

Victim's Rights in 9/11/01 Violence

On the evening of September 10 2001 I was welcomed home by a voicemail from my best friend Zoe Falkenberg. She proudly told me that she had ridden in a limo to the airport, I bet it was one of those normal airport shuttles misleading called limos. Zoe and I were two of an inseparable trio, friends who had fought and loved as sisters since the early months of our lives, when we began sharing a nanny. Zoe called from the airport; she was leaving the next morning for Australia with her little sister Dana, her dad Charlie Falkenberg, and her mom Leslie Whittington. Mama Les was taking her sabbatical at a university there.

September 11, 2001 was a sunny Tuesday, picturesque clouds spread beautifully across a splendidly blue sky. What a paradox. I was an 8 year old in Mrs. Kelly's 4th grade class at University Park Elementary School in University Park, MD. An administrator announced over the PA system that there would be an early dismissal, one-thirty I think. There was a funny atmosphere, I think there was a movie playing in our classroom, I was doing something for the teacher with colored computer paper. Not the kind with bright colors, the sad kind that comes in creepy green and peculiar purple. I didn't have very many friends in my class; I had spent the previous year and a half in Norway with my family. A lot of parents were picking their kids up early, mine didn't. One thirty could not come soon enough. A little after we were officially dismissed, my dad came to pick up a neighbor and me, her dad was still teaching. My dad had a funny look on his face, a strained smile. As we were walking back to my house, another neighbor stopped his car to tell my dad something, he had tears streaming down his face. My dad told us to keep walking, my house was in sight. After arriving at my home, my neighbor and I began playing beanie babies in my top bunk. At some point I must have speculated about the peculiarity of the day

because my neighbor told me she had heard something about planes crashing in the sky. The story line of our beanie baby game included planes crashing in the sky. When my mom got home she talked to my dad, and then laid in an unusual way on the hammock in our back yard, I was watching through my window. I think my older brother Tommy was in the backyard with my parents after he got home from school.

Once my neighbor's parents picked her up I went down to join my family. I sat down on the green and white striped self-standing hammock. My parents were standing in front of me. I was cheery, after all I had gotten out of school early then spent an afternoon playing with a friend. My dad told me that some planes had crashed into buildings, and that my aunt and grandparents in New York were fine. I was still cheery, why were they telling me this news if everyone was okay? Then my parents told me that Zoe and her family were gone forever. My parents must have said that their plane crashed too, but I only remember hearing that my Zoe F and her family were gone forever. I did not feel sadness. I felt shock, I cried uncontrollably in my mom's arms for an hour. In the community and school gatherings that followed, girls who had befriended Zoe in the past year used her death to gain attention. Needless to say, I did not really befriend these girls, I instead joined in with classmates whose lives were relatively unaffected by the September 11 2001 terrorist attacks. And so I pretended that my life was unaffected too.

This is not to say that the Falkenbergs have ever been far from my mind, but I thought of the people themselves, not of the attack as a whole. And then in May of last year, US troops killed Osama Bin Laden. While my facebook newsfeed roared with patriotic statuses, I could not understand why I was not overwhelmed with pride in my country's recent feat. I found myself reading Osama Bin Laden's obituary in the New York Times, trying to rationalize the experiences that lead him to project so much trauma into my own life. Not long after, the faces of Khalid Sheikh Mohammed, Walid bin Attash,

Ramzi bin al Shibh, Ali Abdul Aziz Ali, and Mustafa Ahmed Adam al Hawsawi appeared on the campus television screens. The broadcast was to announce that the prime 9/11/01 suspects were to be tried in military tribunals at Guantánamo Bay. I felt as if I were eight years old again. I had not seen their faces before.

I want to be at the suspects' trials, and I do not have enough trust in the military system to believe that a military commission will result in justice. But more than that, it pains me to know that the US government is using the deaths of my Falkenbergs, and thousands of other innocents, to justify atrocious human rights violations. In 1st grade Zoe F caught Zoe C (the third girl in our best friend trio) and me considering joining a recess club for kids with some characteristic that the two of us had and she did not. Zoe F asked us how we would feel if one of us were excluded, marginalized you might say, I did not like the idea. Zoe was a good person, even in her single-digit years. She was socially aware. We cannot allow her murder to justify violence. In this paper I use anthropological theory to explain how human rights violations against the 9/11/01 suspects, including torture, and refusal of due process, inherently violate the rights of both those victims murdered and those still living. My specific usage of victim defines persons whose lives were profoundly affected by the attacks, mainly those involved in the attacks and their loved ones. The methods used for interrogation of the 9/11/01 suspects, and the decision to try the suspects in military commissions instead of criminal courts violate the rights of the victims both dead and alive and forces victims to become accomplices in the state's violence.

The human rights violations against the 9/11/01 suspects include coercive techniques to weaken a prisoner's physical state, to undermine a prisoner's mental stability, and to violate a prisoner's cultural beliefs. Guantánamo officials have denied their detainees the right to medical treatment. For instance, military officials have refused adequate medical care for prisoners suffering illnesses at Guantánamo, instead utilizing IV drips, feeding tubes, and tranquilizers to sustain prisoners at a minimal level of health

(Faulkoff 2011: 175) (Margulies 2006:88). Interrogators use knowledge of Islamic religious beliefs and values to embarrass and mutilate the detainees' spiritual rights. These coercion tactics include female interrogators rubbing red dye that signifies menstrual blood on prisoners to make them dirty, preventing the men's ability to pray (Faulkoff 2006:17, 86-87). Another method used to weaken prisoners' defenses is the manipulation of physical conditions to destabilize the detainee's mental awareness. Waterboarding is another form of mental torture practiced at Guantánamo. It entails drowning simulation to produce a panic response in the victim. Mohammed is one of three prisoners who former CIA director General Michael Hayden has publicly recognized as having been subjected to the now explicitly illegal, water boarding. Guantánamo prison has also utilized solitary confinement to force mental incompetence upon its prisoners; interrogators have ordered years of isolation to break detainees' mental defenses (Margulies 2006: 42). These mental manipulations serve to demolish prisoners' sense of self and destroy their ability to effectively represent and defend themselves if the prisoners are granted trials. Thus, throughout their indefinite detention the 9/11/01 suspects have been subject to violations against their physical, cultural and mental rights.

The alleged use of these torture tactics is to discover whether or not the suspects were involved in the 9/11/01 attacks, to learn more about the attacks, to prevent future acts of terror, all while seeking justice for the victims. However, in April of 2011 Attorney General Eric Holder stated that the justice department had developed a "powerful case" to "seek the death penalty" for the five suspects up for trial (Silverleib 2011). Evidence retrieved from torture can be used in military commissions; coerced evidence is not legitimate in criminal courts (Human Rights First). Thus, because Holder stated that the plaintiff legal team was prepared to prosecute Mohammed, bin Attash, bin al Shibh, Abdul Aziz Ali, and al Hawsawi in federal courts, we can assume that there is a sufficient amount of evidence for their persecution that was not obtained through torture. If there is sufficient legitimate evidence to

persecute the suspects, then the Guantánamo torture is unnecessary for a successful judicial trial. Thus, the individual rights abuses against the suspects are superfluous for conventional justice.

More than violating the rights of the attack suspects, the human rights abuses against the suspects inherently violate the rights of the 9/11 victims to dignity post-mortem. One specific documented form of mental torture was committed against Mohammad al-Quahtani, the sixth 9/11/01 suspect who has been denied trial, and will instead be held indefinitely at Guantánamo Prison. The interrogator, while working “to induce feelings of humiliation, fear, and despair [with the intention of weakening the prisoner to the extent that they share information]...’taped a picture of a 9/11/01 victim to his pants’.” The use of this image violates the rights of the dead victims to peace post mortem. The application of a 9/11/01 victim’s image illustrates a situation in which the authoritative figure violates the right of the dead with an ultimate goal of discovering more information that the dead did not consent to aid in. However, this instance does more. It uses the image as a tool to harm the suspects, thereby forcing the victims’ bodies into tools of aggression.

By invoking the deaths and images of 9/11/01 victims to abuse the 9/11/01 suspects, the military interrogators reverse the victim/perpetrator roles. The dead do not have agency, but by using the deaths of thousands of innocents to justify these human rights abuses, the state forces the victims into the role of accomplice for the state’s violence against Mohammed, bin Attash, bin al Shibh, Abdul Aziz Ali, al Hawsawi, and al-Quahtani. The state mutilates the dead victims’ bodies into tools of aggression, forcing the victims into the guise of perpetrator, and allowing the terrorist attack suspects to become victims. The state’s use of victim images for torture reveals that it views the victim’s bodies as instruments, not as a representation of the person that the victim was, or the loved ones that the dead victim continues to influence. By torturing the 9/11/01 suspects in the name of justice for those killed

on September 11th 2001, the state distorts the victims' positions as innocents murdered on a tragic day, into allies for terrorism.

This violation of the rights of the victims murdered on 9/11/01 has also yielded a violation of those victims still alive. The violation of dead victim's rights leaves one with the question: who is the aggressor, the men whose motivations for and true involvement in the terrorist attacks remain unknown, or the state that consciously links victimized innocents with torture? The blurring of this line problematizes the legitimacy of the state because, while the presence of the state remains guaranteed, the state's threat mars its occupation as a place of justice. The threat of the state prevents living victims from understanding the state as a space for justice (Poole 2004). And if we cannot find justice within the bounds of our state, then what can we hope for in a military tribunal at Guantánamo, a place defined by its occupation as outside the binds of law?

The proposed military commissions to try Mohammed, bin Attash, bin al Shibh, Abdul Aziz Ali, and al Hawsawi contain provisions that will deny fair trials, and silence these men, and in doing so, violate their rights. For example, military commissions, unlike federal criminal trials, allow the presentation of testimonies obtained from torture interrogations. The allowance of evidence coerced during cruel and inhumane conditions denies the suspects their right to due process. Also, both the judge and the jury are military appointed, thus an unbiased hearing is not possible, denying the suspects of even a chance of their right to due process. In addition, military commissions bar civilians and press from large portions of the trials. By excluding civilians and press from the trials, the military commissions prevent a witness to controversial trial proceedings. The exclusion of civilians from certain trial proceedings also prevents living victims from learning information about the terror attacks that have so much influenced their lives, an important part of healing (Hirsch 2006). Moreover, at least bin al Shibh and al Hawsawi have submitted requests to represent themselves, however their appointed

military council have thus far prevented this occurrence on the grounds of mental incompetency. In her book *In the Moment of Greatest Calamity*, Susan Hirsch states that, in the trial of K.K. Mohammed, the alleged mastermind of the 1998 embassy bombings, “speaking on his own behalf might be the best chance K.K. had to save himself” (Hirsch 2006: 209). By denying the 9/11/01 suspects the opportunity to speak on their own behalf, the military tribunals refuse to allow a trial in which any sort of justice is possible. The military commissions are denying justice in their silencing of the suspects because the commissions abjure the defendants of an opportunity to fight for themselves and for their own lives, in essence denying the suspects of their right to life. Some might say that these state-labeled terrorists do not deserve the chance to defend their own life. Nevertheless, denying the 9/11/01 suspects a criminal court trial violates both the rights of the suspects to a fair trial and of the living victims to the information that military commissions refuse.

The images and the information that the government has released of and about Mohammed, bin Attash, bin al Shibh, Abdul Aziz Ali, and al Hawsawi has forced the general public to unconsciously other these men. The images of the suspects are their Guantánamo mug shots, taken after years of torture, torture that the military has committed against the detainees with the goal of dehumanizing them. The images reveal that this goal has been achieved. The result is that the representation of the 9/11/01 suspects broadcast to the public is one of men who the public cannot relate too, and so instead we distance ourselves from these men and other them into an unquestionable group of terrorists. Criminal courts allow at least a possibility of the transparency necessary to break the barrier of othering, military commissions reinforce othering by explicitly denying civilians to witness their proceedings and further abstracting the suspects. While the state withholds information about the suspects and their actions, Mohammed, bin Attash, bin al Shibh, Abdul Aziz Ali, and al Hawsawi will remain forever as the almost un-human terrorists, not even known by name, but simply othered as the 9/11 terror suspects.

While researching for this paper I discovered that during Salim Ahmed Hamdan's trial, both Mohammed and bin Attash provided evidence to protect Hamdan, another Guantánamo prisoner. They stated that Hamdan did not aid in the orchestration of the September 11th 2001 terrorist attacks. Moreover, Mohammed and bin Attash cited Hamdan's uncivilized nomadic social status as reasons for why Hamdan was fit neither to plan nor to execute the attacks (Human Rights First). In stating that Hamdan was essentially not good enough to orchestrate the attacks, Mohammad and bin Attash revealed that they did not think highly of Hamdan. Nevertheless, Mohammed and bin Attash felt the responsibility to defend Hamdan as a human-being. The act humanized Mohammed, bin Attash, and the other September 11th 2001 terror suspects for me. The humanization of the 9/11/01 suspects has forced me to relate at some basic level to the men who involved themselves in the murder of my best friend and thousands of other innocents. I feel sympathy for them and I cannot help but to wonder what caused Mohammed, bin Attash, bin al Shibh, Abdul Aziz Ali, and al Hawsawi to join in the job that stole so many lives. However, I only arrived at this recognition because I searched for it.

Othoring prevents true justice because it refuses the opportunity to question the state's actions and in doing so forces living victims into accomplices in the state's violence. By denying the 9/11/01 victims the opportunity to gain information about each of these men's involvement in the attacks, through both military and suspect testimonies, military commissions abjure living victims of the opportunity to gain the information about both the attacks and the 9/11/01 suspects that is necessary to individualize the suspects and their crimes. While Mohammed, bin Attash, bin al Shibh, Abdul Aziz Ali, and al Hawsawi remain abstractly as the 9/11 terror suspects, we do not feel an obligation to recognize their individual rights, therefore we do not question the way in which the state treats them. The denial of information forces silence and in doing so impels us to reflect the position that silence assumes. One of accompaniment with the government as it commits human rights violations in the name of our dead (Wikan 2002). Thus, not only does the denial of transparency inherent in military

commissions violate the rights of the 9/11/01 suspects, this abjuration also refuses living victims of their right to information, and in doing so forces us into the role of accomplice to the government's human rights violations.

Therefore, in violating the rights of Mohammed, bin Attash, bin al Shibh, Abdul Aziz Ali, and al Hawsawi, the state also violates the rights of 9/11/01 victims both living and dead. The state discredits the meaning of the body and its representations to force dead victims into accomplices in violence. The state withholds information from living victims, causing their othering of the suspects and subsequent position of silence regarding the suspects' human rights, ultimately forcing living victims into accomplices in the state's human rights violations. The National Defense Authorization Act gives the president the discretionary power to order military detention of suspected terrorists. Obama signed the NDAA into law on New Years Eve of 2011. This law allows us all to be arbitrarily declared as enemy combatants. We can no longer allow our government to determine the legacy of September 11th 2001.

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