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## Testimony at Tribunal Focuses on Conditions at Guantanamo

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GUANTANAMO BAY NAVY BASE, Cuba - A suspected Algerian terrorist became the first captive to testify at a military commission Wednesday in a failed challenge to a prison camp policy that isolates accused war criminals in high-security, solitary cells until after their trials.

"There was sun, there was air," captive Sufiyan Barhoumi told his commission presiding officer in an attempt to move back to the POW-style barracks where he lived for nearly a year.

In a dramatic bid for sympathy, he held up a scarred, mangled hand that was blown off in land-mine training in Afghanistan and said he handled his handicap better in the barracks.

Earlier, a prison camp commander opened the first-ever testimony before military commissions holding hearings here by defending his decision to move Barhoumi, 27, from a communal, open-air camp to virtual solitary confinement for his own protection.

"The real baseline for my whole motivation in everything is running a peaceful, safe and secure camp," said the colonel, who under Pentagon ground rules can be identified here only as "Col. B."

The fear, the colonel said, was that Barhoumi might try to escape, be hurt by others or try to kill himself because he now faces an al-Qaida conspiracy charge.

Barhoumi replied that, to the contrary, he feared nothing in the more traditional POW camp of 175 so-called enemy combatants, where pods of 20 prisoners pray hip to hip, eat family style at a picnic table and can kick a soccer ball around a dirt field.

In the end, U.S. Navy Capt. Daniel O'Toole upheld a month-old policy to isolate all captives facing the first U.S. war tribunals since World War II.

"The decision to transfer precommission detainees, including the accused, was not arbitrary," O'Toole ruled, even though he found that Barhoumi "actually feels that he has been punished."

The evidence portion of Barhoumi's trial is not expected to begin until later this year, after the U.S. Supreme Court decides whether President Bush's military commissions are constitutional.

Yet the hearing was significant because it was the first bid by a captive to use a commission to improve his quality of life at this isolated U.S. Navy base on Cuba's southeast tip, where about 490 captives from 36 countries are held in the Pentagon's interrogation center.

The day also foreshadowed some strict Pentagon security regulations.

Although the Army colonel is named in federal court lawsuits and has briefed the news media, commission security officers insisted that news reports shield his name - even as he testified with his name clearly visible on a Velcro strip on his fatigues.

Barhoumi, who was captured in Pakistan in March 2002, is accused of conspiracy to commit a war crime on behalf of Osama bin Laden for allegedly training a multinational band of insurgents to build car-bomb triggers to be used against U.S. forces in Afghanistan.

Barhoumi argued that he was moved to Camp 4 as a reward for his good behavior here and the cement-block, single-occupancy cells at Camp 5 are considered a place of punishment.

His attorney, U.S. Army Capt. Wade Faulkner, argued that the move was "pretrial punishment" at odds with a presumption of innocence. Faulkner also said the military engages in a pick-and-choose approach to Geneva Convention protections for prisoners of war.

A Pentagon prosecutor defended prison camp policy as prudent.

"You don't know that there's a threat to the detainees in Camp 4 until he's laying in a pool of blood," said a Navy lieutenant, whose name also cannot be published.

No such grisly captive-on