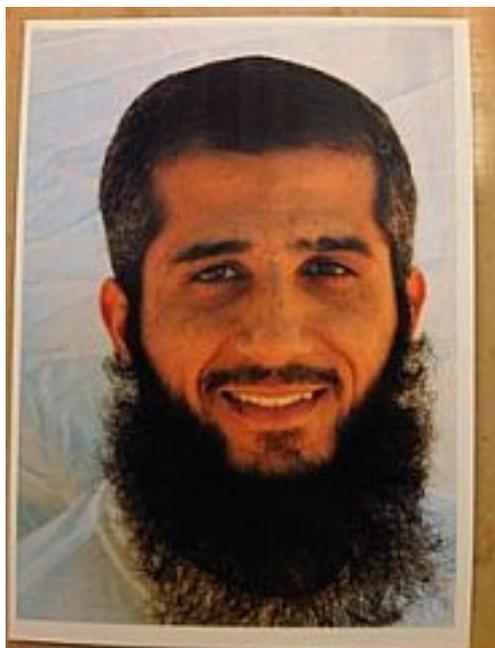


From [Andy Worthington](#) | Original Article



[Sign the petition here!](#)

Regular readers will know that I have been writing about the incomprehensible ongoing detention of Fayiz al-Kandari, one of the last two Kuwaitis in Guantánamo, since last October, when I published a major profile of him, entitled, “[Resisting Injustice In Guantánamo: The Story Of Fayiz Al-Kandari](#),” in which I described his history of charitable deeds, mentioned the torture and abuse to which he has been subjected in US custody since his capture in Afghanistan in December 2001, where he had traveled as a humanitarian aid worker, and also explained how all the government’s supposed evidence against him is derived from multiple levels of hearsay, because, as a particularly resistant prisoner, al-Kandari has refused to make false confessions throughout his long detention, either about himself or others.

In September this year, al-Kandari [lost his habeas corpus petition](#), despite the lack of any verifiable evidence against him. As an appeal is unlikely to succeed, given the D.C. Circuit Court’s [generally robust defense](#) of the low evidentiary standards required for the ongoing detention of prisoners, the last hope for al-Kandari is that a diplomatic arrangement can be negotiated between the Obama administration and the Kuwaiti government to secure his return.

In [the recent release](#) of over 250,000 US diplomatic cables by Wikileaks, [some media outlets](#) have picked up on a statement made in February 2009 by Kuwait's interior minister, Sheik Jaber al-Khaled al-Sabah, who, in discussions about Kuwait following Saudi Arabia's example and building a rehabilitation center for former prisoners, told the US ambassador, "I can talk to you into next week about building a rehabilitation center, but it won't happen. We are not Saudi Arabia; we cannot isolate these people in desert camps or anywhere on an island. We cannot compel them to stay. You know better than I that we cannot deal with these people. If they are rotten, they are rotten and the best thing to do is get rid of them. You picked them up in Afghanistan; you should drop them off in Afghanistan, in the middle of the war zone."

The [New York Times](#) suggested that "Sabah's private comments contrasted with the public stance of his government," which, "[u]nder domestic pressure to urge the United States to send home all Kuwaitis from Guantánamo ... has strongly suggested that it is doing so," but this is reading too much into his comments, which were provoked, in particular, by the case of Abdullah al-Ajmi, a Kuwaiti prisoner released in 2005, who later became a suicide bomber, and died in Iraq in 2008.

Despite al-Sabah's comments, the Kuwaiti government *did* build [a rehabilitation center](#), completed in June 2009, a colossally expensive white elephant that has been barely used, as the two prisoners freed from Guantánamo in 2009,

[Khalid al-Mutairi](#)

and

[Fouad al-Rabiah](#)

, were innocent men who had

[won their habeas corpus petitions](#)

, and, in al-Rabiah's case, had

[caused a scandal for the US authorities](#)

when it emerged in court that torture, and torture threats, had persuaded him to concoct a false narrative of his time in Afghanistan, involving meetings with Osama bin Laden and a role in the battle of Tora Bora, when, in fact, he was a humanitarian aid worker caught in the wrong place at the wrong time.

Beyond the negative publicity surrounding the Kuwaiti prisoners because of al-Ajmi's case, there have been no problems with the other Kuwaitis returned from Guantánamo (al-Ajmi was one of eight men released under President Bush), and nor are there any indications that either Fayiz al-Kandari or the other Kuwaiti still in Guantánamo, [Fawzi al-Odah](#) (who also lost his habeas petition on the thinnest of evidence, and is now [appealing to the Supreme Court](#)

to hear his case), pose a threat to anybody. Instead, as reported earlier this year (and not mentioned in any of the recent reporting on Sheik Jaber al-Khaled al-Sabah's comments), the main problem seems to be that the Obama administration has

[tried to impose unreasonable demands](#)

on the liberty of those already released before it will engage in dialogue regarding the release of al-Odah and al-Kandari.

In an attempt to break this deadlock, supporters of Fayiz al-Kandari have put together a petition, asking Attorney General Eric Holder to immediately release Fayiz al-Kandari to the care of the Kuwaiti government. [The petition is here](#) , and if you are at all concerned by Fayiz al-Kandari's story, then please sign it, send the link to others, and cross-post or share this article. The target is 10,000 signatures.

Below is the text of the petition:

Target: Eric Holder — Attorney General, Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530. E-Mail: askdoj@usdoj.gov

Fayiz al-Kandari, a Kuwaiti citizen, has been a detainee in Guantánamo since 2002 after being captured by Pakistani forces and sold into US custody. Despite over 400 interrogations, suffering through endless hours of torture, including but not limited to beatings, sleep deprivation, threats and forced stress positions, the US government has failed to gather any of the coveted information that this treatment was ostensibly designed to garner. Furthermore, the US government has not produced any evidence against Fayiz al-Kandari aside from hearsay accusations of other Guantánamo prisoners and unidentified Afghans, evidence which, under any other circumstances, would not be allowed in court.

With this in mind, we urgently call upon the United States government to immediately release Fayiz al-Kandari to the care of the Kuwaiti government. Kuwait has made various requests for the repatriation of Mr. al-Kandari which have been refused by the United States on the basis of concerns with Kuwait's ability to monitor and rehabilitate previously returned citizens. In response Kuwait has poured enormous resources into vastly improving the monitoring of returned citizens as well as building a multi-million dollar rehabilitation center. In consideration of these efforts on the part of Kuwait, combined with the length of Mr. al-Kandari's detention without trial, the questionable nature of the evidence against him and his continued and passionate insistence on his innocence, it is unquestionably incumbent upon the United States

Department of Justice, the State Department and the Office of the President to negotiate and arrange with the Kuwaiti government for the return of Fayiz al-Kandari to Kuwait immediately.