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Hearing Comes on Heels of Deteriorating Mental Health and Over a Year Without Attorney Visits Due to COVID-19

April 20, 2021, Guantánamo – Today, a Periodic Review Board (PRB) was held for Sharqawi Al Hajj, a man who has been detained in Guantánamo without charge for over 17 years. Mr. Al Hajj, who survived two years in CIA sites where he was tortured before Guantánamo, and whose despair in recent years led him to cut his wrist after stating he wanted to end his life, nonetheless chose to appear before the board to plead for his release. His lawyer, who attended the hearing virtually, says that Mr. Al Hajj's presence, despite his challenges, including heightened isolation after over a year without attorney visits due to COVID-19-related travel restrictions to Guantánamo, gives the board the opportunity to end the cruelty of his detention and clear him for release.

“Nearly 20 years in custody without charge and still without end speaks for itself – Mr. Al Hajj's detention is unlawful, cruel, and may end tragically. Any recommendation for continuing detention after all this time, given Mr. Al Hajj's precarious condition, would amount to a possible death sentence and would be entirely incoherent with the Biden administration's stated intention of finally closing the prison,” said Mr. Al Hajj's attorney, Center for Constitutional Rights Senior Staff Attorney [Pardiss Kebriaei](#).

Mr. Al Hajj's mental health has demonstrably worsened in recent years. As Kebriaei recounted in her public statement to the review board, since mid-2018, Mr. Al Hajj has gone from making general statements of hopelessness, to increasingly specific statements about wanting to end his life, to two separate incidents of actual self-inflicted harm, in August 2019 and again in March 2020. This has been alongside repeated hospitalizations after prolonged periods of hunger striking, as well as long-standing issues of chronic pain and jaundice-related symptoms of weakness and fatigue that exacerbate his overall condition. A separate statement to the board from Katherine Porterfield, a clinical psychologist with the Bellevue Program for Survivors of Torture who has been consulting on Mr. Al Hajj's case, stated that his mental functioning will likely continue to worsen under the status quo, to the point of possible irreparable harm.

Kebriaei says that Mr. Al Hajj's downward trajectory – the result of untreated torture during his years at CIA sites, the toll of nearly two decades of indefinite detention, and the impossibility of meaningful mental health care given that Mr. Al Hajj's distress is inextricably linked to his environment – reflects a broader urgency the Biden administration must heed in dealing with Guantánamo, as President Biden nears the end of his first 100 days in office. Currently, detainees are reporting widespread hunger strikes at the prison.

At PRB hearings – which are ostensibly a forward-looking, administrative processes to determine whether “detention is necessary to protect against a continuing significant threat to the security of the United States” – detainees can be subjected to pointed questioning about past conduct, now two decades old, without any assurances about how their statements may be used against them, including for purposes of prosecution. A statement from the Center for Victims of Torture and Physicians for Human Rights for Mr. Al Hajj's hearing pointed to this catch-22 for Mr. Al Hajj and other detainees as a structural problem with the process, and urged that a detainee's refusal to “confess” to decades old, disputed factual allegations should not weigh against a recommendation for transfer.

For more information, visit the [Center for Constitutional Rights' case page](#) and [Mr. Al Hajj's client profile](#).