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Pentagon Charges 5 More in Guantánamo Bay Camp

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WASHINGTON, Nov. 7 - Within hours of the Supreme Court decision on Monday to consider the legality of special military commissions to try detainees for war crimes, the Defense Department announced that it had brought charges against an additional five prisoners at Guantánamo Bay, Cuba.

The announcement brings to nine the total of detainees at Guantánamo who are facing war crimes charges under the military commission system. The newly charged detainees include Omar Ahmed Khadr, 19, a Canadian accused of throwing a grenade that killed an American medic, Sgt. First Class Christopher Speer, near Khost, Afghanistan.

Mr. Khadr's case is well known because his lawyers have said that he was mistreated at Guantánamo and that his initial capture and detention when he was 15 violated United States obligations under treaties on treating young people in wartime.

The charges against Mr. Khadr say that his father was a close friend of Osama bin Laden and that he, too, was acquainted with Mr. bin Laden, the Qaeda leader.

Mr. Khadr is the only one of the newly charged detainees to face a murder charge that could bring the death penalty. The other four new defendants, identified by the Pentagon as Ghassan Abdullah al-Sharbi and Jabran Said bin al-Qahtani, both of Saudi Arabia; Sufyian Barhoumi of Algeria; and Binyam Ahmed Muhammed of Ethiopia, are charged with conspiracy to commit murder and terrorism.

The trials of the initial four defendants began in August 2004 in a courtroom fashioned out of a former dental clinic. They were halted three months later when a federal district judge ruled that the new system was inadequate under domestic and international laws.

That ruling was overturned, and the Pentagon has been planning to resume the trials, which would be the first war crimes trials held by the United States since the end of World War II. A spokesman for the Pentagon, Maj. Michael Shavers, said the Supreme Court ruling had not affected the intention to proceed with a planned session before a commission this month.

But a federal judge who is considering other issues related to the defendant in that case, David Hicks, an Australian charged with fighting with the Taliban, is considering whether to stay those proceedings, a senior lawyer for the Justice Department lawyer, said.

The decision to review the legality of the military commissions is the latest in a long series of rulings that followed the Pentagon decision to set up a detention camp at Guantánamo Bay. Senior administration lawyers had believed that Guantánamo would be, as Defense Secretary Donald H. Rumsfeld once put it, "the least worst place" for such a camp. They thought it would be not only secure but also beyond the reach of American courts because the American naval base there is on the southeastern tip of Cuba and not part of the United States. It has been leased in perpetuity from Cuba since 1903, at first for use as a coaling station.

The detainee population at Guantánamo rose to 750 but is now about 500, the authorities said Monday. The detainees are housed mostly in a camp made of corrugated shacks and trailers, and their prolonged detention has produced many complaints from human rights groups.

The International Committee of the Red Cross, the lone such group allowed to visit all the prisoners, said in October 2003 that the prolonged detention was unacceptable and was damaging the mental health of many inmates. Last fall, Red Cross sent the United States government confidential reports that the handling and questioning at Guantánamo amounted to torture.

The military vigorously objected to the characterizations, but accounts of former interrogators and the disclosure of confidential e-mail messages from Federal Bureau of Investigation agents assigned to Guantánamo asserted that abuse of the detainees was widespread and severe.

In June 2004, the Supreme Court upset the administration's stance that Guantánamo was beyond the reach of American law when it ruled that the detainees had the right to challenge their detentions in federal courts. That ruling has brought scores of lawyers to Guantánamo to visit prisoners they represent.

That has in turn produced an alternative source of information as to what occurs there, often at odds with the military account.

In recent months, many detainees have conducted hunger strikes to protest conditions and their prolonged confinement without trial, according to the accounts of lawyers who represent them.

A spokesman for the military command at Guantánamo said that 27 detainees were participating in a hunger strike and that 23 of them were being fed with nasal tubes in the camp hospital. The spokesman, Lt. Col. Jeremy Martin, said the prisoners were not restrained for what the military calls assisted feeding.

Some lawyers have filed pleadings in federal court asserting that their clients are forcibly fed and have been injured by having feeding tubes roughly inserted through their noses.