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From an Island

Editorial
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One of many tales:

It's June 2001. Yusef Abdullah Saleh Al Rubesh leaves his home in Saudi Arabia to go to Afghanistan, where his brother is fighting for the Taliban, to persuade him to come back and live with the family again. Mr. Saleh gets to Afghanistan, but he brings along musical tapes and cigarettes, and is clean-shaven. All this is forbidden under the Taliban, and he is thrown into a prison in Kabul. Months go by, and finally he gets word out to his brother, who arranges his release.

Mr. Saleh makes his way north, to Kunduz, where his brother is on the front line, fighting against the Northern Alliance. Mr. Saleh is prevented from visiting his brother, because he is not a fighter himself, but one day his brother shows up; the lines have collapsed. They set out westward, but are captured near Mazar-e Sharif and thrown into prison. An uprising breaks out and Mr. Saleh's brother is killed while sitting handcuffed in a field. The Northern Alliance men torture Mr. Saleh; they don't believe his story, and they keep torturing him.

Finally, he realizes that the only way to survive is to adopt his brother's identity. This brands him as a Taliban fighter, but at least it's plausible and it satisfies his captors. They turn him over to Americans, who torture him some more, and then fly him across the ocean to Guantanamo Bay.

This is the story. There's no saying how reliable it might be. But it's the story Mr. Saleh tells more than two years later to a U.S. military tribunal charged with deciding if he had been an enemy combatant, and it's a story that has now become public after a lawsuit by the Associated Press forced the Pentagon to release transcripts of hundreds of hearings. This was Mr. Saleh's chance to argue that he was not who he had said he was, to shed the identity that took him to Guantanamo and years of imprisonment.

The anonymous members of the tribunal are respectful, earnest in their willingness to hear Mr. Saleh out. The transcript provides no hint as to his fate afterward.

The transcripts - more than 5,000 pages' worth - are horrifying in their hopelessness. One detainee declares that his innocence makes his release that much less likely, because it would be an admission of error. Every man has a story to tell: how he got to Afghanistan, how he knew nothing, how he just wanted to help others, how he had a falling out with his father, how he was betrayed.

It's startling to find a Kuwaiti who says he graduated from the University of Nebraska in 1992, or an Algerian picked up by the police one night from his apartment in Sarajevo, in Bosnia, and deposited at Guantanamo.

Recorder (reading the charge): While living in Bosnia, the detainee associated with a known al-Qaida operative.

Detainee: Give me his name.

Tribunal president: I do not know.

Detainee: How can I respond to this?

One detainee changed his story between morning and afternoon sessions:

Q: You understand that nobody here in the tribunal is forcing you to either say things or not to say things? Is that clear to you?

A: My emotional state right now, I'm nervous. I didn't want to say anything ... the story before. Even just the mental state, being in a prison, you can't say everything you want to say. I'm telling you, I'm talking to you right now and I'm scared that you might take me to Romeo Block or any of the other blocks you take people to.

Q: That is not our purpose here. Our purpose is to get to the truth.

A: That is the truth.

The Pentagon fought hard against the release of these transcripts. It's not hard to see why. The abuse that the men talk about so matter-of-factly is part of it. So is the inability of the government to find any of the witnesses the detainees believe can vouch for them. And it's not that every man protests his innocence - though that has a cumulative effect on the reader, certainly - but that the deck is so obviously stacked. "From what I know of the American justice system," one says, "a person is innocent until they are proven guilty. Right now, I'm guilty trying to prove my innocence. This is something I haven't heard of in a justice system."