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Four remaining British Guantanamo detainees to be released

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LONDON — The United States has decided to hand over an Australian man and four British men held at the U.S. prison camp at Guantanamo Bay, Cuba, British and Australian officials said Tuesday.

The Australian — 48-year-old Mamdouh Habib — will be released without charge even though the United States believes he knew of plans for the Sept. 11 attacks, Australia's attorney general said.

Habib, who was born in Egypt and was captured near the Pakistan-Afghan border, has been held at Guantanamo Bay for three years on suspicion of aiding Osama bin Laden's al-Qaeda network. He alleges he was tortured while in custody. Attorney General Philip Ruddock said it was unlikely Habib would be charged on his return to Australia.

"The United States government has now advised that it does not intend to bring charges against Mr. Habib," Ruddock told reporters in Sydney. He added, "In these circumstances, the government has requested Mr. Habib's repatriation to Australia (and) the United States has agreed to our request."

The four British detainees — Moazzam Begg, Feroz Abbasi, Martin Mubanga and Richard Belmar — are expected to be questioned by British police before a decision is made whether they should go free or remain in custody to face trial.

Their handover, to be announced by Foreign Secretary Jack Straw to the House of Commons, follows months of negotiations between Washington and London and a direct appeal by Prime Minister Tony Blair to President Bush.

Louise Christian, a lawyer for Abbasi and Mubanga, said the men were "kept in cages" without any charges or trial. There is "credible evidence of torture and ill-treatment," she added.

She said Britain's Foreign Office has informed her the four would be returned in the next few weeks.

The four are the last British citizens at Guantanamo. Five other Britons, detained in Afghanistan late in 2001, were released from the U.S. naval base in Cuba in March, and were not charged with any offense in Britain. Four of them — Shafiq Rasul, Asif Iqbal, Rhuheh Ahmed and Jamal Al-Harith — are suing the United States for \$10 million each in damages.

Begg's father welcomed the prospect of his son's release.

"First thing, I would like him to be medically and mentally examined," Azmat Beg told GMTV television. "And if he has got charges against him, he should stand trial."

The British government spent months negotiating the men's release with U.S. officials, and stated repeatedly that the proposed military tribunal that Begg and Abbasi were listed to face did not meet international standards of justice.

Some legal experts doubt there will be enough evidence to try any of the returnees because information gleaned from interrogation at Guantanamo would be inadmissible in court.

Some 550 prisoners from 42 countries are being held at the remote camp after being swept up in the U.S.-led war in Afghanistan.

In a major setback to the U.S. administration, the U.S. Supreme Court ruled in June that Guantanamo prisoners can challenge their detentions in federal court. Since then, 69 detainees have filed 19 cases challenging the legality of their detention as enemy combatants. Rulings are expected soon.

Australia has long resisted calls to bring Habib and fellow Australian terror suspect David Hicks back to Australia for trial, arguing that neither could be charged under Australian law as it existed at the time of their capture in late 2001.

Australia has since strengthened its counterterrorism laws.

Hicks, 29, is charged with conspiring to commit war crimes, aiding the enemy and attempting murder by firing at U.S. or coalition forces while fighting for Afghanistan's ousted Taliban regime in late 2001.

Ruddock said Hicks would face trial by a U.S. military commission in Cuba in early March.