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*Guantanamo: Honor Bound to Defend Freedom***

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كشف الحقيقة في المسرحية الوثائقية
" جوانتانامو: التزام شرف الدفاع عن الحرية "

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Abstract

Guantanamo: Honor Bound to Defend Freedom (2004) is a documentary play written by journalist Victoria Brittain and novelist Gillian Slovo. It is compiled mostly from interviews from Guantanamo Bay prisoners and testimony from their lawyers and embittered families back in the UK. The interviews are supplemented by correspondences from detainees, news conferences and lecture material. The play contrives personal stories, legal opinion, and political debate. It firmly indicts the unlawful policies of the "war on terror" in particular the US government's practice of turning the detention centre in Cuba into a no-man's land for law and holding the detainees indefinitely. The explicitly political play critiques the decisions taken by Bush's administration and discloses the persistent effort to hide, distort, and disguise the truth.

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ملخص :

" جواتانامو: إلتزام شرف الدفاع عن الحرية " مسرحية وثائقية كتبها كل من فيكتوريا بريتن وجيليان سلوفو " وتم عرضها عام 2004. تركز المسرحية على المقابلات الشخصية مع بعض معتقلي سجن جواتانامو والخطابات المرسلة إلى ذويهم وشهادات محاميهم وأفراد أسرهم في المملكة المتحدة. وأيضاً على المؤتمرات الصحفية والتصريحات التي أدلى بها رجال السياسة الأمريكيين أثناء "الحرب على الإرهاب". تهدف المسرحية إلى إدانة وكشف ما قام به هؤلاء الساسة من تعمد تشويه للواقع وحبس للحقائق من خلال مجموعة من القرارات السياسية والأوامر العسكرية التي اتخذتها حكومة الرئيس الأمريكي جورج بوش والتي ترتب عليها حرمان معتقلي جواتانامو من أية حقوق قانونية يكفلها الدستور الأمريكي والأعراف الدولية.

Documentary Drama:

Documentary Drama, describing plays with a close relationship to their “factual base”, is a “twentieth-century extension of historical drama or the pièce a thèse where the factual basis gives the action its credibility” (Champers 9). In ‘documentary theatre’, text and performance are structured mostly of documents. In her essay, “Bodies of Evidence”, Carol Martin defines documentary theatre as “created from a specific body of archival material: interviews, documents, hearings, records, video, film, photographs, etc.” (2006:9). Documentary theatre has expanded in definition from the “epic drama” of the two famous German authors Erwin Piscator and Berthold Brecht to the recent “verbatim” scripts of playwrights such as Anna Deavere Smith, Emily Mann, and Robin Soans in which the primacy of written archival documents has ebbed and is replaced by interview-based materials.

The genre has probably formed an essential part of theatre history over many centuries. Attilio Favorini, professor of Theatre Arts at the University of Pittsburgh, dates the first piece of documentary theatre back to 492 BC when the ancient Greek playwright Phrynichus produced his play *The Capture of Miletus*. Based on a series of “factual” events that had taken place during the Persian War, when the play was first performed, the audience were so “horrified” that they “burst into tears, fined him one thousand drachmas, for reminding familiar misfortunes, and refused to let him produce the play again” (Herodotus 362). Documentary playwrights are referred to as “arbiters of truth”. The stories and experiments presented in their documentary performances “recall events as if they were witnessed” and provoke the spectators’ “memories and emotions as if they were recently experienced” (Morris 15).

Scottish educator and filmmaker John Grierson “first defined documentary as the creative treatment of actuality” (13). In its broadest interpretation, documentary theatre is “fact-based performance”. It gives primacy

to archival materials such as documents, newspaper reporting, interviews, biographies and autobiographies. Documentary theatre was sometimes called the “Theatre of Fact” in the 1960s. During the last half of the twentieth century, the definition of documentary theatre, according to Martin, has expanded to include “documentary, verbatim theatre, reality-based theatre, theatre of witness, tribunal theatre, nonfiction theatre [and] theatre of fact. (*Dramaturgy* 10). Though these definitions are varied, they share one significant feature: a desire to maintain the “reality”.

In its modern form, documentary theatre follows the model pioneered, in the 1920s, by Erwin Piscator and his intent on presenting the “real” onstage. Exploring the relation between theatre and reality or what Martin calls the “real” and the “represented”, Favorini explains:

The rise of modern newspaper, the availability of archives to historians ... the embrace of the nineteenth-century scientific model of truth as fact supported by empirical evidence – all these exerted increasing pressure on the theatre to represent reality concretely, precisely, and directly. (83)

Concerned about conveying “reality”, actors in documentary plays address the audience directly with facts and information which – in effect – become the “protagonist” (83).

Because documentary performances often “emerge in response to social or political crises”, documentary playwrights offer their audience a theatrical presentation of real events. In this way, documentary plays turn theatre into, what Martin calls, a “seeing place” where “the truth about history, justice, and personal experience are encountered” (*Theatre* xiii).

Guantanamo: Honor Bound to Defend Freedom (2004) is a documentary play based on spoken testimony given by Guantanamo Bay detainees. Victoria Brittain and Gillian Slovo, the two authors, compiled it from letters and interviews of those incarcerated, their lawyers and relatives. It belongs

to the Tricycle Theatre's Tribunal Plays, "theatre", Lindsey Mantoan illustrates, "about controversial historical events in which every character represents a real person and every word comes verbatim from interviews, letters and public records" (103). The play thus brings the audience into close contact with the stories and experiences of detainees and those in contact with them.

Karen Greenberg highlights the fact that:

The most lasting legacy of the early Guantanamo is the image of the slight, dark-skinned men in orange jumpsuits, chained and bent over on their knees, goggled and deafened ... unaware of where they were or why they were at Guantanamo, and destined not to be told unless the Bush administration yielded to a whim to tell them. (220)

These captives were being held at the American military base at Guantanamo on the island of Cuba after being transported to the base from Afghanistan and "other unspecified parts of the world" (Sands 143). They were alleged to be officials and supporters of Afghanistan's Taliban regime, or al-Qaeda organization which was responsible for the September 11th attacks.

The administration claimed the right to treat the Guantanamo prisoners without regard to international law. In a cynical effort to waive the rule of law, American officials, who claimed to be honour bound to defend freedom, used language to disguise and distort the truth.

Guantanamo expresses a strong indictment of such distortion. Perhaps it is not by coincidence that the play is framed by a lecture, delivered by Lord Justice Johan Steyn in November 2003, entitled "Guantanamo Bay: The Legal Black Hole". As a premise, the high-ranking British law lord described the "United States Naval base at Guantanamo Bay" as a "legal black hole", and he gave the reason for which hundreds of captives were being held there. He vigorously argues that "the purpose of holding the prisoners" at this specifically

designed military installation “was and is to put them beyond the rule of law, beyond the protection of any courts, and at the mercy of the victors” (Act I 3).

The question that is immediately raised here is how Guantanamo has been turned into a black prison where there is no law. The answer is given by Lord Justice Steyn. With uncommon courage, he affirms that this legal black hole has been “created by a succession of presidential orders” which he describes decisively as “ill-conceived rushed legislations” (Act I 3). The aim of this paper is to identify these political decisions and to discuss in details how they were meant to circumvent well-established legal principles and how they comprise a thoroughgoing process of truth disguising.

The Five American Political Decisions:

On the evening of 11 September 2001, lawyers and attorneys in the Department of Justice’s Office of Legal Counsel were asked by the Bush administration’s top officials to “find an ideal location to house international terrorists” (Otterman 138). The White House was considering a prison site where prisoners of the “war on terror” would be not only detained indefinitely and incommunicado, but would also be deprived of the privilege to challenge their detention in any court. In this place, Philippe Sands illustrates, prisoners “would have no possibility of legal representation. They could have no right of access to any court or tribunal. They could be held until the end of the war on terrorism without charge for ever if necessary (144). In brief, the detainees were to be held in a place beyond the reach of law. The only possible interpretation of such a prison site was put by a French detainee Nizar Sassi in a postcard to his family in August 2002 “if you want a definition of this place, you don’t have the right to have rights” (qtd in Rashid 312).

On November 28, 2001, the Pentagon was “reportedly looking at plans to imprison terrorist suspects at a geographically remote location such as

Guantanamo or the Pacific island of Guam” (Worthington 125). After further research, the U.S. military base in the Pacific island was excluded as “possible prison venue” because according to the legal advice of the then two Deputy Assistants to the Attorney General, Patrick F. Philbin and John Yoo, the island base is “expressly defined within the jurisdiction of specific district courts” (Otterman 138).

With these givens, the administration found itself in a perplexity. The DOJ was concerned about the “litigation risk” because the administration insisted that the prisoners need to be detained outside the jurisdiction of US courts. The only solution available was “to find an offshore enclave that was not technically US soil” (Smith 243). Henceforth, the search for a geographically remote location as Guantanamo might be unequivocal. After weighing its advantages and disadvantages, “the cards were indeed stacking up in favor of Guantanamo as a feasible site” (Greenberg 17). The government lawyers found that it had one “enormous advantage”: it provided maximum exemption from legal regulation. The OLC suggested that Guantanamo was the only available answer to the problem of habeas corpus – the right that would allow a detainee to challenge the legality of his status or in other words his detention and the propriety of his treatment. Both Philbin and Yoo suggested that at Guantanamo such risk is non-existent. They could not have put it more concisely when they decided that because the base is the “sovereign” territory of Cuba, “foreign detainees had no venue to file habeas petition in the United States” (Otterman 139). Consequently, they concluded that “a federal district court could not properly exercise habeas jurisdiction over an alien detained at Guantanamo” (140).

The isolation of the base from the jurisdiction of the U.S. courts and the “rebuttable” assumption that no relevant U.S. constitutional law had extraterritorial jurisdiction for aliens held there are inappropriate

recommendations. They are countered by a number of decisions of “U.S. courts that affirm the role of judiciary over Guantanamo” (140).

Before the invasion of Afghanistan, the White House chief counsel Alberto Gonzales held a meeting on September 19 to “consider and make recommendations on the legal parameters that would apply to prisoners the United States apprehended in retaliating against al-Qaeda and the Taliban” (Greenberg 2). After the invasion and over the course of the following two months, an interagency group continued to meet regularly to “discuss matters related to the laws of war [and], to detention within the bounds of the Constitution, military law, and international treaties” (223).

The first official statement that defined the administration’s policy concerning the arrest and detention of potential prisoners in the war on terror was declared by the president without informing Pierre-Richard Prosper, the head of the group. The arbitrary exclusion of Prosper’s group is certainly an indication of persistent indifference to the legal context in which captives would be arrested and detained.

On 13 November 2001 – one day after the fall of the Taliban government in Kabul – President Bush signed an Executive Military Order entitled “Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism”. Acting in his capacity as commander in chief, the President issued the Military Order declaring the arrest and detention of any non U.S. citizen whom he has “reason to believe” that such individual:

- i. is or was a member of the organization known as al-Qaida;
- ii. has engaged in, aided, or abetted, or conspired to commit, acts of international terrorism... that have caused injury to the United States; or
- iii. has knowingly harbored one or more [such] individuals. (Henn 198)

Under the order the president claimed the absolute power not only to arrest non-citizens, but also to detain them indefinitely without charges or a lawyer, Michael Ranter explains, “until the so-called war on terror was over, which could be fifty years or forever” (24). This means that the US laws would not apply to those captives as they would be regarded as “enemy aliens” who were belligerent to the US. This presidential authorization allowed the president to designate non-U.S. citizens as “enemy combatants”, and to detain them at an appropriate location “chosen by the Secretary of Defense” (McCoy 113).

The definition of the term has changed several times. Only in the beginning and for no more than twenty four hours, it seemed that the designation “enemy combatant” would be “limited to big-time terrorists” (Rose 24), or “major players [as] Osama bin Laden and Ayman al-Zawahri, if they were ever caught” (Worthington 126). Then, on the following day, November 14, Dick Cheney, Bush’s Vice President, suggested that the “term might only apply to prisoners captured on U.S. soil (Rose 24). However, by the time Camp X-Ray opened two months later, the scope of the definition witnessed a sweeping change. It “expanded and mutated beyond recognition” in the last month of 2001 as the administration, which was “pursuing skewed logic”, decided to “regard everyone who came into their custody as an enemy combatant” (Worthington 126).

A large number of prisoners – as many as 3,000 civilians – were not caught in any battlefield as their categorization denotes. They were put in a precarious position in Guantanamo and other detention centres as a result of a less public, yet more extreme, decision taken by the president in a closed meeting with his top officials. The discrepancy between the set of lies and misconceptions announced in public and the blunt truth equivocated in this meeting and presented in this decision in particular casts considerable doubt on the administration’s credibility.

In the meeting held at Camp David on September 15, 2001, George Tenet, the former central intelligence agency chief stressed that the CIA “needed new robust authority to co-operate closely with foreign intelligence agencies in a way that would allow the capturing of terrorist suspects worldwide” (Otterman 118). On September 17, Tenet’s requests were sanctioned by the president in the directive known as a “Memorandum of Notification (MON)” which authorized the “CIA operational flexibility” to apprehend and detain individuals anywhere in the world. As a result, and “in cooperation with intelligence agencies in dozens of countries”, the United States arrested thousands of civilians “in a series of operations across more than forty countries from America to Afghanistan and Pakistan to the Gambia” (Jackson 12).

When the United States military operations began in Afghanistan, the International Committee of the Red Cross, the guardian of the Geneva Conventions, urged the Bush administration to “treat humanely any combatant taken prisoner” (Rashid 294). On January 16, 2002, the United Nations High Commissioner for Human Rights issued a formal statement demanding that “all detainees to be treated humanely, and consistent with the Geneva Conventions Relative to the Treatment of Prisoners of War” (Henn 82). In its “broadest interpretation” GPW – the universally accepted standard for the treatment of prisoners of war – guarantees captives what Joseph Lelyveld calls “a panoply of protections and rights” (119) explicitly stated in common Article 3. These absolute rights include the rights to be “treated humanely; freedom from “cruel treatment and torture”; freedom from “outrages upon personal dignity, in particular, humiliating and degrading treatment” (Paust 3).

The administration, however, had a different opinion, and the application of the Geneva Conventions was being under discussion. Having found that international treaty obligations provide prisoners of war with such rights, the

White House decided to defy these obligations, by redefining or rather modifying the prisoners' status. A small group of lawyers in the OLC were required by top officials, mainly Dick Cheney, to reconsider the applicability of the conventions to the current situation. In a memo sent to Gonzales, the OLC asserted that the "Taliban and al Qaeda fighters are not POWs as defined by the GPW", but are merely "enemy aliens" (Otterman 125). By this assertion all the Guantanamo prisoners were placed outside all norms of domestic and international law. Unambiguously determined to abrogate GC, Gonzales sent Bush a memo, on January 25, stating "the war against terrorism is a new kind of war" that "renders Geneva obsolete and some of its provisions quaint" (Rashid 295-96).

Gonzales's ill-advised opinion was supported by the Attorney General. John Ashcroft claimed in a Department of Justice memorandum dated February 2 the "original premise" that "the detainees do not count as prisoners of war" (Henn 123). On February 7, 2002, President Bush issued an Executive Order, based on Ashcroft's false assurances, regarding the human treatment of the Afghan war captives. The president concluded that both al-Qaeda and the Taliban fighters are "unlawful combatants therefore [they] do not qualify as prisoners of war" (204). This entails that there was not a single prisoner of war among the captives. "Unlawful combatant" is an ambiguous status recognized only by the White House and the Pentagon. As a "studiously vague terminology and diplomatically unprecedented idea" (Greenberg 49), the designation has been coined to circumvent well-established standards of U.S. and humanitarian law.

For public consumption the president required that "the detainees be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva" (Sands 155).

The humane treatment granted to the prisoners was not without reservation. The Phrase “consistent with military necessity” has enabled the United States “to give detainees some Geneva Convention privileges and withhold others that interfere with military necessity” (Rotunda 22). The military is granted a convenient flexibility when deciding whether or not to apply the conventions. Some rules would be relaxed or even disregarded, and some deviations and violations would be easily permitted. In brief, if military necessity required different or even opposite treatment, the prisoners would not be treated humanely. “In a manner consistent with Geneva” means that the administration would be relatively not fully committed to the GC. In other words, the application of GC, as Tracy Lightcap explains, “had been made optional” (78), and the United States was no longer bound by those principles.

Nullifying Geneva and placing the prisoners outside its protection leave open the possibility of conducting torture and various physical and psychological coercive techniques. The federal torture statute which bans the use of torture by any American outside the USA defines torture as an “act committed by a person under the color of law specifically intended to inflict severe physical or mental pain or suffering upon another person within his custody or physical control” (Otterman 132). In an attempt to circumvent federal prohibition on the use of torture and to justify and even legitimize intentional infliction of pain, Assistant Attorney General Jay S. Bybee suggested an “over-restrictive and exclusionary definition” which “decontextualized torture” (Rose. 94-95). In a memo issued on August 1, 2002 and commonly known as the “torture memo” he simply, yet cunningly, contended that physical pain “amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death”. For “mental pain to amount to torture, it must result in significant psychological harm of significant

duration, e.g., lasting for months or even years” (Henn 147). Anything less would fall outside the category, and would be counted as “cruel, inhuman, or degrading treatment (Lightcap 80) that did not constitute torture and would be applied to the prisoners since they were unlawful combatants.

Through this “linguistic legerdemain”, Alfred McCoy holds, the CIA was granted “de facto authority to use” the harshest “torture techniques” (122) that were previously considered off-limit. Under the guidance of Bybee’s flawed logic, the word torture has been replaced by the new phrase “enhanced interrogation techniques” (Smith 138). A new list of these techniques was approved by Rumsfeld on April 16, 2003 when he issued his “counter resistance interrogation techniques” that were specially designed to break the prisoners both physically and psychologically.

Rasul v. Bush, the first habeas petition brought before American courts, began its long journey to the Supreme Court on February 19, 2002. With the support of the Center for Constitutional Rights (CCR), in New York, the parents of three prisoners, Shafiq Rasul, Asif Iqbal, and the Australian David Hicks, filed suit on behalf of their sons. The petition challenged indefinite detention without due process. Specifically, the claimants demanded “a judicial forum in which to challenge their detention and its legality under the American constitution and international law” (Sands 163). In August, the US District Court declined jurisdiction alleging that “the prisoners could not file habeas petitions because they were non-US citizens detained outside US jurisdiction” (Worthington 258).

In defiance of the defeat the British-born attorney Clive Stafford Smith pushed the case to the Supreme Court. On June 28, 2004, the Supreme Court affirmed the right of enemy combatants held at Guantanamo to due process under law. In his majority opinion, Justice John Paul Stevens explicitly decided that habeas did apply to foreign detainees since “the law contained nothing to

suggest that its applicability depends on a person's citizenship". He squarely stated "aliens held at the base, no less than American citizens, are entitled to invoke the federal courts' authority" (Rose 155).

The Guantanamo prisoners could thus file writs in U.S. courts and thereby challenge their unlimited confinement. Suddenly, the "Pentagon's plans for open-ended detention" of the 558 detainees held in the prison then "without judicial oversight were thrown into disarray" and the administration "was faced with a possible mass transfer of hundreds of cases to the federal courts" (McCoy 148). Nonetheless, the euphoria was ephemeral as the administration refused to accept the core of what the Court decided.

On July 8 in response to the Court's judgment, and in an attempt to undermine it, the Pentagon "quickly convened an ad hoc military court at Guantanamo Bay, the Combatant Status Review Tribunals" (148). It followed that, instead of being tried before federal courts, prisoners were offered trials before specially designed military commissions established by Deputy Defense Secretary Paul Wolfowitz.

Guantanamo: Honor Bound to Defend Freedom:

Structured of pre-existing documentary material, the play gives an objective assessment of the issue surrounding Guantanamo and indicts the illegality of the detention centre both as a policy that has undermined the rule of law and as a personal experience. It presents haunting, personal accounts of four British residents held at Guantanamo after they were captured, interrogated, and extradited while the US government ignored their human rights. The men are stranded in a limbo beyond the reach of law and charged with no specific crime. They are in indefinite detention facing trial by "kangaroo" tribunals, without access to lawyers, without a charge, without contact with the outside world. Their stories demonstrate the manifest injustice of losing home, family, freedom, and, most importantly, stripping them of their humanity.

The play discloses in painful detail the nightmarish experience of the four men before, during, and after their detention. Gambian Secret Service captured Wahab and Bisher al-Rawi, two brothers, and subjected them to US and Gambian interrogation. They released Wahab within a month, but transferred Bisher first to Bagram Air Base and later to Guantanamo. Moazzam Begg was arrested in Pakistan and taken to Kandahar, then Bagram, then Guantanamo. Jamal al-Harith was captured in Pakistan where he had been on *tabligh*.

By presenting Guantanamo as a very human experience, endured by these men and their families, the piece attacks the “premise of the detention”: that “some individuals’ lives are less than human, outside the realm of shared humanity, not worthy of acknowledgement” (Mantouan 104). The play demands recognition for the human rights ignored during their detentions.

The policies that created the detention centre are based on the notion that some people are “other” – not Americans, not even human, without rights. As a result of Bush’s Military Order that reinforces an excessively unfair distinction between individual prisoners, the so-called terrorist suspects were divided into “two groups” with a crucial dividing line between them. One group included American “terrorist suspects” who were certainly “accorded” rights and humane treatment granted by law like “their normal legal rights” to habeas corpus, and regular trials in US district courts. The other consisted of non-citizens or “aliens” who were reduced to “enemy combatant” status and were to be “denied any of these rights” (Jackson 72-73). Moreover, US citizens were to be treated as legal persons entitled to the protection of law, human rights and Geneva Convention. Aliens were to be illegally transferred to Kandahar, Bagram, Guantanamo and other detention centres outside the U.S. where they would be incarcerated under inhumane conditions.

The capture of John Walker Lindh or the so-called “the American Taliban” raised several critical questions concerning how the American

government would classify and treat one of its citizens. The former Roman Catholic converted to Islam in 1997 at the age of sixteen and went to Afghanistan in May 2001 to enlist as a volunteer soldier in the Taliban army. By September, he was at the front line of the Taliban forces. On November 25, he was “arrested among hundreds of recently captured Taliban and al Qaeda fighters by the Uzbek militia men of warlord general Abdul Rashid Dostum” (Hickmen 159). This means that at the time of his arrest he was a Taliban soldier engaged in an armed conflict against the United States and, as Jordan J. Paust suggests, “posing threats to national security” (56).

While the story of his arrest and treatment was becoming increasingly controversial, U.S. officials decided to deceive the media and the whole world. There was a consensus among those officials that the American subject should be granted all the legal privileges afforded to an enemy prisoner of war. They still refrained from giving Lindh a POW status because such classification would legitimize fighters of the Taliban. As early as December 18, it was decided that he would “enjoy all the protections that would go with prisoner of war status” (Greenberg 238).

All these adroit political maneuvers provoked arguments. British politicians affirmed that the American captive would receive preferable treatment, such perspective was not hypothetical. In a press conference held on January 22, 2002, a newspaper man attracted Rumsfeld’s attention to the fact that the “handling of John Walker [as], a United States citizen, has been different from the handling of others” because “the United States would not treat one of its own people the way that it has treated those others” (Act II 20). Rumsfeld, the villain of the piece, who according to Peter Marks, is “presented as a glib master of evasion” (*Washington Post*), would never hesitate to give the slanted version of reality. When he entered into the scene, he tried to extenuate the reporters’ questions with impervious responses by describing this serious

concern as “amazing” and by making the nonsensical claim “I don’t notice that he was handled any differently or has been in the past or is now” (Act II 20).

All the measures taken by the American government belie Rumsfeld’s claim. Upon his capture, Lindh was quickly transferred from Dustom’s custody in Mazar-i-Sharif in northern Afghanistan to the custody of the U.S. Marine Corps at Camp Rhino. A few days later, on December 14, he was “temporarily placed aboard the amphibious assault ship, the USS *Peleliu* in the northern Arabian Sea” while “more than 3,000 prisoners” were, as Katharine Q. Seelye states, “reportedly being held in Afghanistan by anti-Taliban Afghan forces” (*New York Times*).

Rumsfeld was put under greater pressure when asked by the same reporter whether Lindh, like the other non-American captives, would be transferred to Guantanamo where he would “be put in an eight by eight cell that has no walls” (Act II 20). Though unable to hide his annoyance with the question, the Secretary was forced to admit the fact that Lindh was being handled differently and that he would never be sent to any detention centre outside the United States in Afghanistan or Guantanamo. Having abandoned his evasive attitude, Rumsfeld finally acknowledged that “Mr. Walker has been turned over to the Department of Justice” and consequently he would “not go to Guantanamo Bay, Cuba” (Act II 20). Meanwhile, enemy combatants were being under the control and custody of the Pentagon as the Military Order dictates.

The term “enemy combatant” has been used as evidence that Guantanamo prisoners were captured in the war zone though the majority among them have never set foot in Afghanistan nor were engaged in hostilities against the United States and this is perverse logic. When Clive Stafford Smith visited his clients in Guantanamo in November 2004, he “expected to learn that most had been seized in Afghanistan”. So, he was shocked when “the overwhelming majority”

of the men he met “insisted that they had been seized outside Afghanistan in the first place” (162-63).

Moazzam Begg, a Briton who holds a dual British-Pakistani citizenship, was seized in the Pakistani capital, Islamabad, on January 31, 2002. At midnight he was literally kidnapped at gunpoint by “two American soldiers, assisted by two Pakistani officers [who] burst into his house and took him as prisoner” (Act I 12). He was soon deemed an “enemy combatant” even though “he was swept up at his home, far from any battlefield, was never charged with any crime” and, most important of all, “the United States never produced any evidence to support its suspicions that he was a terrorist” (Begg vi).

Jamal al-Harith, a British website designer of Jamaican heritage, was captured on 3 October 2001 in Pakistan near the Afghan border while attempting to escape the approaching war. As his plan to spend a three-week vacation in the Pakistani city of Quetta was aborted, he “did not actually get there” (Act I 7). Warned by some Pakistani money changers that the “American and British wouldn’t be welcome there”, he decided to go instead to “Turkey through Iran” (Act I 7) by land. The ill-fated journey turned into a nightmare when the U.S. led invasion began. His vehicle was hijacked near the Afghan border by three armed Taliban soldiers. Al-Harith was then “put in their jeep”, and “handed over to the Taliban” (Act I 7) government in Afghanistan. Following the fall of Kabul, he was arrested by the American army, Tim Reid discloses, as a “suspected enemy combatant” (*Times*) despite the undisputed fact that he was arrested by the Taliban, the United States’ enemy.

The seizure of the two British residents Bisher al-Rawi and Jamil Al-Banna in the Gambia “a tiny state on the west coast of Africa” (Rose 39) added more farce to the picture. The two men arrived in the Gambian capital, Banjul, on November 8, 2002, and both Bisher’s brother, Wahab, and his partner, Abdullah Al-Janoudi, who traveled a week earlier, went to the airport to meet

them. There, however, all four men were “immediately arrested”, as Wahab states, “by the Gambian secret service” and then taken “to the secret service HQ in Banjul” (Act I 8). The two British citizens, Wahab and Al-Janoudi were released after twenty seven days and returned to the UK. Meanwhile, the two Arabs, Bisher and Al-Banna – though not charged of breaking any law – were rendered to Afghanistan as “enemy combatants” despite the fact that they have been “seized in the Gambia far from the battlefield of Afghanistan and the neighboring Pakistan” (Forsythe 63).

A few dozens of prisoners, like al-Harith, were occasionally swept up in the chaos of war. It is evident, however, that the majority of the abductions that took place in Pakistan and the Gambia were conducted as a result of Tenet’s Memorandum of Notification. These abductions were not only arranged and planned, but also carried out through complete coordination between the US intelligence and its Pakistani, British, and Gambian counterparts.

All the incidents surrounding Moazzam’s capture, interrogation, and rendition proved beyond any doubt the harmonious coordination between the CIA and the Pakistani intelligence. The two Pakistani officers who participated in his abduction were, as he himself asserts, “officers from the Inter Service Intelligence (ISI) – Pakistani intelligence” (Begg 4). After his capture, Moazzam was informed by a Pakistani interrogator that he was arrested because “the Americans wanted him so desperately” (4). Upon his arrest, he was taken to a “Pakistani intelligence facility” in Islamabad and even when he was moved to another place, it was, still, an “intelligence service house” (Begg 7) there. Only “the initial investigation”, Moazzam affirms, was conducted by “Pakistani operatives” while the rest of his investigations were conducted by two American agents, Paul and Mike (11). Finally, the decision to have him rendered first to Afghanistan and then to Cuba was taken by the CIA. During the last interrogation one of the American agents, Mike, had a very short

message; he explicitly said “I’m here to inform you that we’ve decided to send you to Kandahar, and then to Cuba” (18).

According to the “documents” released by the two men’s attorneys, Gareth Peirce and Mark Jennings, the CIA had cooperated with both the British and Gambian intelligence to have Bisher and Al-Banna incarcerated in Africa. The two men were captured “under circumstances that reflect shamefully on the British intelligence services” (Worthington 237). Wahab was not imagining when he “suspected that the British authorities had ordered the arrest” (Act I 9). On November 8, just before the two men flew out of Britain, the British intelligence, which “engineered their seizure”, sent the CIA several telegrams. One described them as “Islamic terrorists”, and “disclosed their destination”, Gambia, and another pointed out that they were “acquaintances of Abu Qatada, the radical cleric” (Whitlock) regarded by British and U.S. intelligence as al-Qaeda spiritual leader in Europe.

With the stage set by MI5 security service, both men were arrested, as aforementioned, by the local intelligence service. Then, they were immediately held and investigated in “the National Intelligence Agency HQ” for nearly a month. Only the first “routine investigation”, was conducted by Gambian operatives, for at its end “two American officers came in” (Act I 8). One of the American agents, Lee, admitted the mutual cooperation between his country’s intelligence and the Gambian one when he told Wahab “we’re here working with the Gambians” (Act I 8-9). Moreover, it is evident that the “CIA and the Gambian intelligence worked closely together in a way that circumvented the Gambian judicial system” (Whitlock). According to the Gambian law, Wahab states, “you can’t hold somebody for more than 40 days”. So, “just before the expiry of that deadline, Bisher was moved with the other partner Mr Al-Banna to Bagram airbase in Afghanistan” (Act I 13) where there was no law.

Those men, like the other Guantanamo prisoners, were snatched from different countries, “brought halfway around the world, and held in secret, without charge or trial” (Khan 62). They were, thus, “incarcerated under a process known as extraordinary rendition”. It involves “the seizure of a person and transfer abroad to avoid normal US legal protection” (Forsythe 137). In addition to the Military Order that authorized roundups of hundreds of foreign persons and their disappearance for extended periods in the name of national security, there has been a program of secret detention and secret rendition of persons outside the United States. The program “has involved the detention of thousands of individuals in Afghanistan; at Guantanamo Bay, Cuba; and in many other places without disclosing the whereabouts of all persons detained or their names (Paust 35).

Secret rendition violates the prohibition of forced disappearance which is defined as a circumstance involving persons who are:

[a]rrested, detained or abducted against their will or otherwise deprived of their liberty by [, for example,] officials ... followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law. (36)

As a grave offense against human dignity, forced disappearance is proscribed by law under all circumstances. Even exceptional circumstances such as “a state of war or any other public emergency” cannot “be invoked to justify it” (Paust 38).

Once they fell into the American grasp, all the prisoners with no exception just disappeared for weeks or months in the labyrinth of the U.S. war on terror or what Paust calls “a gulag operated in the name of anti-terror” (34). The imposed veil of secrecy was senseless and inflicted suffering on the prisoners’ families. Stricken parents searched for their sons without knowing whether they were alive or dead.

Since Moazzam's kidnap and for a whole month, his family knew nothing about his whereabouts. His father was so worried, as he thought that he might have been killed. In an attempt to find out if Moazzam was alive or dead, Mr. Begg first communicated with the British Foreign Officer, but unfortunately, he got no "proper answer" (Act I 13). During this period Mr. Begg was "like a madman" (Act I 14). After a month, he received a telephone call from the Red Cross. A "gentleman called Simon" told him that Moazzam was rendered to, and detained in Kandahar "in the custody of the Americans" and that he was "not allowed to tell him anything more" (Act I 14). After two or three weeks, in February 2002, Moazzam was transferred from Kandahar to another American base in Afghanistan, Bagram. Again and still in vain the heartbroken father tried to seek any help from the British Foreign Office, but he was disappointed when they briefly replied "unfortunately we don't have any access to American military bases, they won't allow anybody" (Act I 14). After being detained for a whole "year in Afghanistan", Moazzam was rendered to U.S. military custody in Guantanamo "on February 2, 2003" (Begg 184). Mr. Begg, who again expected his son to be released, was shocked when he was informed in a telephone call from the British Foreign Office that his son "has been transferred to Guantanamo Bay from Bagram air base" (Act II 21).

Bisher and Al-Banna also "disappeared into the netherworld of the U.S. government's battle against terrorism" (Whitlock). They were first transferred from Africa to Afghanistan where they were incarcerated "for two months in the so-called Dark Prison" (Worthington 238-39), in the north of Kabul. Throughout this period their families had no idea about their whereabouts. The two men were then transferred to Bagram prison and still the families knew nothing about them. It was only when Bisher sent his family a letter informing them that he has been writing it from "Afghanistan at a US prison camp" (Act I 14) that they knew about his whereabouts. The family did "not know exactly how long they were held in Bagram" because, as Wahab argues, "Bagram

everybody knows is a no-go zone for anybody – there’s no human rights, nothing” (Act I 13). After being incarcerated for a couple of months, the two men were rendered to Guantanamo. Again Bisher’s family learnt about this rendition when they received a letter briefing them that he has been “writing from Guantanamo Bay in Cuba” (Act I 16).

The story of al-Harith’s disappearance and rendition is more than bizarre, it is simply incredible. Following the fall of the Taliban government, the naïve captive called his family in Manchester through the Red Cross and assured them that he “would be soon flying home”; he “did not forget to praise his rescuers, the American military” (Worthington 114). Meanwhile, al-Harith suddenly vanished, as far as the outside world was concerned, the man simply disappeared. He was arrested by the American troops, interrogated by “the American special forces”, detained, and then rendered to Kandahar. A CIA agent inexplicably informed him “you’re not going anywhere. We’re taking you to Kandahar” (Act I 11). Months later and after being interrogated by CIA operatives, al-Harith was still wrapped in a fog of naiveté. It occurred to him that he would be released, but, instead, he was flown from Kandahar to the Guantanamo prison on 11 February 2002. His American interrogator told him “you have to complete the process, you are going to be in Cuba, anyone who comes to our prison in Kandahar has to go to Cuba” (Act I 14-15). Al-Harith was thus rescued from the Taliban custody and was taken to a United States military custody only to be incarcerated in a cage in Guantanamo.

Guantanamo was the terminus. The overwhelming majority of the prisoners were first rendered to and confined in prison centres in Kandahar and / or Bagram as a standard procedure. Such weird renditions which were usually “made without explanation”, John Hickman suggests, were “an effective method of further disempowering and disorienting prisoners” (175). However,

this explanation may seem so superficial when compared to a more plausible one presumed by Wahab al-Rawi when he reasons:

[I]f you take it from the American standpoint, we want to make sure that our people in America think that these people are terrorists. So they came not from Gambia [or any other country, but] they came from Afghanistan, so they must be terrorists. (Act I 13)

The American administration deluded the whole world, not only the American people, into believing that since those captives were transferred from the battlefield, they definitely were terrorists and killers.

Within two months of the Military Order's issuance and even before any proceedings were initiated against those men, senior officials in the administration had made a number of "hyperbolic statements" that "tout them collectively to the media as treacherous monsters" (Khan 60). Despite the illegality of publicly commenting on the guilt of the defendants, the president "was not deterred". He has "made public in advance his personal view of the prisoners clear, and even "broadcast them around the globe" (Sands 161) in a joint press conference with the then Afghan president Hamid Karzai. Bush, Lord Justice Steyn complains, did not have the least scruple to describe "them all as killers" and to voice the blanket conclusion that they were "terrorists" (Act I 3).

Many officials from Secretary of Defense on down echoed the president's contention. In a press briefing, Ashcroft characterized the prisoners as "uniquely dangerous individuals and terrorists" who are "responsible for killing innocent women and children (*Financial Times*). In his first visit to the prison – on January 27 – where 158 captives were being held, Rumsfeld described them as "among the most dangerous, best trained vicious killers on the face of the earth" (Glimore). He also claimed that they "had been through [terrorist] training

camps and had learned a whole host of skills as to how they could kill innocent people – not how they could kill other soldiers” (Act I 16).

Whatever might be said by Bush and the administration’s upper echelons about the prisoners’ barbarity, “facts proved the inauthenticity of the advertising in the largest majority of cases” and that “most of the prisoners were not so much dangerous as unlucky” (Hickman 66).

A top-secret study of the prisoners carried out by the CIA in September 2002 and released only in mid-2004 concluded that “many of the accused terrorists appeared to be innocent men swept up in the chaos of war” (Rose 42). Brigadier General Martin Lucenti, deputy commander of the base in 2004, put the matter bluntly when he stated “the majority of the 550 detainees that we have will either be released or transferred to their own countries. Most of these guys weren’t fighting. They were running” (Huband). Denbeaux Report, an academic analysis based exclusively on documents provided by the Pentagon, found that more than half of the Guantanamo prisoners “are not to have committed any hostile acts against the United States”, and that perhaps only “8 per cent” of those prisoners were “affiliated with al-Qaeda”. Above all, the majority of the detainees roughly “60 per cent” were merely “accused of being associated with terrorists”, while they were eventually “supporting charity” (Denbeaux).

Al-Harith is one of those captives who were swept up in the chaos of war. His unaccomplished journey to Pakistan on *tabligh* could hardly mark him out as a terrorist. *Tabligh* is simply a religious trip carried out, as he himself explains “to find out about the religion” (Act I 6). In more details, it is a religious trip during which *tablighis* – students eager to learn more about Islam – are not only “taught how to read and interpret the Qur’an and given Hadith instruction”, but also they “visit villages and mosques” to learn “how they could help other people and how they are supposed to behave” (Kurnaz 28). If this

was a crime, al-Harith ironically suggests, the American military would “have to arrest plane loads of people” (Act I 6). However, he was one of a group of prisoners whose “association with *Jammat-al-Tablighi* was used as evidence against them”. The US authorities alleged that the “organization was used as a cover to mask travel and activities of terrorists including members of al-Qaeda” (Worthington 60).

This assumption is challenged by two undeniable facts: his abusive treatment on the part of the Taliban and his decision to go to Kabul after the Taliban’s collapse. After being captured by the Taliban on suspicions of being “part of elite British special forces that was trying to enter Afghanistan” (Act I 8), al-Harith was held and “beaten up very badly for three days” (Act I 8) in a filthy prison. Then he was transferred to Surpozza detention facility, the main political prison in Kandahar, where he was “kick[ed], beaten up, and put in isolation for two weeks” (Act I 8). Before the American Army took hold of him, he was being offered “money to travel to Pakistan with some guards” (Act I 10). Out of gross error of judgment, he thought it would be “quicker for him to go to Kabul” to be “put in touch with the British embassy there” (Act I 10). Before arrangements were made for him, he was captured by the American Special Forces.

Bisher and his partner have never committed any hostile acts against the United States. Because of his athletic skills and expertise including a private “pilot’s license” he got in 1998 and his “parachute jumping”, Bisher was “supposed to be the trainer of a [terrorist] camp” (Act I. 9) in the Gambia. This, Wahab told Rose, is “an inherently improbable allegation” (Rose 40). Africa was Wahab’s not Bisher’s idea. He decided to go to Africa on business to establish “a mobile-oil processing plant”. He suggested that moving to the Gambia – where peanut is the main crop – and having “everything produced on the ground, and everything sold on the ground” would be “very, very profitable”

(Act I 5). Moreover, how could Bisher “set up a camp and train people” while the Gambian authorities did not find “any training equipment” with them, and he “ha[d] a visa for only one month?” (Act I 9).

Both Bisher and Al-Banna were held on suspicions of alleged links with al-Qaeda based solely on the cable sent by MI5 to Banjul saying Bisher “was a member of Abu Qatada’s close circle of associates” (Olshansky 130). For a number of reasons, none of the two men had the least involvement with politics of any kind. Bisher’s principal crime, his association with Abu Qatada, could not be regarded as suspicious as it was certainly a friendly relationship. In London, Bisher “was very popular with his neighbors Muslims and non-Muslims” because he was “very helpful”. He used to take “Abu Qatada’s kids swimming and his wife to the hospital”, and this, Mark Jennings argues, “is hardly the stuff of terrorism” (Act I 11). In addition, by the time Bisher and Al-Banna were arrested, the Islamic cleric had already been “held in Belmarsh prison for eighteen month” in South-East London and the British authorities, as Mark Jennings points out, “haven’t been able to charge him with anything” (Act I 10).

“Islamic aid organizations, and individuals were categorized” by Bush’s administration as “terrorists” working “under the guise of humanitarian aid projects” (Errachidi 146). Consequently, Moazzam was “tarred a big-time terrorist and a confirmed member of al Qaeda”, who attended “terrorist training camps in Afghanistan” and was “involved in a series of terrorist activities against the U.S.” (Begg 199). The only evidence that proved these allegations was his travel to Afghanistan. There is nevertheless much evidence to the contrary. Moazzam is an altruist not a terrorist. Throughout his life he had always been a person of a thoughtful attitude. He was “only seven” when he expressed to his father a wish to “make a society to help older people, feeble people, and people with disabilities” (Act I 4). As a young man, he participated

in various humanitarian aid projects and charitable activities. In Birmingham, with “a weekly percentage of his income”, he “was donating regularly to various charities” (Begg 60).

As a passionate believer in charity and in “help[ing] people all the time” (Act I 6), Moazzam, was deeply affected by the plight of the Afghan people whom he considered “the most deprived people in the world” (Act I 6). When a Palestinian friend, Rami, informed him that “the water shortage in drought-stricken parts of the country was dire” (Begg 91), he first began funding a project to install hand-pump wells in the worst affected areas. In mid-2001, though he had already built some wells in Kabul, he cherished the idea of traveling to Afghanistan to “put in water pumps for people living far away from the water source (Act I 8) as “part of his religious duty of *zakat* or charity” (Smith 190). The reasons for the travel were first to help drill wells in the northwest, and second to support a “small educational institution” (Act I 6). Unfortunately, all his dreams were shattered in the air when “the clouds of an impending American invasion skidded across the sky” (Smith 190), and he evacuated to Islamabad for safety.

Documentary theatre creates what Ann Cvetkovich calls an “unusual archive” through its focus on “personal narratives and its consideration of a range of testimony and viewpoints” (7). Within the various narratives of the detainees the playwrights inserted another segment from Rumsfeld’s press conference. Speaking during his first visit to Guantanamo Rumsfeld echoed the president’s Executive Order which stripped prisoners of their legal status. He unequivocally told reporters “[T]here is no ambiguity in this case. They are not POWs, they will not be determined to be POWs we’re treating these people as if the Geneva Convention applied” (Act II 17). Giving them the new classification, he asserted “we said from the beginning that these are unlawful

combatants and we're detaining them. We call them detainees, not prisoners of war. We call them detainees" (Act II 18).

Because the humane treatment granted to those "detainees" was not unconditional, nothing could dissuade the administration from adhering to an extremely abusive approach. This approach was meant to demean and humiliate the prisoners because from the American perspective they were considered animals and had to be treated accordingly. Major-General Geoffrey D. Miller, the prison commander in 2002, explicitly ordered the guards to treat their captives like dogs. "If you allow them to believe at any point that they are more than a dog", he alleged, "then you've lost control of them" (Smith 185). Prisoners, Gareth Peirce affirms, were thus being "treated like animals from start to finish" (Act III 28). Stripping the prisoners of their humanity is reflected in several aspects of their treatment including restraining them in chains like wild animals and holding them in cages rather than cells. In a letter to his father, Moazzam complains "I've been treated like an animal. Most of the time I'm in chains and they throw me into ... cages" (Act III 30).

The transfer process from Afghanistan to Guantanamo in military aircrafts was taking place in extraordinarily humiliating conditions of significant physical pain and sensory deprivation. Throughout their transportation to the Caribbean, the men were shackled in chains like wild beasts. During this interminable journey which took roughly twenty-seven hours, the prisoners were "kept blindfolded, muffled, chained and motionless" (Errachidi 7). Their hands were first "cuffed, then gloved with duct tape used to stick the gloves to their wrists" (Rose 52). Their feet were shackled together and the hood around their necks was firmly tightened. In addition to being shackled with a chain around the waist that was attached to the handcuffs, each prisoner was chained into his seat. They were all blocked with "black-lensed goggles, earmuffs and facemasks" (2).

Forbidden to move and cramped for such extended period, the men felt miserably uncomfortable. The earmuffs “pressed hard against their ears” and it was very “difficult to breathe through the facemask”. The pain caused by “the pressure of the shackles around the waist and the handcuffs”, Moazzam affirms, was unbearable (Begg 192). The majority of the men were so wobbly and disoriented that they lost consciousness the moment they disembarked. James Yee, a military personal, recalled with a grimace how they “passed out in the dust and flies were swarming around them, as if they were sickened animals” (63). Like the rest of the men al-Harith was unable to bear the pain caused by “the masks and the goggles” and he “fell out there unconscious from the plane”. He was carried to the prison hospital and “given a muscle relaxant”. His “blood pressure was one of the highest” the doctor there has “ever seen”, and “the reason was the chain on his foot” (Act II 21). Justifying this unprecedented measure General Richard E. Mayers, chairman of the Joint Chiefs of Staff, affirmed that they had to be restrained like that because “they were so dangerous” (Hickman 62).

The men were humiliated – and the end of the humiliation was not yet. Inside the prison when prisoners were moved from place to place, they had to be restrained as well. According to the classification given by al-Harith, there were “four or five types of chains”. While the one used “during interrogation” made the prisoners “sort of hunch up and have to walk like that”, the other allowed them to “actually stand up, easier and walk” (Act II 21). Officials were well-aware of the stress and humiliation this procedure caused, but they had the audacity to describe it as an essential precaution. Rumsfeld insisted that the prisoners had to be chained and shackled “so that they are less likely to be able to kill an American soldier” (Greenberg 116).

Upon their arrival in Camp-X-Ray on January 11, 2002, prisoners were being kept as “indecipherable, subhuman creatures” (140) in open-air cages like

animals in a zoo. One of the Geneva dictates requires that captives shall be entitled to “confinement in barracks of a standard equivalent to those of the forces of the Detaining Power who are billeted in the same area” (*Convention III*). Residential conditions in Guantanamo, however, were unprecedented and fell far beneath the standards accepted even in detention facilities. After visiting the camp, Charlie Daniels, the famous country rock singer, took pride in the fact that the inmates were being “treated like animals, put in cages where they can be watched and monitored twenty four hours a day, and [just] given food and water and a place to sleep” (Greenberg 208-209).

During the day, it was very hot and the only protection from the blistering sun and the heat was the flimsy tin roof that heated up very quickly. Asked about the heat the prisoners had to endure and the conditions in which they were held Rumsfeld’s response indicated annoyance with the questions. He “took a cavalier attitude” (Greenberg 116) and replied “just for the sake of the listening world, Guantanamo Bay’s climate is different than [sic] Afghanistan” (Act II 20). Addressing his critics, who voiced anxious concern about the prisoners, he made the absurd claim “to be in an eight-by-eight cell in beautiful sunny Guantanamo Bay, Cuba is not a – inhumane treatment. And it has a roof” (Act II 20). Rumsfeld was preoccupied with propagating the idea that the cages and the accommodating conditions were not such bad while he himself “stood behind the necessity of keeping prisoners exposed to the heat in outfits ensuring sensory deprivation (Greenburg 120). By weaving together Rumsfeld’s misrepresentations and the prisoners’ personal accounts, the play distinguishes the administration’s groundless allegations from the prisoners’ “true” stories and highlights how the truth has been distorted by those in power.

While affirming that the cages had roofs, Rumsfeld was willfully ignoring two facts characteristic of the camp; its existence in the wilderness and its being open-air. Because X-Ray cages were the nearest to the surrounding

natural environment, they were open to the elements as well as to rats, scorpions, snakes, and different kinds of insects and creepy creatures. Particularly during summer prisoners, as Ruhel Ahmed affirms, could see different animal [sic] and stuff like that” (Act II 23). Moazzam wrote to his family about the insects that infested the place like “the usual melee of scorpions, beetles, mice and other creepy crawlies” (Act II 21).

Confined in their tiny cages, prisoners were plagued by the frequent visits of “Guantanamo’s exotic wildlife” (Rose 50) and various types of creepers specifically spiders. As a result, the cages were full of black widows, small tarantulas, and brown recluse that is also called “the camel spider”. The “only 10 legged spider in the world, [that] grows to bigger than the human hand-size”, as Moazzam wrote to his family, “in summer there were plenty there, running into the cells and climbing over people” (Act II 20). Prisoners and guards alike were made creepy because this spider is, in fact, “far more poisonous than a tarantula” (Kurnaz 112-13). Its venom causes the victim’s “flesh to turn black and decay” (Act II 20), and untreated bites can kill victims in a few days. Since prisoners were not considered humans by prison authority, bitten men whose “flesh decayed and started going black were left to die in their cages” (Begg 180). Meanwhile, bitten military personnel were “medically evacuated back to the United states for emergency medical care” (Rotunda 44).

By the end of 2002, Guantanamo became not just an illegal detention centre but a “brutal, lawless experiment, or a prison devoted to torture, and the regime that followed was especially cruel and humiliating” (Worthington 200-01). Torture was systematically used to increase abuse, psychological pressure, and isolation of prisoners.

Abuse became officially justified as sanctioned practice of “softening up prisoners” (Rashid 313), or breaking their will. The most extreme brutality was engendered by a special unit known as the Extreme Reaction Force, a “five-man

riot squad” responsible for impressing the prisoners with a “show of excessive force at even the slightest hint of dissension or deviation from the rules” (Greenberg 106). These assaults became so familiar to prisoners that they, Shafiq Rasul informed Rose, “coined a new verb: to be ERFed” (Rose 71). It means being “slammed against the floor by a soldier wielding a riot shield, pinned to the ground and beaten up by five armored men” (72). Al-Harith, who both witnessed and experienced dozens of ERF beatings, “stopped talking to the guards” because he “couldn’t justify laughing and joking with them after they’re beating upon this guy” (Act II 24). Here, he means the cruel beating of Jummah Al-Dousari that took place at the end of April 2002. The mentally disturbed Bahrini inmate was severely assaulted by “a group of eight or nine guards” who “stamped on his back, kicked him in the stomach even though he had metal rods there as a result of an operation, and there was blood everywhere” (Ranter 152).

As the pace of interrogation intensified, al-Harith observes that the guards who came to fetch prisoners began to use a new phrase “you’re going for reservation” (Act II 21). He, though unaware of the reason, describes how the guards “didn’t like to use the word “interrogation” ” and the interrogators used to describe themselves as “investigators” (Act II 22). This fact is also reiterated by Yee when he affirms that military personnel “never used the word “interrogation” on the blocks” and that “they were saying instead that the detainees were going to “reservation” ” (77).

The word is misleadingly euphemistic for, like many other words and phrases, it was used while, as al-Harith complains, “there’s evil and malice behind it” (Act II 22). It did not actually mean that the prisoners, who were supposedly being taken for interrogation, would be just questioned. It comprised a variety of Rumsfeld’s “counter resistance interrogation techniques” including “removing the detainees from the standard interrogation setting and placing them in a setting that may be less comfortable” (Rose 101-02). Also included

was the “use of stress position” or short shackle during which “prisoners would be chained hand and foot in fetal position to a ring on the floor, with no chair, food, or water” and left there for 18-24 hours or more” (Jaffer 16). They were also subjected to “loud music” played at deafening volume accompanied by flickering “strobe lighting that was clearly designed to “break them” (Worthington 195).

Isolation as a disciplinary method should not be used for “longer than thirty days” (McCoy 127). It applied to either prisoners presumed to be of particular significance or those who used to show defiance. In practice, under Rumsfeld’s recommendation, these restrictions were discarded and the procedure expanded to all prisoners with no exception. By the autumn of 2003, the Red Cross became seriously concerned about the use of this technique. The organization’s delegates voiced “the strongest protest at the use of solitary confinement which was having serious consequences for the health of the prisoners” (Rose 108).

Though X-Ray cages, which were separated by mesh, were bad enough, the cells in Camp Echo – the maximum security isolation block – were much worse. Because there was “nothing in the isolation cells except bare metal” (Act II 22), being encased in one of these cells was “equivalent to being in a box” (Errachidi 86) where neither daylight nor darkness could be seen. The air conditioning units were set to minus degree. Al-Harith describes how the “AC system was blowing through cold air for 24 hours” and “the cell was turned into a freezer box, a freezer, a fridge” (Act II 22). Deprived of a mattress or even a blanket, he “had to go under the metal sheet” while “shaking too much” (Act II 22).

Despite the fact that he had not violated any of the prison’s rules or instructions, Moazzam was kept in “continuous solitary confinement” throughout “the entire period during which he was held in Guantanamo” (Forsythe 147). In March 2004, Gareth Peirce declared that her client was being

held in solitary confinement “since he was designated as an enemy combatant” (Act III 31).

Other prisoners were frequently moved to isolation blocks where they spent days, weeks, or even months for insignificant reasons. Al-Harith makes mention of an “Arab detainee”, Ahmed Errachidi, who was put in isolation for the first time because he “organized people in his block”, read “the Geneva Convention in Arabic” and advised them to “elect an Emir, a leader in Arabic” (Act II 24). In his memoir, Errachidi discloses how he was sentenced to spending seven months alone in “a maximum-security unit” for the second time because of his absolute refusal to “keep quiet in the face of the prisoners’ continual abuse” (84). As the prison authority used to withhold medications from ill prisoners till, as al-Harith states, they “drop out or there’s blood” (Act II 24), Errachidi was determined to teach prisoners solidarity while confronting this injustice. He suggests that “no-one’s going to go in interrogation and everyone would just stand firm till” ill prisoners were “seen to [sic] by a doctor” (Act II 24). The military personnel determined that he “was leading the prisoners in their opposition to the camp rules” (Smith 164), and he was put in isolation in consequence.

Al-Harith was confined in isolation for the first time for a much more trivial reason: his refusal to “wear a wrist band” which was considered a disciplinary breach that necessitated isolation. “Every time” they gave him “a wrist band”, he states, he would “rip it off and throw it out, and this went on for a couple of weeks”, so they put him “in isolation for four days” (Act II 22).

Subjected to an array of coercive techniques, prisoners were presented with patently false information that they “either refuted, leading to horrendous punishment, or accepted under duress, producing self-incriminating false confessions”. Under General Miller’s command, both “the scenario and its responses were widespread” (Worthington 213). Al-Harith, who considers

himself “mentally stronger than a lot of people,” affirms that “some people signed papers” and others “admitted to stuff” (Act II 22). They were so stressed and broken down that they gave in what psychiatrists call “coerced-compliant false confessions” while fully aware of their innocence. The number of those inmates is quite uncertain but the examples of several of the British prisoners like the Tipton three and Moazzam Begg suggest that “generating false confessions and other bogus testimony was substantial” (Rose 120).

In June 2003, the three lads from Tipton – Shafiq Rasul, Asif Iqbal and Ruhel Ahmed – were subjected to a barrage of implausible allegations including claims that they were “vicious Al-Qaeda tourists” and that they had been “in the Al-Farouq training camp in 2002” (Act II 32). Refusing to contend with these claims, the three were “held in total isolation for three months. They were taken to interrogation for hours on end and short shackled”. In the final interrogation session they “teetered on the verge of insanity” and were “so desperate for it to end” (Otterman 157-58). Therefore, they eventually gave in and admitted to the allegations made against them despite the fact that “they were working in Currys electrical store in Birmingham at the time” (Act III 32).

While it took the Tipton men three months in isolation to “confess”, Moazzam’s false confession has been extracted immediately after his arriving in Guantanamo in February of the same year. Smith, as his lawyer, was informed that he had confessed “to being an Al-Qaeda agent who was going to take part in a plot to send an unmanned drone aircraft from somewhere in Suffolk to drop Anthrax on the House of Commons” (Act III 31). Believing this allegation, Smith argues, is “equal to believing in the tooth fairy, and the whole story is ludicrous” (Act III 31). A drone is an unmanned aerial vehicle “UAV”, and “the only people who have drone aircraft in the world are the Americans, they cost \$ 50 million each” (Act III 31). UAVs are “part of the latest generation of the American weaponry” (Rose 122). Furthermore, drones “don’t ever hit the

target”, because, as Smith explains, “if you want to drop Anthrax on someone, you just stick it in the damn air-conditioning system” (Act III 31-32). Out of sheer desperation Moazzam admitted to these allegations which he considers “full of exaggerations, lies and presumptions” (Begg 198). His signed confession was extracted under a variety of threats like “imprisonment for life and facing execution by firing squad, lethal injection, or gas chamber” (197).

By the late summer of 2002 prisoners began to collapse mentally and psychologically. Some of them were reduced into depression and others developed persistent mental disorders. The Red Cross wrote a series of confidential reports to Washington warning of the “psychological damage caused by the conditions at the prison” (Rashid 312). In 2003, as conditions worsened, depression and suicide bids among prisoners increased. In an unprecedented incident Florian Westphal, a committee’s spokesperson, publicly stated its concern “we have observed what we consider to be a worrying deterioration in the psychological health of a large number of internees” (Smith 139). When Rose visited the prison hospital at that time, he was shocked to find that the “only epidemic was depression” while in 2002 there were “several cases of physical illness” (63).

In March 2004 a significant number of prisoners were on anti-depressants, and many others were diagnosed as psychotic. The Tipton three estimated that at least a hundred prisoners were “observably mentally ill as opposed to just depressed” (Worthington 280). The most traumatized prisoners, Yee affirms, were transferred to a new “psychiatric ward” in Delta Block where at any time, “at least twenty prisoners were being kept”. The occupants of this block were “so mentally disturbed that they exhibited a wide range of strange behaviors”, which show that “they were no longer capable of rational thought (101). Even in the normal cells, guards began to observe a new and worrisome melancholy spreading among prisoners who were so frustrated and unable to

fight the bouts of depression, they became “despondent”. Some were “seen weeping” and “others were reported to be banging their heads on the tables and walls out of despair” (Williams).

The play pinpoints the emotional trauma of the detainees through letters they wrote to their families. The letters Moazzam wrote home highlight his prison experience and the subsequent effects on his psychological health. The one letter he sent to his father from Bagram shows resilience and patience. Though he considered this experience “the hardest test” he has “to face in his life”, he was certain that he would “pass this test by the will of Allah” (Act I 16). His prison experience in Afghanistan has not impaired his sense of hope. On the other hand, the two letters he wrote in Cuba reek with desperation and show how his mental state was descending into a depressive illness. He confided to his wife that “the past few weeks have been more depressing than usual” and that he is so upset that he “cannot sleep at night”. All these signs, insomnia, low mood and hopelessness, suggest traditional symptoms of depression. His last letter which he wrote in 2003 and his family received in March 2004 explicitly manifests ominous signs of a gradual mental decline consistent with depressive disorder. He wrote “I am in a state of desperation and am beginning to lose the fight against depression and hopelessness” (Act III 30). This extract points out that he was becoming increasingly desperate and pleading for help.

The “oblique comments” made in this letter gave Gareth Peirce and his family a “very good reason to think he’s been driven into mental illness” (Act III 31). When Smith visited him in November 2004 in Echo and Moazzam “poured out his desperate experience”, Smith easily concluded that his client’s “mental health was crumbling” and that he “obviously suffered from post-traumatic stress disorder (PTSD)” (133).

The prison authority's response to this widely spread mental illness was the same: prescribing Prozac. According to chief surgeon Captain Stephen Edmondson, the drugs most commonly prescribed for the detainees were "Prozac and similar mood-enhancing pills" (Rose 66). More than "one-fifth of Camp Delta's inmates" were taking them, and, as a result, "they were just like zombies" (Otterman 158).

However, as Lelyveld states, "pharmacology proved to be inadequate to stem a small epidemic of suicide attempts" (117). In the first few months of General Miller's command, there was "a rash of suicide" (Yee 100). By February 2003, "sixteen prisoners had attempted to take their own lives, three of them twice". Another mass suicide attempt took place "during an eight-day period in August" (Worthington 272) when twenty three prisoners attempted to hang themselves in their cells. Only "two cases" among them were "classified as suicide attempts". The Pentagon "blithely dismissed the entire incident as a coordinated effort to disrupt camp operations and challenge a new group of security guards" (Smith 139). By the end of September, the official estimate of "suicide attempts was 32" (Act II 22). It was at that time that the Pentagon suddenly announced a radical reduction in the attempted suicide rates. In other words, attempted suicide suddenly stopped. Smith explains the "semantic deception" behind this abrupt reduction when he declares "we discover that far from suicide efforts stopping, they'd just been re-classified by the military into manipulative self-injurious behaviour" (Act II 22). Suggesting an extreme interpretation of the new classification Edmondson informed Rose that SIB meant "the individual's state of mind is such that they did not sincerely want to end their own life". Instead, the "prisoners attempted suicide", he argued, to "get better treatment or even obtain release" (Rose 64). Coining the redefinition still does not erase the fact stated by Smith that "since the re-classification, there

were more than 40 of those [attempted suicides] in a six month period” (Act II 22).

Even when the first successful suicide took place on 10 June 2006, and three prisoners were found dead in their cells, the administration’s response was extraordinarily indifferent. Harry Harris, the prison commander, commented “this is not an act of desperation, but an act of asymmetric warfare committed against us” (Hickman 179).

Such a callous response does not mean that the administration was unaware of the reason behind the prisoners’ desperation and concomitant suicides: the open-endedness of their situation, and uncertainty about their future. They were incarcerated in a limbo where they were not charged of any crime and had no idea about what they were accused of, or when or if they would ever be released. No lawyers were given access to the base and no commissions were scheduled. Day by day they began to realize that they had no future at all and that they had been “abandoned, unprotected and lost to the world” (Greenberg 179).

When commissions were finally scheduled, Moazzam Begg was one of “two of the British detainees” who “were designated by the United States authorities as eligible to stand trial by the Military Commissions” (Act III 26) instead of being tried before federal courts. Despite Gonzales’s efforts to feed the public conviction that these commissions were merely wartime versions of American courts-martial, the proposed tribunals are significantly different from courts-martial. Courts-martial and their “longstanding reputation for openness and fairness” have, in fact, been “tainted by association with the Guantanamo tribunals” which are generally regarded as “nothing more than hollow simulacra” (Worthington 264). In view of the definitions recognized by the American Supreme Court, courts-martial is “a regularly constituted court” that is “established and organized by congressional statutes in accordance with the laws and procedures already in force and the recognized principles governing the

administration of Justice” (Henn 125-26). Meanwhile, a special military commission in Guantanamo is neither a “regular court” nor “an ordinary military court”. It is rather “an irregular court created ad hoc (and post hoc) by the President or Congress merely to try a particular set of aliens in a manner that does not comply with the principle of uniformity” (126).

In addition to this definitional discrepancy, another dividing line has been drawn between the two types of courts. It may seem surprising that Major Mori, a military officer who regards the American courts-martial with respect, would show contempt for the Guantanamo commissions. Giving his unexpected, yet objective, assessment of both systems he opines:

The US Court Martial system is efficient and fair criminal justice system that already has jurisdiction to try Law of War Violations and its rules and procedures specifically gear to battlefield type cases ... The problem with these military commissions, it's a political system [that] seems very contrary to fundamental fairness. (Act III 25-26)

As pinpointed in Mori's criticism the difference between the two systems originally was a difference of jurisdiction. The jurisdiction of military commissions is “determined by the existence and continuance of war” (Henn 266). What is inevitably questionable in reference to military commission jurisdiction at Guantanamo is the fact that “the U.S. military base at Guantanamo is neither a theatre of actual war nor a war-related occupied territory” (110). Consequently, the creation of military commissions in Cuba is without lawful jurisdiction and would, as Lord Steyn affirms, leave “a stain on United States justice” (Act III 33).

It was evident that Wolfowitz's tribunals would be “feeble substitutes for a proper court” (Rose 156). According to the new rules, the American “military would act as interrogators, prosecutors, defense counsel, judges, and when death sentences are imposed as executioners” (Act I 3). Moreover, the tribunals were expected to decide “the defendants' status under Geneva convention, are they

prisoners of war or civilians” (Act III 29). As an “administrative process” structured rather to “confirm the status of enemy combatant”, Major Mori argues, the ICRC “decided to sidestep the whole main issue” and to determine whether the defendants “committed a hostile act or were supporting hostile forces” (Act III 29). It is not surprising then that by the early winter of 2004 when “the Pentagon held tribunals” on all the 558 detainees in the prison, it “found nearly all to be enemy combatants” (Wax 156).

The proposed tribunals were fiercely criticized from the moment they were announced by John S. Cooke, a retired army judge, as “an effort to find a foolproof shortcut to a guilty verdict” (Glaberson). A number of obvious reasons include the real purpose for which they were created: procuring prosecution. The “overall goal that resonates from the effort to tailor these military commissions”, as Paust discloses, was “supporting conviction” (131). Major Mori was particularly disturbed by the fact that Wolfowitz’s commissions “were primarily intended to secure prosecutions against men whose guilt had already been decided by the Executive” (Worthington 259). This explains why he ended up challenging the proposed system and defending his client David Hicks.

“None of the specially constituted tribunals”, nor their unprecedented “rules of evidence and procedure” “were designed to enhance fairness” (Paust 131). Lord Steyn is not exaggerating when he asks “whether the quality of justice envisaged for the Guantanamo prisoners complies with minimum international standards for the conduct of fair trials” and decides that “the answer is a resounding No” (Act III 33). To ultimately guarantee convictions of defendants the commissions ignored the very protections that are needed in the justice system. In Major Mori’s words, “they are doing away with all the safe guards and checks and balances in the justice system that are there to ensure that innocent people aren’t convicted” (Act III 25). All the protections of a fair trial

have been removed from these tribunals. Hence, the fundamental rights in the United States courts and courts-martial would not necessarily be afforded the defendants.

The Guantanamo commissions have significant procedural improprieties: they ignored the need for an independent judge and the established rules of evidence generally recognized in the justice system. The “American justice system, both the military and the civilian”, has recognized the need for an “independent judge” to “ensure that there’s a fair system, an equal access to evidence, and that there is an independent person not part of the prosecution to rule on motions” (Act III 32-33). Meanwhile, according to Wolfowitz’s commission rules, there would be no independent judge since “the judge and the members of the jury, all of whom are members of the U.S. military” would be “handpicked for the job by the military” (Smith 91-92). This means that the assigned judge would be a “presiding officer entitled to make and break rules, almost at will, to ensure that all defendants would be convicted” (McCoy 215). Highlighting such an alarming deficiency in the system Major Mori criticizes the tribunals for being “controlled by people with a vested interest only in convictions” (Act III 26).

The commissions would have “wide latitude” to function “without regard to the established rules of evidence generally recognized in the trial of criminal cases” (Paust 122). It was suggested that the accused prisoners would be convicted based on evidence kept secret from them. Any evidence including “coerced confessions” and information from intelligence reports “not available to the defendants” could be used so long as the hand-picked colonel in charge finds it “reliable and possess probative value” (Hickman 51). Moreover, the defendant and his defense would be given no access to cross-examine the “classified evidence” against them, and “the possibility to challenge its source would be extremely restricted” (Paust 122). Concerned about such restriction that would hinder his ability to do his duty

towards his “client properly”, Major Mori complains “one of my fears is that they are going to bring some document written by some investigator and they are going to use this document, and I’m never going to have the opportunity to cross examine [it]” (Act II 32).

The whole military commission process, Smith suggests, was “a lie that was meant to deceive the world” (128). Any fair proceeding will result in some “acquittals” and some “convictions”. Do the commission procedures guarantee that if a defendant were found not guilty, would be set free? “Under the law the answer is no” (Rotunda 207). Under the commission rules as William Haynes, the General Counsel of the Pentagon, made the situation very clear stating “if a defendant is acquitted of a charge, he may not necessarily automatically be released”. In other words, if a prisoner were convicted, the US military could hold him forever and if a prisoner were acquitted, he could be held for ever. “They are enemy combatants”, Haynes declared, “at the moment we’re not about to release any of them” (Smith 91). In this way, the Pentagon announced its plan to keep “under lock and key” (Greenberg 203) the prisoners who, after being tried and acquitted, were still considered dangerous and a threat to U.S. national security. It is obvious now why Lord Justice Steyn did not end his lecture before exhorting the British judiciary to “make plain publicly and unambiguously [their] condemnation of the utter lawlessness at Guantanamo Bay” (Act III 33).

Conclusion:

Documentary plays, based on facts, on real characters and situations are truthful records of history. Both Victoria Brittain and Gillian Slovo have delved deeply into the details of Guantanamo prisoners, interviewing a number of them and examining the accuracy of the political scene to give us the truth – the hidden truth – about this historical scandal that will forever remain a stain in the honour of American politicians. The three

“neocons”, Bush’s most influential advisers, Dick Cheney, Donald Rumsfeld and his deputy Paul Wolfowitz took a conscious decision to demonstrate to the whole world that Washington could dehumanize and humiliate other – non-American – human beings by waiving constitutional and international humanitarian law. The play clearly reveals the extent to which American politicians are capable of distorting and twisting the truth. Yet, all this has been done in the name of freedom and democracy, for the values expressed by the detention centre’s motto “Honor Bound to Defend Freedom”.

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