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The Harrowing Tale of Ahmed Abu Ali

by ESAM AL-AMIN

June 28-30, 2013

This month commemorates the sad tenth anniversary of the Abu Ali family's nightmare. Their son's ordeal began as one of the earliest and ugliest extraordinary rendition cases by the U.S. government.

Ahmed Abu Ali was born to Palestinian parents in Houston, Texas in 1981 and was the valedictorian of his high school class in Alexandria, Virginia. In 2000, he received a scholarship to study at the Islamic University of Medina in Saudi Arabia, so he left the University of Maryland to pursue a degree in Islamic Studies. He was one year away from graduating before his life would change forever.

At the request of the U.S government, two Saudi security agents approached Ahmed in mid June 2003 and arrested him as he was taking his final exam. According to Abu Ali's lawyers, the reason he was targeted was because his name appeared in an address book of someone in Saudi Arabia who was associated with Al-Qaeda in the Arabian Peninsula. His family had no idea what happened to him until a week later when their house in Northern Virginia was raided by two-dozen FBI agents. Meanwhile, Ahmed was subjected to brutal torture by the Saudi security agents in *Al-Ha'ir* Prison in Riyadh, where according to the Saudi internal security service, the *Mabahith*, FBI agents participated in Ahmed's interrogation by submitting questions and watching through a one way-mirror.

For the next twenty months, Ahmed was detained without charge or legal representation. During the first month of his incarceration, Ahmed would later testify that on the first day, his interrogators asked him “whether he knew specific people and whether he knew about bombings in Riyadh.” At one point, his blindfold was taken off and he “saw the bruised face of a man through a window in the door to the room. The man was asked if he knew Ahmed, and he shook his head no.” Ahmed was not fed that day. The agents then “hit him, slapped him, punched him in the stomach, and pulled his beard, ears, and hair.” He was not allowed to use the bathroom, even when he asked to wash up for prayers. The following days the agents continued hitting him. At one point, he was taken from the chair in which he was sitting, and, according to court transcripts, he was “handcuffed to a chain in the floor, leaving him with his knees to his chest on the ground, hunched over with his head on his fists, and his feet shackled.” Someone then began to strike him on the back and yell, ‘confess!’

Although he was blindfolded, he stated that “he could hear four different voices in the room” while he thought “he was assaulted by only one person.” He said it was “very painful” and that it was the “first time I felt extreme pain.” When the beating began, he was clad in an undershirt and long underpants. Ultimately, his undershirt was torn off as he was struck on his bareback. Eventually, Ahmed told his torturers he would cooperate. The beating then stopped, and he was taken back to his cell. Later, Ahmed would be seen on a video giving a “confession” to his interrogators and asking them “if they were satisfied with his answers.”

Back in the U.S. Ahmed’s parents became extremely concerned about the fate of their son. They hired a team of lawyers to press the U.S. government to reveal his whereabouts and its role in his unexplained and mysterious detention. In fact, one of the defense lawyers, Salim Ali, filed a sworn affidavit alleging that Gordon Kromberg, a federal prosecutor in the Eastern District of Virginia and infamous for his anti-Muslim bias, heightened the concerns of the family when he



said that Ahmed had faced torture during his detention and interrogation. When asked in the fall of 2003 whether Ahmed would be brought to the United States to face charges, Kromberg responded: “He’s no good to us here. He has no fingernails left.”

As the Abu Ali family received conflicting messages from both governments, they filed a writ of habeas corpus in the D.C. District Court. In an attempt to avoid complying with a judge’s order

to discover the facts in the case, prosecutors indicted Ahmed in February 2005. He was then transferred to the U.S. after being charged with “material support for terrorism” for having allegedly joined an Al-Qaeda cell in Saudi Arabia and “participated in a plan to assassinate President George Bush.” These charges were entirely based on the information provided in the recorded coerced confession obtained in *Al-Ha'ir* Prison in the midst of his torture sessions.

Psychiatrist Lynne Gaby from George Washington University Medical Center and an expert on “Survivors of Torture and Severe Trauma,” would later testify in a pretrial hearing that Ahmed suffered post-traumatic stress disorder (PTSD), and that his testimony regarding his torture was credible. In addition, an expert on torture hired by Ahmed’s lawyers, Dr. Allen Keller, the director of the NYU Program for Survivors of Torture, physically examined Ahmed and testified that even two years after the torture, he observed about ten scars on his back which were consistent with the whipping he claimed he suffered during interrogation in Saudi Arabia, proving conclusively that he was physically tortured. The government expert, Dr. Robert Katz, a dermatologist who did not physically examine the victim, but viewed photographs of his back, stated that the marks shown on Ahmed’s back “were not scars, but pigment discolorations.”

Unfortunately the judge sided with the prosecution even though the 2003 U.S. State Department’s Human Rights Country Reports on Saudi Arabia stated that:

There were credible reports that the authorities abused detainees, both citizens and foreigners. Ministry of Interior officials were responsible for most incidents of abuse of prisoners, including beatings, whippings, and sleep deprivation. In addition, there were allegations of torture, including allegations of beatings with sticks and suspension from bars by handcuffs. There were reports that torture and abuse were used to obtain confessions from prisoners.

During the trial, the judge did not allow the torture expert’s report to be presented to the jury, even while admitting Ahmed’s coerced confession into evidence. In November 2005, the jury convicted Ahmed after deliberating for less than two days. Subsequently, Ahmed was sentenced to thirty years in prison.

After observing the trial, Amnesty International issued a report in 2005 calling it “unfair.” It further stated that it was seriously concerned that the trial “may set a precedent in U.S. courts of according unqualified support to the declarations of a foreign government regarding its human rights record as a means of rendering evidence admissible, including statements obtained by torture and ill-treatment. In this case, the statement of officials from Saudi Arabia, a state with a clear record of widespread torture and ill-treatment, flatly denying that such practices existed, appear to have been taken at face value with no serious attempts allowed to challenge the claims presented.” The report also condemned “denying the defense the opportunity to present relevant evidence, including from two UK nationals who were held in al-Ha’ir prison at the same time as Ahmed Abu Ali and claim to have been tortured into confessing to terrorist offences. One of the men, William Sampson, described in detail to Amnesty International the use of torture and torture techniques during his detention in Saudi Arabia similar to Ahmed Abu Ali’s allegations.”

In 2008, an appellate court also completely relied on the coerced confession even though it admitted that “the independent evidence does not prove Abu Ali’s guilt of any crime,” and that

“Abu Ali never planted any bombs, shot any weapons, or injured any people, and there is no evidence that he took any steps in the United States with others to further the conspiracy.” Yet it upheld his conviction and incredibly reversed his sentence, advising the district judge to sentence him to life in prison, which he did. Referencing the thirty-year sentence, one of the dissenting judges on the appeals court wrote, “I find the majority’s insistence on refusing to defer to the district court’s considered judgment both inexplicable and deeply troubling.”

Ahmed is currently incarcerated in an isolation cell at the Supermax prison in Colorado. He is being held under Special Administrative Measures (SAMs), which restrict his contact with people, limit certain “privileges,” including, but not limited to: correspondence, visits, media interviews and telephone use, and require screening of his reading material. Under these measures, he was even denied in 2008 permission to read President Obama’s two books, *Dreams From My Father* and *The Audacity of Hope*, on the grounds that the books contained material “potentially detrimental to national security.”

Recently Ahmed’s younger sister, Mariam told a magazine that her brother has spent the past six years “in solitary confinement, under 23-hour lockdown, in a 7×12 cell. He has one recreational hour in which he must get strip-searched if he wishes to leave his cell. He gets one unscheduled telephone call a month to his family, and receives the newspaper by the time news becomes history. If I send him a letter wishing him a happy birthday, he gets it 60 days later. When I visit him, once a year, I speak to him from behind a glass window. He is literally in a dungeon, over 20 meters (65 feet) beneath the ground.”

In 2009 Ahmed went through a two-month painful hunger strike to protest his grotesque conditions of confinement. During this ordeal his liver, kidneys, and teeth were critically damaged. Prison officials have routinely refused to provide him with adequate medical care even though the family offered to cover his medical expenses. Moreover, his mental and psychological health have suffered tremendously and deteriorated over his isolation and atrocious conditions. This month the SAMs punitive measures have been renewed yet again for the seventh consecutive year.

One can only compare his sentence with that of Timothy Joiner to see the extreme prejudice and racism in the U.S. criminal justice system against American Muslims. Joiner, an ex-soldier, was also 22 years old when he threatened to assassinate President Barack Obama in 2012 as part of a greater conspiracy. This conspiracy in Georgia even advanced to the point where, according to the government, “The group purchased \$87,000 worth of guns and bomb-making materials and plotted to take over Fort Stewart, bomb targets in Savannah and Washington State, and assassinate the president.” Joiner eventually pleaded guilty to more than 30 charges for his involvement with a group of Army soldiers who authorities say planned acts of domestic terrorism. He was sentenced to 5 years in prison without any SAMs, solitary confinement, or restrictions. Moreover, early this month a federal judge sentenced Donte Sims, to six months after he pleaded guilty to one count of knowingly and willfully making a threat to take the life of president Obama.

Meanwhile, Ahmed is condemned to life in solitary confinement for allegedly admitting to someone in a foreign country a plot to assassinate a U.S. president, with the only evidence being

a confession coerced under torture. So much for equal justice and equal rights under the law in post 9/11 America.