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Guantanamo Prisoner Reviews Move to 'Parole' Phase

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MIAMI - The U.S. military held its first hearing at the Guantanamo naval base on Tuesday to assess whether a prisoner it has affirmed as an "enemy combatant" should be allowed to go home, a Pentagon spokesman said.

The hearing, similar to a parole hearing, kicked off the second phase in a review process widely criticized by human rights groups, foreign government officials and legal experts as fundamentally unfair and stacked against the prisoners.

Most of the 550 suspected al Qaeda and Taliban prisoners have been held at the U.S. base in Cuba for nearly three years, and only four have been charged with crimes. The U.S. Supreme Court ruled in June that they could challenge their indefinite detention in American courts.

In response, the military set up a two-step administrative review process, which is the subject of ongoing court challenges.

It began holding "Combat Status Review Tribunals" in July, with prisoners appearing before a panel of three military officers who decide whether they were correctly designated as "enemy combatants" who fought against the United States and its allies.

So far, 493 prisoners have gone through those reviews, and decisions have been reached in 207 cases. Of those, only one was found not to be an enemy combatant and he was sent home to Pakistan in September.

"They should all be done by mid-January," said a Pentagon spokesman, Lt. Cmdr. Daryl Borgquist.

In the second phase on Tuesday, the first of those confirmed as enemy combatants went before another panel of three officers who will decide if he is still a threat.

The "Administrative Review Board" considers whether the prisoner is likely to take up arms again. It takes into account factors like age and health and reviews information from the prisoner himself as well as relatives, home governments and other prisoners, Borgquist said.

Some prisoners contended in the first round of hearings that they were abducted and conscripted.

"Just because they were a fighter, they may not pose a threat to the U.S. and its allies," said Borgquist.

The Pentagon gave no information about the first man at the second-level hearing, but said it was the first of what were to be annual reviews for all the prisoners.

Critics said the second round of hearings has the same flaws as the first: prisoners do not have access to lawyers or secret evidence, including evidence that may have been obtained via torture. Nor can they easily contact anyone who may be able to provide evidence in their favor.

"These would have been nice had they been conducted at the proper time and the proper place," said Eugene Fidell, a Washington attorney and expert in military law. "It's three years too late ...

The place to do screening is not 8,000 miles from the point of capture. That creates, I think, a real danger that the proceedings are a sham.”