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## **Guantanamo detainees have their say in administrative hearings**

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GUANTANAMO BAY NAVY BASE, Cuba - (KRT) - Scrunching over to stroke his beard with hands shackled to his waist, the scrawny Yemeni was exasperated with the trio of U.S. military officers authenticating that he is held as an enemy of the United States.

"It's not true that I'm an al-Qaida supporter!" the 27-year-old war-on-terror captive said through an interpreter.

True, he said, he was swept up in a Pakistani police raid on his student guest house in Lahore. Yes, he was living there cost-free with other Yemeni students, thanks to a Muslim missionary group the U.S. claims is a cover for al-Qaida, called Jama'at al Tabligh.

But he claimed he never had a weapon, never fought a jihad against America and never set foot in Afghanistan - until Pakistani police delivered him to U.S. forces about three years ago.

This was the scene Saturday for an hour behind the razor wire at Camp Delta, where the Pentagon still is sorting and categorizing the 550 or so captives kept here for interrogation, and perhaps future trials.

Systematically since July, the Department of Defense has cranked about 300 of the terror suspects through Status Review Tribunals - administrative hearings by officers, not judges, to reaffirm their "enemy combatant" classification in a bid to placate the Supreme Court. Only one so far has been sent home.

Reporters are being encouraged to act as observers to the portions where a prisoner can plead for his freedom but are banned from naming anyone in the room. And like the detainees, reporters don't get to see secret files that the military has built on the captives here.

Supervised by a civilian, Navy Secretary Gordon England, the hearings are run on the ground here by a Navy captain, who like everyone else in the process forbids publication of his name. "It just tears your heart out to listen to them, the stories they tell about how they got caught up in this thing," he said. "Whether it's true or not, I don't know."

But more than a third have skipped the hearings altogether, shunning the chance to tell their tales. These include the four prisoners facing war crimes trials because their defense lawyers were banned from taking part.

Moreover, critics of the U.S. system say the review panels are too little, too late. The Pentagon created a version of the Geneva Convention's battlefield Article V hearings up to three years after their capture, and critics say the panels are not in the spirit of a June Supreme Court ruling that gave Camp Delta captives the right to judicial review.

"It's less about the facts and more about policy and politics," said New York attorney Ken Hurwitz of Human Rights First, the new name of the Lawyers Committee for Human Rights, who was allowed to observe a hearing through a one-way window.

So far, U.S. lawyers have filed about 60 habeas corpus petitions on behalf of detainees here, pressing the federal courts to evaluate the captives on a case-by-case basis, or compel the military to let them go home.

Meantime, the Pentagon has resisted civilian intervention, saying the status review hearings satisfy Justice Sandra Day O'Connor's comment that "an appropriately authorized and properly constituted military tribunal" might be a substitute for the majority's opinion that an enemy combatant must be given meaningful opportunity to contest his detention.

The Yemeni captive echoed confusion over the administrative hearing during his chance to challenge his detention as he sat in a chair - in beige prison garb with his shackled feet padlocked to the floor, his hands handcuffed to his waist.

"Will you be the board that is deciding what I'm saying is true? Or will that be another panel?," he asked.

Under the framework, the military officers are merely confirming that intelligence agents believe they were either captured on the battlefield or in league with the Taliban or al-Qaida. Full-blown parole hearings could start in about a month, when military officers start sifting through the case files again to weigh whether they are safe enough to be sent home to the 32 or so nations.

For now, though, the three officers let the captives have their say, six days a week, up to 10 hearings a day, before reviewing the facts of the case, in classified settings without any outside observers. Captives are notified later of the results in their cells.

For an hour Saturday, the young student of Islam sparred with the officers, sometimes scolding them that the United States had wrongly captured and jailed him for nearly three years.

"One plus one is two. But one plus five is not 10. You want to make one plus five equal 10," he said, disputing U.S. logic that he must be an al-Qaida supporter because U.S. intelligence believed al-Qaida sometimes used the group sponsoring his school as a cover.

Later, sounding sorrowful, he told the officers, "A person is innocent until proven guilty - not guilty until proven innocent. I don't have anything else."