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Bahrain Urged to Accept Bay 'Offer'

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BAHRAIN has been urged to accept a reported offer to transfer six Bahraini detainees from Guantanamo Bay to custody here. It would be the quickest way to get them home, said lawyer Joshua Colangelo-Bryan, who is acting on behalf of the detainees.

Bahrain has officially denied that any such offer was ever made, but Mr Colangelo-Bryan says he has had it confirmed.

The offer was reportedly made two years ago and Mr Colangelo-Bryan says it was confirmed to him by Bahraini officials in Washington.

He also said Foreign Ministry officials appeared to accept the offer as fact when he discussed it with them in Bahrain last month.

Mr Colangelo-Bryan called on the government to tell the US that it would accept transfer of custody of the Bahraini detainees. "As we explained during our visit to the Foreign Ministry, our clients and their families would gladly accept a transfer under these circumstances," he said.

Lawyers of the detainees visited Bahrain on June 10 and met their clients' families for the first time.

The two-member team from the New York-based legal firm Dorsey and Whitney also met with National Assembly members to discuss the progress of the cases against the Bahrainis, whom the firm is representing free.

Their three-day trip ended with a meeting with officials from the Foreign Ministry, headed by Assistant Under-Secretary for Co-ordination and Follow-Up Shaikh Abdulaziz bin Mubarak Al Khalifa.

Mr Colangelo-Bryan said that during the meeting, the issue on the offer was raised and that ministry officials neither denied it nor said anything that contradicted it.

"We urged the government of Bahrain to simply confirm to the US its acceptance of this previously made proposal, if it cannot secure the full release of its citizens," he said.

He said ministry officials said that their advice would be considered not as a suggestion, but as a recommendation, which meant that they would act on it.

"During the meeting, they agreed to take immediate action to benefit our clients," said Mr Colangelo-Bryan.

"More specifically, the ministry agreed to initiate high-level contacts with the US government to secure the release of its citizens, as have governments from Europe and Australia."

The Court of Appeals for the District of Columbia, which will hear the appeal from Judge Joyce Hens Green's order which found that the detainees have rights, has set September to hear in-person arguments by the lawyers for the government and the detainees.

In January, the judge rejected a system of internal administrative hearings established last year by the Pentagon, to review the cases of the 558 detainees being held indefinitely. She said the detainees were entitled to greater protections under the US Constitution and the Geneva Convention.

Judge Green also criticised the US government's definition of "enemy combatant" and found that the military's tribunal system did not meet the constitution's standard for protecting the rights of the accused.

"Unfortunately, the date is not until September and therefore, it is unlikely that the Court of Appeals will issue a decision until the end of 2005 or the beginning of 2006," said Mr Colangelo-Bryan.

"Of course, there will be an appeal on the Court of Appeal's decision to the US Supreme Court.

"For these reasons, we do not expect to have a final decision regarding the rights of the detainees for a very long time, as we emphasised during our recent trip to Bahrain.

"We do understand that the US may offer only to transfer our clients to the custody of the government of Bahrain."

Meanwhile, Mr Colangelo-Bryan said he could not confirm whether any of the Bahraini detainees were involved in a hunger strike at Guantanamo Bay.

The US Defence Department had said 52 detainees at the US military prison had been on hunger strike since July 20 to protest their continued detention. Pentagon officials said the hunger strike appeared to be temporary and that some detainees had already abandoned it.

Mr Colangelo-Bryan is leaving New York for Guantanamo Bay today to meet with his clients.

"Unless they are taking part in the hunger strike, I will be able to meet with my clients and update them on their cases as well as tell them about my meeting with their families," he said.

The Bahraini detainees at Guantanamo Bay are Juma Mohammed Al Dossary, Essa Al Murbati, Salah Abdul Rasool Al Blooshi, Adel Kamel Hajee, Shaikh Salman bin Ebrahim Al Khalifa and Abdulla Majid Al Naimi.