

ISMAEL AL BAKUSH*
LIBYAN GUANTÁNAMO DETAINEE IN NEED OF PROTECTION



Ismael al Bakush is a Libyan National who fled Libya in 1991 because of severe religious and political persecution. Mr. Bakush personally suffered persecution at the hands of the Qadhafi regime, and he believes his brother was imprisoned and murdered by the Libyan government for expressing his religious and political beliefs. He was captured in Pakistan in late 2001 by Pakistani police, who eventually handed him over to U.S. authorities, most likely for a bounty. He has been held without cause by U.S. authorities in Guantánamo for over six years, and he faces the likelihood of transfer to Libya if he is not granted refuge by another country.

Summary

Mr. Bakush is a Libyan national who has been held without charges and subjected to harsh treatment by the United States for more than six years. He is now in serious danger of being transferred to Libya as the U.S. endeavors to reduce the number of detainees in Guantánamo. Indeed, prisoners such as Mr. Bakush, against whom the U.S. asserts the most unsubstantiated allegations, are in particular danger of transfer.

The consequences to him of being returned to Libya cannot be overstated. The United States has identified Libya as a state sponsor of terrorism and has, along with many human rights organizations, criticized Libya for its mistreatment of prisoners. More than this, Mr. Bakush personally suffered religious persecution before he fled Libya, and his father and brother both were brutally mistreated for the same reasons. Moreover, having been detained in Guantánamo and accused of association with an organization hostile to the Libyan government, he is in serious risk of indefinite detention, torture, and even death if he is released to Libyan custody.

Personal History

Growing up in Libya, Mr. Bakush was a first-hand witness to Qadhafi's brutality. He saw Qadhafi arrest, torture, and execute a number of his government's opponents, and the mass roundup of numerous religiously observant individuals in 1989. In the late 1980s and 1990s, Bakush began to fear this persecution himself. Government security officers questioned his frequent visits to mosques, demanded to know where he lived, and "advised" him to forgo his religious observances to avoid prison. Mr. Bakush began practicing his religion underground, shaving his beard and praying at home, but nevertheless imminently feared his arrest. Unable to practice his faith openly and fearing more severe mistreatment, he fled Libya in 1991 at age 23.

Over the next decade, Mr. Bakush became a refugee -- moving from one country to another in search of a stable living environment. In early 2001, he ended up in Afghanistan, where he settled among other Libyans who had left their home country under similar circumstances. After the

* Ismael al Bakush is represented by Wes Powell at Hunton & Williams LLP. His profile was prepared by his counsel and the Center for Constitutional Rights. For more information about Guantánamo detainees in need of protection, contact emaclean@ccrjustice.org.

attacks against the United States on September 11, 2001, Mr. Bakush traveled to Pakistan, to avoid the dangers of remaining in Afghanistan and in the hope of finding refuge again among other Libyans. During this time, the U.S. military was offering substantial (\$5000) bounties for the capture of anyone identified (correctly or not) as an alleged “terrorist.” Indeed, the U.S. dropped thousands of flyers all over Pakistan promising “wealth and power beyond your dreams:” or “enough money to take care of your family, your village, your tribe for the rest of your life” to those who handed over such men. During this time, Mr. Bakush was temporarily living in a guesthouse in Lahore, Pakistan, where he was captured by Pakistani police and handed over to U.S authorities, most likely for one of these bounties. He was later brought to Guantánamo, where he has been held and mistreated for more than 6 years.

Allegations

To justify his indefinite detention as a so-called “enemy combatant” the U.S government has claimed that Mr. Bakush was associated with the Libyan Islamic Fighting Group (LIFG), which is opposed to the Qadhafi regime. These allegations are based on Mr. Bakush’s alleged association with other Libyan men believed to be associated with LIFG, during Mr. Bakush’s time in Afghanistan and Pakistan. Although he denies he was a member of this group, the accusation of association with LIFG is sure to doom Mr. Bakush to torture and possibly death if he is handed over to Libyan authorities.

Fear of Torture and Persecution

The brutality of the Qadhafi regime is well documented. Libya is a modern-day authoritarian regime governed by its head of state, Colonel Muammar Qadhafi. Since assuming control in a 1969 military coup, the Qadhafi dictatorship has maintained power through severe repression of any political dissent or religious expression, using methods that include arbitrary arrest and detention, torture and routine execution. Political prisoners are particularly vulnerable to torture and abuse during their imprisonment.

Mr. Bakush’s fear of return to Libya is not based merely on Qadhafi’s reputation, however; he and his family have personally suffered at the hands of the Libyan government. As noted above, government officials confronted him personally as a young man and sought to intimidate him into ceasing his religious observance. And, although he has not seen his family since leaving Libya, he has learned that his brother was imprisoned by Libyan authorities and may have been executed because of his religious and political conduct.

Moreover, Mr. Bakush was visited by a Libyan delegation to Guantánamo; a member of that delegation indicated that Mr. Bakush would suffer severe punishment as a result of his detention in Guantánamo and his alleged association with anti-Qadhafi organizations.

Urgent Need for Protection

Mr. Bakush has informed the Red Cross, his interrogators, others at Guantánamo, and his habeas counsel of his grave fear of return to Libya, and the dire consequences of his return have been confirmed to him by a Libyan delegation visiting the prison. It is absolutely urgent that Mr. Bakush be granted refuge.