

Suicide on the Brink of Release

Families and attorneys push to hold Guantanamo officials liable

By Josh White

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When Mani al-Utaybi fixed a makeshift noose around his neck and hanged himself in a Guantanamo Bay cell in June 2006, the Saudi Arabian detainee had been close to being transferred to his homeland and freed, his attorney and military officials say. But no one told him.

DETENTIONS

As Saudi planes began arriving at the U.S. detention facility to bring groups of prisoners home to Riyadh for a repatriation program, Utaybi's attorney, George Daly, tried to let his client know during a visit in May that he had been cleared for release. But, Daly says, U.S. military officials told him that Utaybi did not want to meet with him.

Lacking authorization to put the classified information on paper, Daly left for North Carolina. He learned three weeks later of the June 10 suicide, he says.

Attorneys for Yasser al-Zahrani, a second detainee who committed suicide that day, say they think Zahrani had been set to leave the prison soon. Attorneys for the third suicide victim that day, Salah al-Sullami, say they were unaware that the Defense Department had deemed him unprosecutable because of a lack of evidence, though he had not been cleared for release.

The detainees' family members and attorneys say the captives would not have taken their lives had they known about the change in their circumstances. In recent interviews they said U.S. officials should be held accountable for the deaths, and they are pursuing a wrongful-death lawsuit in federal court, arguing that the suicides were preventable.

Talal al-Zahrani questions whether his son's death was a suicide and has found little solace in a U.S. investigation released last month.

"Simply the death of a child brings sadness in normal circumstances," Zahrani, 54, said through an interpreter Aug. 28 by telephone from Jiddah, Saudi Arabia. "If you were to add to this that our son had received so much abuse, harm, systematic torture and then, in the end, wrongful killing, then you would get a better picture of what we feel."

"Before we heard of his death, we were hopeful he might be released any day, and

we were just awaiting his return," he said. "I really cannot find the words to express how that has impacted us."

The U.S. military has maintained for two years that the suicides were a coordinated act of aggression; a military officer has called them an act of "asymmetric warfare" against the United States.

The investigation by the Naval Criminal Investigative Service showed that the men took their lives in similar ways and almost simultaneously. Each man fashioned a noose out of strips of T-shirts and bedsheets, hung blankets in his cell to conceal his actions, left a similar suicide note and hanged himself at night to avoid detection.

Navy Cmdr. J.D. Gordon, a Pentagon spokesman, said Aug. 28 that Defense Department officials have continuously sought to repatriate detainees and that more than 500 have been returned home. But he said it is U.S. policy not to notify detainees beforehand.

"It would be inappropriate to provide significant advance notice to detainees regarding pending departures, in the event plans could change with receiving nations, among other concerns," Gordon said.

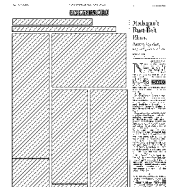
The government has reported that two of the men had been on hunger strikes for a long time to protest their confinement. Documents obtained by The Washington Post indicate that the men were part of a group that Guantanamo officials dubbed the "Force Feeders Club," enduring sometimes painful feedings through tubes and being strapped to chairs so they could not purge the nutrients.

Sullami, a Yemeni, had been treated for irritation and infections in his nasal passages as a result of the feedings for six months, according to medical records.

Saudi detainees such as Utaybi and Zahrani were in line to go home under an agreement with Riyadh to repatriate captives who are not slated to face war-crimes trials. In Saudi Arabia, former Guantanamo detainees go through a repatriation program and government officials agree to mitigate any threat the men might pose.

Pardiss Kebriaei, a lawyer at the Center for Constitutional Rights, says she filed legal papers in the case alleging negligence by U.S. authorities even before the military investigation showed that guards did not follow some procedures and apparently failed to notice the hangings until hours later.

"Our main focus is really the fact that the men were in the exclusive custody of the



United States, and the responsibility there is by virtue of that," Kebriyai says. "I think the families want recognition of what they have suffered, of the fact that their sons were wrongfully detained for four years without charge. They want an apology, which they have never had. And they want closure."

Sullami's attorney, David Engelhardt, says investigative documents show that there was no evidence linking his client to terrorism.

"The government caused these deaths by first wrongfully detaining them, and secondly, in a most cowardly fashion, refusing to acknowledge their mistake and immediately moving them out," Engelhardt says. "They now say they were engaged in warfare against the United States. If they died as enemies of this country, we know who made them that."

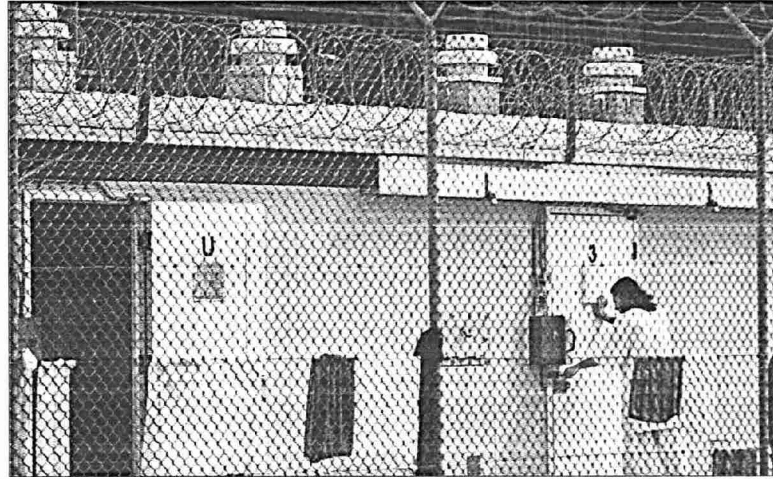


TALAL AL-ZAHRANI, STILL CONVINCED that the U.S. government has been covering up wrongdoing in his son's death, said that he believes many Americans are concerned about humanitarian issues at Guantanamo but that he now holds considerable ill will toward the U.S. government.

"It is a government that has shown so much arrogance and misuse and abuse of power, injustice, and it has treaded over the rights of people and the feelings of people," he said. "During the past few years, because of these practices, it has generated so much hatred against it."

Daly said that had he met with Utaybi, he would have been able to tell him about his imminent transfer, possibly averting the suicide. And had the United States treated Utaybi more humanely, he said, it might have avoided one of Guantanamo's most notorious episodes.

"I would say part of the humane treatment of a hunger striker would include telling him he was about to be sent home," Daly said. "They would have saved themselves a world of trouble if they had, perhaps."



BY CHIP SOMODEVILLA—GETTY IMAGES

In 2006, suicide notes written by three detainees at Guantanamo Bay, Cuba, said that their acts were attacks against the United States.