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U.S. justice found wanting in Gitmo detainees cases

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Released court transcripts are giving some sixty Guantanamo Bay detainees something which the U.S. administration had been trying hard to keep away from the public's view: identities and voices.

In one document a U.S. college-educated detainee clearly asks a military judge "Is it possible to see the evidence in order to refute it?"

While in another transcript, an unidentified president of a U.S. military tribunal bursts out: "I don't care about international law. I don't want to hear the words 'international law' again. We are not concerned with international law."

The detainees appeared last year before tribunals that, after quick reviews, declared they were unlawful enemy combatants who could be held indefinitely.

Little information about the detainees has been released through official channels but the stories of 60 or more are detailed in thousands of pages of transcripts filed in a U.S. District Court in Washington, where lawsuits challenging their detentions have been filed.

Omar Rajab Amin, a Kuwaiti who graduated from the University of Nebraska in 1992, wanted to see the evidence. The tribunal president - the de facto judge for the proceeding - said he could review only unclassified evidence.

While in other cases, the exchanges between detainees and judges grew extremely heated.

"You are not the master of the Earth, sir," Saifullah Paracha, a Pakistani businessman, told a tribunal president.

While Feroz Ali Abbasi was ejected from his September hearing because he repeatedly challenged the legality of his detention.

"I have the right to speak," Abbasi said.

"No, you don't," the tribunal president replied.

The tribunal had originally ruled that Abbasi had been "deeply involved" in the al-Qaida network only for the U.S. government to release him four months later saying his home country of Britain would keep an eye on him.

Only last June in a landmark decision the Supreme Court ruled that the detainees may challenge their imprisonment. The Pentagon's "response" came nine days later through the creation of tribunals and pushing through reviews of everyone at Guantanamo by year's end.

A military spokeswoman, Navy Capt. Beci Brenton, said the Pentagon believes the tribunals allow for the review under the court ruling and that each detainee received "a fair opportunity to contest their detention."

But in direct contrast to Brenton's statement administration officials contend the prisoners are not entitled to the internationally accepted legal protections given to prisoners of war.

Several detainees told the three-member tribunals they had been mistreated or tortured. They complained about the evidence, too.

"You believe anyone that gives you any information," said detainee Mohammed Mohammed Hassen, who was arrested in Pakistan. "What if that person made a mistake? Maybe that person looked at me and confused me with someone else."

The unclassified evidence against Hassen was that a senior al-Qaida lieutenant had identified his picture as that of someone he might have seen in Afghanistan.

The tribunals also had access to classified evidence which the detainees were not allowed to see, a key reason a federal judge said in January there were constitutional problems with the tribunals.

In other cases the tribunals rejected requests for witnesses or documents which the prisoners said would help prove their innocence.

A tribunal dropped an effort to find some documents requested by Mustafa Ait Idr after the prisoner decided not to participate any further in the proceeding.

Idr told the tribunal that soldiers at Guantanamo had broken two of his fingers and "put my head on the ground and then another soldier came and put his knee on my face."

"There are a lot of things regarding the soldiers but I won't talk about all of them," the prisoner told the tribunal.