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Prisoner Shows Complexities of Tribunals

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GUANTANAMO BAY NAVAL BASE, Cuba - An Afghan prisoner told a review tribunal Wednesday that the Taliban killed three of his relatives and stole his land, and then imprisoned members of the group attacked him in Guantanamo Bay.

Allegations of abuse are surfacing in the tribunals, established to evaluate whether the some 550 prisoners at Guantanamo should continue to be held at the outpost as enemy combatants.

The Combatant Status Review Tribunals forward allegations of abuse to the Joint Task Force running the detention mission. It was not immediately clear how many abuse allegations had come since the reviews began July 30.

Nine cases were heard Wednesday, including that of the 48-year-old Hazara, an ethnic minority in Afghanistan who had steady clashes with the Taliban. He said many of the allegations against him came from a villager who wanted to marry his sister.

"Even here they have beat me, spit at me and thrown urine on me. These Arabs and the rest, they won't even speak to me," the man with a cloudy right eye told the three-member panel. "You cannot find a Hazara who supports the Taliban or the Hizb-I Islami Gulbuddin," he said through a Farsi interpreter.

The prisoner, however, said U.S. troops at Guantanamo had treated him well.

He is accused of planting land mines for the Taliban and fighting against U.S. forces. He also was allegedly found with a note linked to members of the Hizb-I Islami Gulbuddin, a group the United States alleges sponsors terrorism, and the Taliban.

The tribunals have reviewed the cases of 338 detainees. They declared 131 of them to be enemy combatants. The other cases are pending. One Pakistani was released.

A federal court said Monday that Osama bin Laden's 34-year-old driver, Salim Ahmed Hamdan, should not be tried by a military commission, or trial, until its rules conform to the established code of military justice. It also said he is entitled to a hearing on whether he should have prisoner of war status, which gives more legal protections than his classification as an enemy combatant.

The decision also said he should be allowed to challenge evidence against him.

The finding could have implications for other prisoners and the tribunals that began a month after the Supreme Court ruled that detainees have a right to challenge their detentions in U.S. courts.

Those sent to Guantanamo were declared enemy combatants before their arrival. The detainees who go before the tribunals are not allowed to hear the classified information against them or have attorneys present, and panel members often fail to ask follow-up questions.

During Wednesday's session, the bearded prisoner tried to explain what was in the note mentioned in the U.S. allegations. His explanation left it unclear whether the note was an attempt to regain the title for his land - land he claimed was stolen from him - whether it was an apology to Taliban members, or whether it contained pictures of weapons and a request for their registration numbers.

Despite the confusion, panel members asked questions about the note but after the prisoner rambled on, its contents were still unclear and no follow-up questions were asked.

The panel also failed to ask follow-up questions when the prisoner talked of abuse. At one point he mentioned "a translator," and said he had been treated for a back injury at the camp after the alleged abuse.

Although panel members asked whether the abuse was perpetrated by detainees, they did not ask a follow-up question when he mentioned the word "translator."

Later, when journalists were questioning what had transpired, the prisoner's interpreter said he wasn't referring to a translator in relation to the alleged abuse.

His case was expected to be decided within 30 days.

Journalists may not release the names of the prisoners and cannot choose which tribunals to attend. The government says it is because they lack escorts.

When journalists cannot attend the sessions, transcripts of the detainees' testimonies are not provided and no reasons are given when detainees refuse to attend.

About 45 percent of the detainees are refusing to attend.

If the men are determined to be enemy combatants, their next chance for review will come in annual Administrative Review Boards, which will look at whether the men still present a threat, possess valuable intelligence information or have health concerns.

Lawyers and human rights groups have called the reviews shams.