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### **3 years in operation, Guantanamo remains**

Despite legal issues surrounding prison, expansion planned

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GUANTANAMO BAY NAVAL BASE, Cuba -- The US prison camp for terror suspects is taking on a look of permanence as the mission marks its third year tomorrow, with plans for a new \$25 million prison facility, \$1.7 million psychiatric wing, and a permanent guard force.

Most of the 550 prisoners from 42 countries no longer are considered of significant intelligence value, but many swept up in the US-led war in Afghanistan are not expected to be freed soon -- some because of stalled legal proceedings, others because they allegedly still pose a threat to the United States or its allies.

"Where this will go four or five years down the road, I don't know," said Army Brigadier General Jay Hood, who has commanded the mission for nine months.

Such uncertainties, coupled with multiplying allegations of abuse, are under attack from lawyers and human rights groups who say the camp is an affront to American values.

Only four men have been charged, and most prisoners are denied access to lawyers.

"Guantanamo has become an icon of lawlessness . . . dangerous to us all," London-based Amnesty International said in a statement marking the third anniversary.

Ten cases of abuse have also put the detention mission in a poor light. Documents published recently show that the FBI suggested the government failed to act on its complaints -- made a year before the scandal at Iraq's Abu Ghraib prison. The incidents include allegations that a female interrogator grabbed a detainee's genitals and used an attack dog to intimidate a detainee. Other documents detail cases that include a shackled prisoner who was left lying in his own feces.

The military, which has ordered an independent investigation, insists most cases detailed by the FBI are old and that many questionable interrogation techniques no longer are used.

All prisoners are accused of links to Afghanistan's ousted Taliban regime or the Al Qaeda terrorist network.

Among those held at Guantanamo are an alleged Al Qaeda financier who was in Orlando, Fla., the same day as Sept. 11 hijacker Mohamed Atta; the alleged designer of a prototype shoe bomb; and a man accused of plotting to attack oil tankers in the Persian Gulf using explosive-laden fishing boats, Pentagon spokeswoman Barbara Burfeind said.

But, "the majority of the individuals that are here today . . . are not of intelligence value -- right now," said Steve Rodriguez, a civilian in charge of interrogations.

The four prisoners who have been charged are low-level suspects, including Osama bin Laden's driver, an Al Qaeda accountant, a propagandist, and an Australian cowboy allegedly turned Taliban fighter.

The government's intention was to try the men in military commissions, but US District Judge James Robertson blocked that process when he ruled in November that bin Laden driver Salim Ahmed Hamdan, 34, could not be tried unless a competent tribunal decided he was not entitled to protections under the Geneva Conventions for prisoners of war.

Robertson also ruled Hamdan -- charged with transporting weapons to Al Qaeda operatives -- cannot be tried unless commissions conform to the US Uniform Code of Military Justice, including the need to charge and try suspects in a timely manner and the right to confront witnesses. The men are only allowed to be present during unclassified portions of the legal proceedings, and their attorneys are not permitted to tell them about any classified evidence the government holds.

Robertson's decision effectively stalled all commissions.

"It's reminiscent of a bad western," said Hamdan's military-appointed defense lawyer, Navy Lieutenant Commander Charlie Swift. "Prisoners are sitting in the jail before the judges come to town. Meanwhile, they're constructing the gallows."

The military also has seen three of its four cases of alleged spying at Guantanamo Bay fall apart. In September, the military dropped an espionage charge against Senior Airman Ahmad Al Halabi, who was accused of trying to deliver messages from detainees to an unidentified Syrian. Halabi pleaded guilty to four lesser charges, including taking an unauthorized picture of the camp.

A former Arabic translator at the camp has agreed to plead guilty today in federal court in Boston to taking classified material from the base and lying to investigators. Ahmed Fathy Mehalba, 32, an Egyptian-born US citizen, will be sentenced to 20 months in prison if Judge Douglas P. Woodlock accepts a plea agreement that federal prosecutors filed in US District Court in Boston last week.

Since the first 20 shackled and blindfolded prisoners arrived at Guantanamo on Jan. 11, 2002, open-air pens likened to animal cages by rights activists have been replaced by prefabricated cells where prisoners can communicate through steel-mesh doors.

About 50 detainees are held in a maximum security prison that has room for 100 prisoners of high intelligence value. There are plans for a similar facility with a capacity for 200 at a cost of \$25 million, Brigadier General Hood said. If Congress approves, the camera-equipped facility could reduce the number of guards needed, he said.

Also planned are a \$1.7 million psychiatric wing and a \$4 million security fence that could reduce the need for some 300 infantry troops. There have been 34 reported suicide attempts since the prison opened.

A full-time, 324-member military police battalion will also replace the temporary, mostly reserve force at Guantanamo. Some soldiers will have experience in prisons such as the federal penitentiary in Leavenworth, Kan., or guarding prisoners of war, said Army Lieutenant Colonel Kevin Burk, who will lead the 525 Brigade.

About 200 prisoners have been released or transferred since the mission began, but most are still being held and some, including five Moroccans, are on trial in their homelands.