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Pressure mounts over Guantánamo detainees

Mark Huband
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Rising demands for the Pentagon to end the legal limbo of the 558 alleged terrorists being held at the US base at Guantánamo Bay in Cuba have intensified pressure on officials to justify long-term detentions.

The Pentagon says the long-term prisoners at Camp Delta are “enemy combatants” who represent valuable sources of intelligence or would pose a threat if released, or both.

Plans are under way to build a new camp for long-term detainees, and many others are expected to be released or transferred. But the US military, legal and political establishments are pulling in different directions, undermining the administration's case for detentions.

“The US military has been given the task of running the camps, and it is determined to make its specific mission seem like a success, even if the political, human rights and legal aspects, for which the military are not responsible, are a failure for their political masters,” said a senior legal official within the US military.

Crouching in the empty cells or among the coils of razor wire that top the maze of fences, ugly banana rats as big as large cats have replaced the detainees.

The decision to send home an Australian and four Britons within the next few weeks despite their designation as “enemy combatants” may weaken the case for detaining others in Cuba, particularly if the five are released without charge on their arrival home. The definition of “enemy combatants” has been in doubt since a Washington judge ruled last November that it was inadequate as the basis on which to try the former driver of Osama bin Laden, the al-Qaeda leader. An appeal has been lodged against the ruling. Lawyers are preparing to contest the detentions in US courts, whose decisions could further undermine the conclusions of combatant status review tribunals held in Camp Delta. The final such tribunal was held on Sunday but only three of the 558 hearings have led to detainees being released.

Officials will not say how many are regarded as a potential threat, although many prisoners are living in a medium-security block after co-operating with prison guards and interrogators. The Financial Times revealed two weeks ago that 25 per cent of the prisoners are regarded by senior US defence officials as being of some intelligence value.

“I wouldn't be wasting my time here if there wasn't valuable intelligence to be had,” said General Jay Hood, commander of the force that runs Camp Delta. “In the last 90 days we have seen intelligence that has been of significant value to us and has been relayed to allies that may also have an interest,” he said.

European security officials said on Monday that information from detainees at Camp Delta had played a key role in a decision by German police to arrest 22 people on terrorism charges in five cities across Germany on January 12.

The case for the release of co-operative prisoners whose intelligence value is high because they have been prepared to speak is likely to be the strongest, but their value as sources of information means interrogators are likely to be reluctant to see them leave.

"A lot of what we know [about the prisoners] we learn from other detainees," said a senior interrogator at the maximum-security Camp Five prison on the base.

Their co-operation may stop if they realise that it will not lead to an end to their incarceration.

Keeping the isolated prisoners ignorant of what they can expect has been central to the detention strategy but as more are visited by lawyers, this is becoming increasingly difficult to sustain. "When detainees are summoned for interrogation, we tell them to respond by saying: speak to my lawyer," said one lawyer.

Allegations made by FBI agents and the International Committee of the Red Cross that prisoners were abused between 2002 and 2003 during interrogations have intensified criticism and led to renewed demands for proof that the intelligence-value criteria applies to prisoners who have been held for up to three years. Senior officials at the prison have cast doubt on the allegations, which are being investigated by the Pentagon. "Since the start of this activity here, there have been thousands of interrogations, and there haven't been rampant reports about abuses," said Steve Rodriguez, director of intelligence operations at the prison. "If I felt there was something [needed] above and beyond the [interrogation] techniques available, I would request them," he said.

Mr Rodriguez, who took charge of the interrogation operation after the period of the alleged abuses, denied Red Cross claims that prisoners' medical records are shared with interrogators. He also said he had found no evidence to support an FBI claim that a prisoner had been draped in an Israeli flag to humiliate him.

"What I have angst over is the fact that there are many things going on in many countries, and there are all kinds of torture and abuse and peoples' heads being cut off on television, and you and I are talking about an Israeli flag," he said.