesty International, <http://web.amnesty.org/library/index/ENGAMR512072005>

⁴ The US Department of Defense defines an "enemy combatant" as someone belonging to or supporting the Taliban or Al-Qaeda. The term also covers those who have committed or been associated with hostile actions against the United States or its allies.

⁵ Asim Khan, Mahfud el-Gartit, "Guantanamo ordeal of Al-Jazeera cameraman," *www.aljazeera.net*, October 26, 2005.

⁶ Vikram Dodd, "Guantanamo inmate says US told him to spy on Al-Jazeera," *The Guardian*, September 26, 2005.

takes and that the U.S. Army only aimed at legitimate military targets. Al-Jazeera said it had told the US authorities beforehand the exact location of its Kabul and Baghdad offices.

The Iraqi government has banned Al-Jazeera from operating in Iraq since August 2004.

The British paper The Daily Mirror reported in

late November 2005 that US President George Bush had planned in April 2004 to bomb Al-Jazeera headquarters in Qatar in April 2004⁷ and that British Prime Minister Tony Blair dissuaded him on grounds that Qatar was a major regional ally. White House spokesman Scott McClellan told the Associated Press news agency: "We are not interested in dignifying something so outlandish and inconceivable with a response."

Three other Iraqi journalists detained for several months in Iraq

Majeed Hameed. Al-Arabiya / Reuters. Prisoner no. 179.179

Majeed Hameed (21) was the youngest journalist detained in Iraq until his release on January 15, 2006. He had been arrested by US troops on September 15, 2005 while working as a freelance reporter for Reuters news agency, and as one of the main Iraqi correspondents for the pan-Arab satellite TV news station Al-Arabiya, based in Dubai. The station said he was "one of the most energetic and resourceful field reporters in Iraq. He was associated with several scoops in various areas that witnessed combat between US forces and armed groups, (...) most recently in Tell Afar, where Majeed was the only broadcast reporter there." The station noted his reports had been seen around the world and carried by the major international media.⁸

Hameed, an Iraqi, was also described as "a professional" by the station, whose Communications Manager, Jihad Ballout, told Reporters Without Borders on December 28, 2005 that he had been accredited by the appropriate authorities, including the US, to work in Iraq. Hameed has also worked for Abu Dhabi TV. Before the war, he was a student at Al-Anbar University, where he was a part-time journalist. He is unmarried and lives with his family.

Arrested at a funeral

Hameed was detained when US troops turned up at the burial of a friend in a cemetery in

Ramadi (west of Baghdad) on September 15, 2005 and arrested most of the men present. Ballout said the soldiers considered the dead man an active participant in the insurgency. Al-Arabiya said Hameed was picked up by the 8th US Brigade in Iraq and held in a US detention center near the city.



An Al-Arabiya spokesman said the station was only told by the US of his arrest on September 21, when US Central Command spokesman Capt. Eric Clark told the station on the air that he had been detained on suspicion of links with the insurgency and that there was solid evidence for this.

Detained in secret

Hameed was held without charge by US troops for four months, and without the U.S. Army revealing the evidence it had against him. His other employer, Reuters, said it was "imperative that journalists should not be held in Iraq unless there are proper and public charges to justify their detention."

Reuters Baghdad bureau chief Alastair Macdonald told Reporters Without Borders he had good relations with Hameed, who came to Baghdad at least once a month. He said he had once been kidnapped and tortured for two days

⁷ Kevin Maguire, Andy Lines, "Exclusive: Bush plot to bomb his Arab ally," *The Daily Mirror*, November 22, 2005.

⁸ Al-Arabiya press statement, September 21, 2005.

Camp Bucca and Guantanamo Bay,

Where the United States imprisons journalists

by insurgents in Ramadi.

Al-Arabiya said on October 4 that it was increasingly worried about his continued detention, which was obstructing its coverage of historic events in coming weeks in Iraq, including a constitutional referendum and general elections.

The station said that on November 2 Hameed was sent to Abu Ghraib prison, and then to Camp Bucca. He was not allowed to see his employer, his lawyer or any of his family. “His family, namely his sister, is constantly contacting us, grieving and complaining at the denial of requests to meet him,” said Ballout. The only news the station got came from a freed prisoner, who said Hameed had been strenuously interrogated about his access as a journalist to sources deemed undesirable by the United States.

The position of Al-Arabiya

The Al-Arabiya spokesman told Reporters Without Borders:

“In the absence of any proof, I tend to think there is none. My belief is strengthened by the fact that no charge has been forthcoming yet and the fact that the US’s track record when it comes to detaining journalists since 2003 indicates that almost all journalists detained—and some of them for months on end—were said to be held on ‘terrorism’ charges, only to be released without being charged at all. It seems to me that presumption of innocence should prevail until guilt is proven. (...) Were the US authorities to be forthcoming with facts about Hameed’s alleged involvement in improper activities, we would certainly take appropriate action.

“Journalists, especially Iraqis, have a hard time doing their job because they have, and legitimately so, access to parties that are deemed by the prevailing status quo, rightly or wrongly, to be undesirables—a state of affairs that severely restricts their activities, and is perhaps in violation of universally-accepted principles of press freedom.”

Asked whether he thought the U.S. Army was deliberately targeting journalists working in Iraq, Ballout said:

“This is not for me to say, although indications over the past couple of years of US involvement in Iraq clearly show, to say the least, a measure of indifference to the principles of a free press for the sake of immediate political expedencies.”

He also said Al-Arabiya had unsuccessfully asked US defense department officials in Dubai, and the US Central Command in Doha (Qatar), to act on the matter. Al-Arabiya was the target of the U.S. Army in November 2004, when its correspondent in Fallujah, Abdel Kader al-Saadi, was detained for 11 days.

Released after four months in detention

Hameed was finally released from Abu Ghraib on January 15, 2006, along with some 500 other Iraqi prisoners held by the MNF-I. His release was welcomed by his family, colleagues and employers, but it simply highlighted the four-month injustice against him. As Ballout noted, the lack of evidence against him proved that the MNF-I accusations supposedly justifying his detention were unfounded.

Samer Mohamed Noor. Prisoner no. 155.588.

Ali Omar Abraham al-Mashadani. Prisoner no. 077.305. Reuters



Samer Mohamed Noor and Ali Omar Abraham al-Mashadani, (photo) two Reuters cameramen, were arrested two months apart, in 2005, under similar circumstances. Aside from rare U.S. Army statements about them, the only news of their arrest came from their brothers, who were arrested at the same time. Mashadani was freed along with Majeed Hameed on January 15, 2006, while Noor was released on January 22.

Arrested at their homes

Noor, a freelance cameraman covering the region for Reuters, lived with his wife and children in Tall Afar (north of Baghdad), where he had a photography shop. He was arrested at his home on June 5, 2005 during a “routine” neighborhood search by Iraqi troops. His brother, also picked up but soon freed, said the soldiers beat Noor unconscious. The journalist was handed over to US troops in Mosul, then moved to Abu Ghraib, and later to Camp Bucca.

Mashadani, 36, lives in Ramadi with his wife and mother, and was an electrician and photographer before working for Reuters as a cameraman and photographer for the year prior to his arrest. He replaced cameraman Dhia Najim, who was shot dead by a U.S. Army sniper on November 1, 2004. Reuters Baghdad bureau chief Alastair Macdonald said Omar was trustworthy, and was in phone contact with the office every day. He would come into the office about twice a month to collect his pay.

He was arrested by US troops on August 8, 2005 during a “routine” neighborhood search by US troops in Ramadi. His brother was detained with him and freed a week later. He said US Marines entered his house while they were being targeted by insurgents. They found and confiscated his work equipment—a video camera and laptop computer—and damaged the camera. His family said the soldiers behaved threateningly after looking at the film in the camera.

Detained incommunicado

On August 24, Reuters called for Mashadani’s release after he had been held for two weeks,

during which time they were without any news of his fate. Lt. Col. Rudisill, the MNF-I officer responsible for detentions, then said he was in Abu Ghraib Prison but could not be visited for the next 60 days, as the US considered him a “security detainee” suspected of links with the Iraqi insurgents.

The MNF-I announced on August 31 that the CRRB had considered the evidence in his case and “recommended continued internment,” saying he was being “detained as a security threat to the Iraqi people and coalition forces based on information that he was affiliated with anti-Iraqi forces.” It said his case would not be reviewed for another 180 days. He was then sent to Camp Bucca. Reuters informed Reporters Without Borders that he had only been allowed one visit, from his two brothers, last October.

Noor’s case was also reviewed by the CRRB at the end of September. Rudisill said that he, too, posed a security threat to the Iraqi people and the coalition forces, and was also ordered kept in detention with no further review for 180 days.

Requests by Reuters for details of why the two journalists had been arrested went unanswered. Neither man was charged with anything. On several occasions, the news agency was refused permission to visit them.

The position of Reuters

Reuters’ Global Managing Editor David Schlesinger welcomed the release of the three journalists, but said the agency was disturbed that it had taken so long to free them—nearly eight months in Noor’s case—despite the lack of any credible evidence.

The MNF-I said on January 15 that the release of the 500 detainees (including two of the Reuters journalists) “and others like it highlight the progress toward democratic governance and the rule of law, demonstrating the involvement of Iraq’s government in the effort to provide both security and justice for all Iraqis. Those chosen for release are not guilty of serious, violent crimes—such as bombing, torture, kidnapping, or murder—and all have admitted their crimes, renounced violence, and pledged to be good citizens of a democratic Iraq.”

II- Arbitrary detentions?

The Combined Review and Release Board

MNF-I's Lt. Col. Rudisill told Reporters Without Borders on January 6, 2006 that when a person was arrested, their case was first considered by a legal unit at the detention center of the brigade or division they were taken to, within three days of their arrest. The base commander then would decide whether to release them or send them to an "operational detention center" such as Camp Bucca. He said half of all those arrested were freed between these two stages.

Whether to keep journalists detained is decided after their case has been considered under CRRB procedure.⁹ The MNF-I says the CRRB was set up jointly with the Iraqi government and is comprised of six representatives (two each from the justice, interior and human rights ministries) and three senior MNF-I officers. The procedure established in August 2004 states that cases must be considered within 90 days after arrest, and every 180 days after that. This is an administrative matter; the prisoner does not appear in person.

The CRRB then recommends either release (sometimes conditionally) or continued detention if it finds that the prisoner is "an "imperative threat to the coalition forces and the security of Iraq." The case can also be referred to the CCCI¹⁰ if there is enough evidence, according to Rudisill, who said that cases of people considered too dangerous, however, were not sent to the court. The CRRB has only advisory powers because the MNF-I commander-in-chief has the final word. When prisoners are freed conditionally, they have to sign a statement renouncing violence and promising to obey the country's laws. The MNF-I says the CRRB handled nearly

22,000 cases up to the end of November 2005 and recommended that 12,000 people be released.

What is the CRRB's legal standing?

The MNF-I states that the CRRB was set up under Article 78 of the Fourth Geneva Convention and UN Security Council Resolutions 1546 and 1637, which both authorize the MNF-I, with the Iraqi government's agreement, to take all necessary steps to help maintain security and stability in Iraq, especially concerning detention of people for "imperative security reasons." The semiannual review of cases is also in line with the Fourth Geneva Convention (Article 43-1).

The MNF-I says it acts in accordance with international law but only applies it as it sees fit, using it to justify setting up the CRRB but ignoring the legal guarantees the Convention requires for prisoners.

Article 3 of the Geneva Conventions, applicable in Iraq, bans "the passing of sentences and carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples."

International instruments protecting human rights, and related customary standards, are also applicable at all times and in all circumstances.¹¹ In non-international armed conflict, countries are authorized to suspend most rights guaranteed by these instruments, except for a "hard core" of human rights.¹²

In 2001, the UN Human Rights Commission,

⁹ It is not clear whether that Majeed Hameed's case was considered. Under this procedure, it should have been before December 15, 2005.

¹⁰ The Central Criminal Court of Iraq (CCCI) was set up in June 2003 by Iraq Provisional Coalition Authority administrator Paul Bremer. It consists of an investigative court, a trial court and an appeal court, with the right of further appeal to the Iraqi Court of Cassation. The CCCI tries terrorism, insurgency and kidnapping suspects. The MNF-I says it has handled about 2,000 cases since it was set up.

¹¹ As the International Court of Justice pointed out in an advisory opinion on July 9, 2004, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, pghs. 105 and 106.

¹² See, for example, article 4 pgh. 2 of the International Covenant on Civil and Political Rights, A/RES/2200 A (XXI), December 16, 1966.

Camp Bucca and Guantanamo Bay, Where the United States imprisons journalists

which ensures that countries respect the 1966 International Covenant on Civil and Political Rights, spelled out the conditions for suspension and expanded, by interpretation, the content of the “hard core.”¹³ A 1987 advisory opinion by the Inter-American Court of Human Rights, the legal arm of the American Convention on Human Rights (the 1969 Pact of San José), which the US has signed, said some guarantees could not be suspended, notably those in Article 8 of the Convention.¹⁴ The article says that everyone has “the right to a hearing” by a “competent, independent and impartial tribunal,” must be told the charges against them, has the right to a lawyer, and the right to summon any witnesses or experts to clarify the facts of the case.

A secret tribunal that violates international humanitarian law and human rights

The CRRB clearly violates certain basic principles of international humanitarian law and international human rights law, since the detainees are not allowed any legal assistance, and have not been informed of the charges or of any legal

proceedings against them. Hearings of their cases are also held in secret, and the presence of MNF-I officers on the CRRB does not guarantee the “independence and impartiality” required by the Third Geneva Convention (Article 84-2).

Carsten Jurgensen, of Amnesty International’s Middle East section, says:

“Fundamental human rights of tens of thousands of detainees held by the MNF in Iraq have been violated. Many have been held for months or years without being charged or tried. The MNF has established procedures which deprive detainees of human rights which are guaranteed in international human rights treaties, including the right to be promptly brought before a judge and the right to challenge the lawfulness of the detention before a court.”

James Ross, Senior Legal Adviser for Human Rights Watch, adds: “While the US claims it is detaining persons in Iraq in accordance with international standards, in practice it is holding people without regard to either the requirements of the Geneva Conventions or international human rights law.”

¹³General Observation 29 on Article 4 (state of emergency), adopted 24 July 2001, CCPR/C/21 /Rev.1/Add.11 (August 31, 2001).

¹⁴Inter-American Court of Human Rights, advisory opinion OC-8/87, January 30, 1987, *Habeas Corpus in emergency situations* (arts. 27(2), 25(1) and 7(6), American Convention on Human Rights), Series A, no. 8; advisory opinion OC-9/87, January 30, 1987, *Judicial guarantees in states of emergency* (arts. 27(2), 25 and 8, American Convention on Human Rights), Series A, no. 9.

III- Reporters Without Borders' conclusions and recommendations

The need to recognise the work of journalists

The detention of one journalist in Iraq and another at Guantanamo Bay poses a fundamental problem in relations between the U.S. Army and the media. The U.S. Department of Defense has always refused to recognize the special status of journalists and the fact that their job requires them to be present during military operations. This can foster dangerous confusion in the minds of soldiers, leading to sometimes deadly excesses. The Army urges journalists to "embed" themselves with its troops, but gives no guarantee of safety to those who do not do so, but who are just as vital to proper coverage of the fighting.

This attitude implies, at best, negligence and culpable misunderstanding of the role of the media and, at worst, as some media outlets fear, could in some cases be a deliberate and criminal attempt to obstruct reporting on the conflict. The US authorities did, after all, say that the war also has to be won through the media.

Reporters Without Borders points out that journalists are civilian non-combatants under the Geneva Conventions, and that the dozens of arrests and shooting deaths caused by US troops (at least 11 since 2003) raise major questions.

Reporters Without Borders is also concerned that no serious investigation seems to have been made of these cases. Nobody has been held responsible and no rules of conduct towards journalists clearly established by US authorities. In September 2003, Reporters Without Borders strongly criticized the Pentagon's "sham investigation" of the death of Palestinian Reuters cameraman Mazen Dana. More than two years later, several recommendations made at that time by the U.S. Army have been followed.

The US military command must give clear and imperative orders to its soldiers on the ground

that possession of a video camera, videocassette or other camera must not be considered a sign of illegal activity. The U.S. Army must also recognize that cameras do not in any way resemble weapons and must amend its rules of engagement to take this into account.

Neutrality and protection of journalists

Journalists must under no circumstances be targeted in armed conflict but must also be given special protection by the combatants. In the case of the U.S. Army, written regulations, whose observance must be monitored, should be enforced.

US military officials accuse the journalists they are holding of collaborating with insurgents and in some cases having prior knowledge of Iraqi rebel attacks against their troops. This kind of accusation can be presumed baseless as long as the MNF-I supplies no evidence incriminating a detained journalist. Instead of trying and sentencing them if necessary, vague and unsubstantiated accusations foster general suspicion against the media, which makes it dangerous for journalists to have contact with US troops. This should not be the case, and the sight of a US patrol should not cause fear in journalists with a press card and other distinctive signs protecting them in wartime.

A bad example for Iraq and a threat to press freedom

In a country like Iraq, where the United States wants to encourage the emergence of a democracy, imprisoning journalists is an especially dangerous precedent that jeopardizes future prospects. Iraqi authorities have also still not shown their commitment to press freedom. Practices inherited from the old regime explain arbitrary detention and censorship, but US attitudes in Iraq do not discourage this kind of behavior.

The draft version of the Iraqi National

Camp Bucca and Guantanamo Bay, Where the United States imprisons journalists

Constitution however, recently approved by referendum, very clearly bans arbitrary detention and guarantees independent courts, the right of the accused to a defense and (Article 36) press freedom. Reporters Without Borders deplores the U.S. Army's attitude toward the media and stresses that this does not encourage Iraqi authorities to respect the new constitution.

The shocking 30-year-old prison sentence passed on Kamal Sayid Qadir is an example of the kind of excesses that are not discouraged by US actions in Iraq. A Kurdish-born Austrian citizen, he was sentenced on December 19, 2005 for insulting Massud Barzani, the President of autonomous Iraqi Kurdistan, in articles posted on the Internet.

These American actions come after recent alarming revelations by the US daily, the Los Angeles Times in its issue of November 30, 2005, that the U.S. Army, as part of a propaganda drive, has secretly paid Iraqi newspapers to print articles presented as independent in an effort to improve its image.¹⁵ A military enquiry is looking into the Army's setting up and funding of the Baghdad press club. The Army admits that it paid some club members, but claims it did not demand any favorable coverage in exchange.¹⁶

Interim Iraqi justice minister Abdul Hussein Shandal told Reuters in September 2005 that he was opposed to US troops holding journalists and said they should have special protection and be allowed to work with all sides in the conflict. "No citizen should be arrested without a court order," he said, adding that he had no power to stop US detentions by the MNF-I and the CRRB.¹⁷

U.S. Army actions highlight substantial and deeper contradictions. When CBS News tried to find out about the health of its reporter Abdel Amir Yunes Hussein, the MNF-I at first refused, claiming it would violate US law on medical confidentiality (the Health Insurance Privacy and Accountability Act - HIPAA, 1996). But the lack

of legal guarantees for detained people violates US law and even the minimal rights required by the Geneva Conventions and international human rights treaties.

It is also shocking to note the flouting in Iraq of the principles contained in the first 10 amendments to the US Constitution, especially the First Amendment (concerning freedom of speech and the press) and the Fifth (the rights of an accused person), and how they are not being applied to journalists or other detainees.

Reporters Without Borders calls on the US to explain these unlawful detentions

Reporters Without Borders cannot judge the nature of the supposed offenses of the journalists which led to their arrest and imprisonment. It simply points out that nothing proves they are guilty of anything. But the release of the three Reuters journalists after several months without any formal charges against them seems to indicate the weakness of the MNF-I's accusations. It is unacceptable for journalists to be detained without explanation for such a long time.

On August 25, 2005, Reporters Without Borders Secretary General Robert Ménard wrote to MNF-I Commander-in-Chief John Abizaid, asking him to explain why Reuters cameraman Ali Omar Abraham al-Mashadani was being held. The only response was a letter dated November 25 from Florida-based Col. Fred T. Pribble, of the US Central Command, saying: "Please be aware that all detainees, including journalists, are treated humanely and in a manner consistent with the Geneva Conventions, in accordance with U.S. policy."

Reporters Without Borders is not satisfied with this answer and calls on US authorities to break their silence about the journalists' detention, make public the evidence they have against them, and back this up by formal charges and prosecution if justified.

¹⁵ Mark Mazzeti, Borzou Daragahi, "U.S. Military Covertly Pays to Run Stories in Iraqi Press," *Los Angeles Times*, November 30, 2005.

¹⁶ Rick Jarvis, Zaid Sabah, "Probe into Iraq coverage widens," *USA Today*, 9 December 2005.

¹⁷ Mariam Karouny, Alastair Macdonald, "Iraq Slams U.S. Detentions, Immunity for Troops," *Reuters*, September 14, 2005.

Camp Bucca and Guantanamo Bay,

Where the United States imprisons journalists

If this cannot be done, Reporters Without Borders calls for the immediate release of the two journalists imprisoned in Iraq and at Guantanamo.

It is time for US authorities to go beyond statements of good intent and end the current information blackout in these cases. Secretary of Defense Donald Rumsfeld told a US Senate hearing on September 29, 2005 that he would review the journalists' detentions. US Embassy spokesman in Baghdad, Douglas Burton, told Reporters Without Borders on December 27 that he took the detentions and the issue of press freedom "very seriously," but said he had not been told anything about the cases mentioned by the organization.

Reporters Without Borders also condemns the isolation of Hussein in Camp Bucca and calls on the U.S. Army to allow and assist visits from his family, his employers and his lawyer.

Reporters Without Borders makes five requests under Freedom of Information Act

In the face of the US authorities' refusal to give any information about journalists held in Iraq

and Guantanamo, the worldwide press freedom organization is making five requests under the US Freedom of Information Act to the U.S. Department of Defense. The Act allows people and institutions to get data from government agencies, and journalists often use it in their investigations to inform the public about US federal government activities.

Each request for information concerns a different journalist detained or recently released, and will ask for all documents in the case to be provided.

Reporters Without Borders appeals to members of Congress to continue their efforts to promote human rights in Iraq, especially concerning press freedom. It is writing to several senators and members of the House of Representatives (see appendix), asking them to reiterate their stand against the US imprisonment of journalists.

Reporters Without Borders is urging US political and military authorities to take action, and is writing to senior US government officials, including President George W. Bush.

The organization is also urging Iraqi authorities to use their influence with the MNF-I to help imprisoned journalists, and has written to Iraqi President Jalal Talabani.

Reuters, a target in Iraq

The British news agency, which has been in Iraq for decades, is one of the biggest foreign media outlets there, with about 60 journalists and 40 other staff members. It is one of the world's main sources of news about the situation in the country.

The agency has paid a heavy price for this commitment, and is one of the media outlets hardest hit by the conflict. Since fighting began in March 2003, four of its journalists have been killed, all of them by US troops, according to the agency—Taras Protsyuk (April 8, 2003), Mazen Dana (August 17, 2003), Dhia Najim (November 1, 2004) and Waleed Khaled (August 28, 2005).

On September 28, 2005, Reuters' Global Managing Editor, David Schlesinger, wrote to Sen. John W. Warner, Chairman of the Senate Armed Services Committee, about "the rapidly deteriorating situation for professional journalists in Iraq and, in particular, the exponentially increasing number of accidental shootings and prolonged detentions of journalists by U.S. forces."

He said the U.S. Army investigations into the deaths of journalists from US gunfire had all concluded that the soldiers' behavior had been "appropriate" or "justified." He said that this kind of "secret military investigation" fostered a climate of impunity and blocked any change in the rules of engagement as long as the U.S. Army did not apply its own recommendations in the field, especially after Dana's death.

He noted that three Reuters staff members arrested by US troops in January 2005 had said they were beaten, humiliated and subjected to degrading sexual and religious treatment but the Army had refused to reopen its investigation and had never questioned the three men.

Schlesinger said that "by limiting the ability of the media to fully and independently cover the events in Iraq, the U.S. forces are unduly preventing U.S. citizens from receiving information (...) and undermining the very freedoms the U.S. says it is seeking to foster every day that it commits U.S. lives and U.S. dollars."

Camp Bucca and Guantanamo Bay,
Where the United States imprisons journalists

Camp Bucca, the biggest US detention center in Iraq

In early January 2006, the Camp Bucca detention center in southern Iraq (between Basra and Um Qasr) became the biggest prison for journalists in the Middle East.

The camp (named after Ronald Bucca, a New York City fireman who died in the September 11, 2001 attacks on the city) is the largest detention center run by the US in Iraq and had 7,795 prisoners in December 2005—more than half of the 14,055 detainees the US was holding in Iraq at that time.¹⁸

Even US officials admit their detention centers in the country are overcrowded. Iraqi guards trained by the MNF-I are being added to the ranks of the 3,700 or so US guards.

The ICRC confirmed on April 4, 2005 that there had been a riot at Camp Bucca three days earlier. The ICRC spokeswoman in Amman, Rana Sidani, was at the camp on April 1, and told AFP that US troops had used rubber bullets against prisoners and wounded at least 14. She said there was great tension at the camp when the ICRC visit began on March 27. Prisoners complained they were put into tents in the full heat of the day and exposed to the cold at night. Many said they did not know why they were there. She said the US considered them “security detainees” and that there was no form of

trial or clear legal process, so a single incident could easily spark off a riot.

The few reports of conditions at the US prisons in Iraq are disturbing. The Wall Street Journal in May 2004 published an ICRC report handed to the US in February citing cases of torture and other mistreatment and quoting some US intelligence officers as saying that between 70% and 90% of detainees in Iraq were being held by mistake. Soon afterwards, a report by Maj. Gen. Antonio M. Taguba, dated March 2004, also widely carried by the media, reported that practices similar to those criticized at Abu Ghraib were going on at Camp Bucca. The report followed one filed by Maj. Gen. Donald Ryder in November 2003 about prison conditions in Afghanistan and in Iraq.

MNF-I’s Lt.Col. Rudisill told Reuters that visits to prisoners were prohibited during the first 60 days of detention, after which they could have one visit a week from their family or their lawyer. But signing up for them is very difficult. The four journalists recently held at Camp Bucca were isolated there because their families lived in western and northern Iraq, so it was very difficult and dangerous for them to get to the far south amidst the fighting, even though Reuters and CBS News offered to pay the cost of their journey.

¹⁸ Eric Schmitt, Thom Shanker, “U.S., Citing Abuse in Iraqi Prisons, Holds Detainees,” *New York Times*, December 25, 2005.

What is the status of the imprisoned journalists?

Camp Bucca and Guantanamo Bay, Where the United States imprisons journalists

Without a clear legal framework, it is hard to determine the status of imprisoned journalists. The MNF-I calls them “security detainees.” This compares with the term used in the 1949 Fourth Geneva Convention, which concerns the protection of “interned civilians” in wartime.

Under international humanitarian instruments, journalists are civilians and have corresponding rights. MNF-I officials have said several times that detained journalists have not been given any “special treatment” and would be treated the same way as “any other security detainees.”

ICRC spokeswoman Nada Doumani told the French daily *Le Monde* in May 2004 that the US was holding three kinds of prisoners in Iraq—prisoners of war, security detainees, and common-law prisoners. “But there’s no real legal framework and this is why people are arrested, held for weeks and months without being charged, with no right to a lawyer or a trial. It’s this

limbo that leads to abuses.”¹⁹

When asked by Reuters on September 1, 2005 about the detention of one of its journalists, Maj. Gen. Rick Lynch told an MNF-I press conference audience in Baghdad:

“We have the authority to detain individuals that we believe are a threat to the security of Iraq. And we use those authorities across Iraq, regardless of the particular profession the individuals are working with. (...) We ensure that the detainee knows what he is being detained for. In accordance with the Geneva Convention and the UN Security Council resolution, those security detainees do not have legal rights to counsel until after they’ve been charged with crimes. And in that particular case, that individual has not been charged. So he knows what he’s been detained for. He’s not authorized to have a lawyer represent him. And the procedure continues.”

¹⁹ Interviewed by Mouna Naim, *Le Monde*, May 18, 2004.

Is the legal limbo at Guantanamo coming to an end?

Camp Bucca and Guantanamo Bay, Where the United States imprisons journalists

An Amnesty International report issued on May 13, 2005²⁰ described the battle by Guantanamo detainees for legal recognition of their plight. It said that the US was encouraging their legal limbo and had tried to discredit legal moves to clarify their situation, including those taken by the US Supreme Court, so as to preserve the special wartime powers granted to the US presidency.

A US Justice Department memorandum released in December 2001 informed the Department of Defense that no “foreign” detainee at Guantanamo Bay could take action in US courts because the “ultimate sovereignty” of Guantanamo was Cuban. It said the US Supreme Court had also ruled to this effect.

However, the Supreme Court stated on June 28, 2004 (in *Rasul vs. Bush*) that the foreign Guantanamo prisoners could take action in US courts. The Bush administration quickly responded by setting up Combatant Status Review Tribunals (CSRT) in July that year.²¹

These tribunals allowed detainees to challenge their “enemy combatant” status. Officials said that the CSRTs reviewed all of their cases between August 2004 and January 2005. The detainees were also told that, in view of the Supreme Court ruling, they could apply for a writs of habeas corpus in a federal court. By the end of September 2005, about 160 such applications had been made on behalf of 247 prisoners, based on the US Constitution, international humanitarian law, and international human rights conventions.

The CSRTs are composed of three officers who swear to act in an “impartial” manner. Detainees have the right to be represented by a “legal adviser.” A superior officer—the overall head of

the CSRTs (a two-star admiral)—can refer the case to a court if he considers a tribunal’s decision unsatisfactory. US officials said in March 2005 that the CSRTs had ruled in 558 cases, with 38 prisoners getting their “enemy combatant” status changed and 28 being sent back to their own countries. But Amnesty International, which challenges the legality of the CSRTs, said the detainees had no access to the evidence used against them and that the CSRTs could use evidence obtained under duress.

The Guantanamo cases are usually reviewed each year by the Administrative Review Board (ARB), which decides if an “enemy combatant” continues to be “a threat to the US and its allies.” The Board’s recommendations must then be approved by the Secretary of the Navy, Gordon England.

Amnesty International reports that the US administration “continues to argue in the courts to block any judicial review of the detentions, or to keep any such review as limited as possible and as far from a judicial process as possible. Its actions are ensuring that the detainees are kept in their legal limbo, denied a right that serves as a basic safeguard against arbitrary detention, ‘disappearance’ and torture or other cruel, inhuman or degrading treatment. (...) All those currently held in Guantánamo are arbitrarily and unlawfully detained.”²²

Sami al-Hajj’s lawyer, Clive Stafford-Smith, told Reporters Without Borders he was pessimistic that the plight of the Guantanamo prisoners would substantially improve through US federal courts. He said the 256 detainees released so far were freed because of political pressure on the US and not as the result of legal proceedings, which he said were very limited and lengthy.

²⁰ Amnesty International, *Guantánamo and beyond: The continuing pursuit of unchecked executive power*, May 13, 2005.

²¹ “Update to Annex One of the Second Periodic Report of the United States of America to the Committee Against Torture,” submitted by the US to the UN Committee Against Torture, October 21, 2005.

²² Amnesty International, *op.cit.*

1- Three witnesses substantiate what Abdel Amir Yunes Hussein says

APPENDICES

Reporters Without Borders has obtained copies of three statements gathered from these witnesses by CBS News, along with English translations.

The first two witnesses, Mohammed Mafaz Qasem (27) and Aban Idrees Dawood (20), were questioned on July 9, 2005. Both attend Mosul University, where one is studying physics and the other computer science.

They said that on April 5 they were with Hussein on the Mosul University campus, which was having its annual festival. They were near the education faculty when Hussein received a phone call. He then told them there had been an explosion in the city and that he had to go and film it. It was later learned it was a car-bomb suicide attack against a US Stryker military vehicle.

The third witness, Mujahid Mohammed Yusif (25), who works as an AFP cameraman in Mosul, testified on July 11, 2005 that he, too, was on the campus on April 5, but in a different place.

He said a heavy explosion was heard around midday and after finding out what it was, he offered to drive Hussein to the spot at Yarmuk, a western area of the city considered especially dangerous. When they got there, other journalists had already arrived. Yusif then lost sight of his colleague. US troops sealed off the area and kept journalists at a distance. Snipers were positioned on rooftops. Yusif tried unsuccessfully to contact Hussein, who eventually called him 20 minutes later to say that he was in a street some distance from the site of the explosion. He said he had not been able to “get any good pictures.” Yusif went with colleagues, including a Reuters cameraman, to where Hussein said he was.

Hussein then called them back to say he had been shot by a US soldier, and asked them to come to his aid. The three men reached the spot by car, but a crowd, who told them that troops had already fired on several people, prevented them from getting any closer. However, Yusif managed to reach Hussein by phone just in time to hear him cry out, “I am press! I am press!” to people speaking fast and loudly in English. Then the phone went dead.

After giving their statements, the three men said they were ready to repeat what they had said before a competent legal authority. Ahmed Rashid Hussein, the policeman cousin of Hussein, said he too was ready to testify to the US military authorities. But neither they nor Hussein’s family have been contacted by the MNF-I investigators, according to CBS News, and Hussein’s home had not been searched, either.

2- Letter from Sami al-Hajj to his lawyer

August 9, 2005

APPENDICES

Dear Clive:

This is my diary of the hunger strike so far.

On July 12, a food strike started at Camp IV. It started at Whisky Block, where everyone was striking, and the other blocks joined in. The demands include stopping the heavy-handed treatment of the prisoners, particularly those in Camp V, and to give us the health care that we need so much.

On July 15, there was an important group of visitors being shown around Camp Delta, people we believe to have been a US Congress delegation/sent by the US Congress. Out of desperation, the prisoners started speaking out (actually, shouting) to the people on the tour, explaining our problems. Some of the detainees were shouting the word "Freedom!" Others were shouting, "This is a Gulag!" Everyone was desperate for someone from the outside world to listen to them/to hear them.

Some of the visitors approached Whisky Block to get closer to the detainees and hear them better (despite being warned not to by the escorting guards). Some of the visitors seemed to sincerely want to understand the situation, while others were looking at us in disgust.

On July 17 at 5:00 pm, the authorities at Camp Delta started to forcefully remove the prisoners from Whisky Block (we believe this was because of the incident with the tour two days before). Jamil el-Banna, one of your clients, was among those removed. Although none of the detainees was violent in any way, the authorities used the ERF team to force us to comply.

The most vital immediate issue to us was to close Camp V, it was more important than any other issue in the camp. The conditions are so bad there.

Military officers came around, and we were also promised a canteen where we would have 145 items for purchase by the prisoners. We were told that our families could send money, and that those without money would be given \$3 each a week.

There have also been other on-going problems because of the abuse of the Qur'an. For example, recently an MP asked al-Shamrani from Yemen for something during prayer time, and he said he would do it right after prayers were finished. Instead, they beat him up. There was blood all over his face, and they knocked the Qur'an on the floor and then trampled on it. This is not the only issue. Hakim from Yemen was told that he was a 'danger' to America because he had memorized the whole Qur'an. This is an insult to the whole Islamic faith.

Meanwhile, Saad from Kuwait was taken by force to a "reservation" for interrogation. He had previously been forced to spend over five hours with a woman who was taunting him sexually.

This provoked Camp III into breaking their lightbulbs. They were forcibly taken to Romeo, which is the block where people are humiliated by being forced to wear nothing but shorts. The authorities shut off the water for 24 hours and brought no food.

So we all had to go on a hunger strike again. It is not something I look forward to, but I must. We have to stand together on this, for the sake of the prisoners who are being mistreated in Camp V more than anything else. I hope to survive it. But please tell my wife and my son that I love them.

Your friend and client,

Sami Muhyideen al Hajji

Camp Bucca and Guantanamo Bay,
Where the United States imprisons journalists

3- List of people to whom Reporters Without Borders will be sending a letter

APPENDICES

Camp Bucca and Guantanamo Bay, Where the United States imprisons journalists

US federal government

President George W. Bush
Secretary of State Condoleezza Rice
Assistant Secretary of State Barry F. Lowenkron
Secretary of Defense Donald H. Rumsfeld
Attorney General Alberto R. Gonzales

Members of the US Congress

Sen. John McCain (AZ)
Sen. Richard G. Lugar (IN)
Sen. Carl Levin (MI)
Sen. John Warner (VA)

Rep. Tom Lantos (CA)
Rep. Duncan Hunter (CA)
Rep. Henry J. Hyde (IL)
Rep. Christopher H. Smith (NJ)
Rep. Frank Wolf (VA)

US Armed Forces

Commander-in-Chief, MNF-I, Gen. George W. Casey, Jr.

Iraqi government officials

President Jalal Talabani
Prime Minister Ibrahim al-Jaafari
Interior Minister Bayan Baqir Solagh
Defense Minister Saadoun al-Dulaimi
Justice Minister Abdel Hussein Shandal
Human Rights Minister (acting) Narmin Othman