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Lawsuits by Foreign Guantanamo Detainees

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WASHINGTON -- The status of lawsuits by foreigners detained, or formerly detained, as enemy combatants at Guantanamo Bay, Cuba:

* Challenging detention: According to the Justice Department, 69 Guantanamo detainees have filed 19 cases in U.S. District Court challenging the legality of their detention as enemy aliens. These lawsuits are based on the Supreme Court's June ruling that the foreign detainees should be able to file so-called habeas corpus petitions in federal courts.

The 69 include: 2 Australians, 12 Kuwaitis, 29 Yemenis, 6 British citizens or residents, 1 Libyan, 1 Sudanese, 1 Pakistani, 1 Qatari, 6 Bahrainis, 1 Turk, 1 Canadian, 1 Frenchman, and 7 Algerians.

Two U.S. district judges heard arguments this month in 14 of these cases involving 59 detainees. They are expected to rule soon on the government's motion to throw the cases out.

* Challenging commissions: One detainee, Salim Ahmed Hamdan, a 34-year-old Yemeni, also has challenged the military commissions that will try detainees charged with crimes. Hamdan is one of four charged so far; another 11 may be charged.

A driver for Osama bin Laden from February 1996 to Nov. 24, 2001, Hamdan is charged with transporting weapons to al-Qaida operatives and training at an al-Qaida camp. Hamdan's lawyer says he didn't know of bin Laden's terror activities and never took up arms against the United States.

U.S. District Judge James Robertson ruled that Hamdan can't be tried before a military commission unless a competent tribunal agrees with the Bush administration that he is not entitled to the protections given prisoners of war. Robertson also ruled that the military commissions cannot try Hamdan unless their procedures are revised to include standard due process protections for defendants under the U.S. Uniform Code of Military Justice.

The government appealed to the Circuit Court of Appeals here, which set hearings for March 8.

* Seeking damages: Four British citizens released in March after nearly three years in Guantanamo Bay sued Defense Secretary Donald H. Rumsfeld and other U.S. officials for \$40 million in damages -- \$10 million apiece -- for abuses allegedly suffered in Cuba.

Salim Gherebi, still detained at Guantanamo, filed a \$1.1 billion damage suit against President Bush and other U.S. officials for allegedly violating his constitutional rights there.

Both cases are on hold pending the outcome of the detention challenges.