

The following text may be printed, copy/pasted, or downloaded and emailed.

AP seeks Court Order to Obtain Guantanamo Transcripts, Documents

LARRY NEUMEISTER
Associated Press
April 19, 2005

NEW YORK -- The Associated Press, saying it has been stonewalled in its effort to obtain public documents about Guantanamo Bay Naval Base detainees, sued the U.S. Department of Defense on Tuesday to force release of the documents.

The AP lawsuit, filed in U.S. District Court in Manhattan, said the nation's largest news gathering organization has been able to report only anecdotally on 558 tribunals conducted since August to let detainees challenge their incarceration.

It said the proceedings, which have resulted in 38 detainees among more than 500 terrorism suspects held at the Cuban base being declared "non-enemy combatants," were "unquestionably of great interest to the public."

The lawsuit asked the court to order the government to turn over transcripts of all Guantanamo detainees' testimony along with written statements by the detainees and any documents they submitted.

Since the AP's Freedom of Information Act request in the fall, it said, the Department of Defense has refused to provide the documents and has not processed the company's appeal of the government's failure to act.

The AP maintained the information was a "matter of urgent concern" as it reports on major constitutional and foreign policy issues presented by the government's handling of hundreds of detainees since January 2002.

The lawsuit noted that the government began staging combatant status review tribunals to let detainees refute their classifications as "enemy combatants" after the U.S. Supreme Court ruled last June that the detainees may challenge their imprisonment.

In its lawsuit, the AP said it was told March 4 that the government would begin turning over documents in "waves," beginning in the first week of April.

On Friday, the lawsuit said, the AP was told the government would not begin reviewing and redacting the documents until this week.

A telephone message left with a spokesman for federal government lawyers in Manhattan was not immediately returned Tuesday. The telephone of a Department of Defense employee handling the AP's administrative appeal went unanswered.

The U.S. military has released 232 detainees from Guantanamo, though 65 of the releases were on the condition that they continue to be held by their home governments.

Human rights groups and defense lawyers have long charged that some information used as the basis for incarceration resulted from abuse or torture.

The government has denied using torture, but multiple investigations into abuse at detention camps in Afghanistan and Guantanamo are under way.

The government says the detainee population at Guantanamo is about 520 from about 40 countries. The detainees were picked up mainly in Afghanistan and Pakistan following the Sept. 11, 2001, attacks.

The Bush administration designated them as enemy combatants, a classification that includes anyone who supported the Taliban or al-Qaida and does not afford as many legal protections as prisoners of war under the Geneva Conventions. The designation allows indefinite detention without charges.