

Solitary Confinement at Guantánamo Bay

"It's kind of like having their own apartment."

Camp 6 Guard, Guantánamo Bay Naval Station¹

"I am in my tomb."

Abdelli Feghoul, Camp 6 prisoner, cleared for release since at least 2006

Approximately 70% of the men imprisoned in Guantánamo are in solitary confinement or isolation.² Virtually none have ever been charged, and most will never be charged or tried. Yet, they remain in “super-maximum security confinement” conditions – held by a federal judge to “press the outer bounds of what most humans can psychologically tolerate.”³

There are three camps at Guantánamo where conditions qualify as solitary confinement or isolation: Camps 5, 6 and Echo. The military maintains that Camps 5 and 6 are intended for “non-compliant” prisoners, but the facts prove otherwise. Indeed, a number of men slated for release are held in these conditions, including some who languish because they are unable to be safely transferred.

The military refuses to acknowledge that there is solitary confinement in Guantánamo at all. Instead, they speak in euphemisms of greater “privacy”⁴ and “single-occupancy cells.”⁵ The conditions, however, speak for themselves:

- In Camp 6, each detainee is confined to a small, windowless steel cell with no access to natural light or air. In Camp 5, a frosted window provides minimal access to natural light, but no view outside. Florescent lights are on 24 hours a day, limiting sleep.

“Bisher al-Rawi is, slowly but surely, slipping into madness. . . . Bisher is allowed no contact with fellow prisoners. Bright lights are kept on 24 hours a day. Bisher is given 15 sheets of toilet paper per day, but because he used his sheets to cover his eyes to help him to sleep, his toilet paper - considered another comfort item... - has been removed for ‘misuse.’”

- Attorney Brent Mickum on Bisher al-Rawi’s confinement in Camp 5.⁶

- Detainees are allowed no more than two hours of “recreation” a day. In Camp 6, recreation takes place alone in a pen surrounded by high concrete walls with a mesh covering blocking out most sun. The only equipment is an occasional ball. Sometimes detainees are only allowed recreation at night, preventing them from seeing any sun for days. Alone in their pen, all physical contact with others is forbidden.

Saber Lahmar, a detainee who had been held in solitary confinement in Camp Echo, was only allowed to exercise approximately every 10 days, despite severe leg pain and a camp doctor’s admission that he needed exercise for nerve and muscle damage in his legs.⁷

- Detainees have virtually no human contact. Food is delivered through a slot in the door. Detainees may try to shout to one another through the slot with great difficulty, and at risk of disciplinary sanction.⁸ They are almost entirely cut off from the outside world and their families. There are no activities or stimulation, save one book a week from a poorly stocked library cart, and a Koran.

¹ William Glaberson, *Detainees’ Mental Health is Latest Legal Battle*, NEW YORK TIMES, April 26, 2008.

² *Id.* Camp 6 was recently constructed with minimal allowance for human contact; 165 men were transferred there shortly after its completion in December 2006.

³ *Madrid v. Gomez*, 889 F. Supp. 1146 (N.D. Cal. 1995).

⁴ Ben Fox, *GTMO’s Camp 6: extra privacy or harsh isolation?*, ASSOCIATED PRESS, February 4, 2007.

⁵ NEW YORK TIMES, *supra* note 1.

⁶ Brent Mickum, *Guantánamo’s Lost Souls*, THE GUARDIAN, Jan. 8, 2007. Mr. al-Rawi was released on March 31, 2007, after 4 years in prison.

⁷ *Id.* at 21. Mr. Lahmar lived in Camp Echo for over a year. He is currently in isolation in Camp 3, but is allowed more recreation time..

⁸ *Cruel and inhuman: Conditions of isolation for detainees at Guantánamo Bay*, AMNESTY INT’L 4, April 5, 2007.

Psychological and Physical Effects

Solitary confinement, especially in combination with severely restricted stimuli and activity, is known to cause psychological and physical damage.⁹

"[My client] smeared feces on his cell walls. When I asked him why . . . , he told me he had no idea."
- Attorney Clive Stafford Smith¹⁰

"[Y]ou try talking to a man who only wants to see the sun. You will never forget the experience. . . . In [his] cell, [Huzaifa Parhat] can crouch at the door, and yell through the crack at the bottom. The fellow in the next cell may respond, or he might be curled in the fetal position, staring at the wall. Another Uighur told us of the voices in his head. The voices were getting the better of him. His foot was tapping on the floor. I don't know what's happened to him: he doesn't come out of the cell to see us anymore."
- Attorney Sabin Willett, describing the condition of the Uighur detainees in Camp 6.¹¹

"Tell [my wife] to remarry. She should consider me dead."
- Chinese Uighur imprisoned at Guantánamo, soon after being transferred into Camp 6.¹²

"I've started talking to the ceiling. I know it's crazy, but I can't stand it otherwise."
- Camp 6 prisoner¹³

"I'm fighting for my sanity."
The same man, a year later: *"The walls are really beginning to close in on me now."*
- Camp 5 prisoner¹⁴

Conditions at Guantánamo Violate United States Obligations under Law

The conditions in Camps 5, 6 and Echo constitute cruel, inhuman or degrading treatment that violates internationally accepted standards of humane treatment, as well as U.S. law.

- Such treatment is prohibited under the Detainee Treatment Act of 2005, and under the U.S. Supreme Court ruling in *Hamdan v. Rumsfeld*, which held that Common Article 3 of the Geneva Conventions applies to Guantánamo detainees.
- The International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT) prohibit torture and other ill-treatment.¹⁵ The ICCPR monitoring body has stated that "prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by article 7."
- Depriving detainees of fresh air and natural light violates both the UN Standard Minimum Rules for the Treatment of Prisoners and American Correctional Association standards.¹⁶ Denial of social interaction, recreation and family visits is inconsistent with UN standards and U.S. federal rules.¹⁷

I look alive, but actually I'm dead.
- Camp 6 prisoner¹⁸

⁹ Psychological damage includes hallucinations, extreme anxiety, hostility, confusion and concentration problems. Physical symptoms of solitary confinement can include impaired eyesight, weight loss, and muscular atrophy. Stuart Grassian, *Psychological Effects of Solitary Confinement*, AMERICAN J. OF PSYCHIATRY, 140:1450-1454, 1984; Terry A. Kupers, *The SHU Syndrome and Community Mental Health*, COMMUNITY PSYCHIATRIST, Summer 1998; Craig Haney, *Mental Health Issues in Long-Term Solitary and 'Supermax' Confinement*, CRIME AND DELINQUENCY, vol. 49, no. 1, January 2003; Amnesty Int'l, *UK Special Security Units – Cruel, Inhuman and Degrading Treatment*, 1997 (AI Index: EUR 45/06/97), cited in AMNESTY INT'L, *supra* note 8 at 18.

¹⁰ Cited in NEW YORK TIMES, *supra* note 1.

¹¹ Sabin Willett, Testimony to the House Committee on Foreign Affairs' Subcommittee on International Organizations, Human Rights and Oversight, May 20, 2008. The Uighurs are Chinese Muslims who have been cleared for release for years, but have no country to which they can return safely.

¹² *Parhat v. Gates*, No. 06-1397 (D.C. Cir. Jan. 20, 2007) (Decl. of Sabin Willett at ¶ 33).

¹³ Rebecca Dick, attorney notes.

¹⁴ *Id.*

¹⁵ The United States is a party to both treaties.

¹⁶ Standards for Adult Correctional Institutions, 4th Ed., 4-4147-4-4148.

¹⁷ UN Standard Minimum Rules for the Treatment of Prisoners, Art. 37; 28 CFR 540.30-34 and 544.80-83, cited in AMNESTY INT'L, *supra* note 8 at 16. U.S. federal rules stress the importance of programs that provide for social interaction, recreation and education.

¹⁸ *Supra*, note 13.