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## **Somber Anniversary**

A Year Later, Guantanamo Detainees Still in Limbo

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By Claire Shipman  
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The detainees at Guantanamo Bay in Cuba are marking a strained anniversary.

It's been one year since the first prisoners began to arrive at the detention facility at the U.S. naval base there as part of the war on terrorism. And neither the detainees nor their families back in Afghanistan nor the U.S. government can say when their confinement will end. It's something of a ritual now for the Al-Odah family in Kuwait — reading and rereading the few letters they already know by heart, going through family photos to remember better days — days when their son was not a prisoner at Guantanamo Bay.

"I am really confused. You know, I love the United States," said Khalid Al-Odah, father of detainee Fawzi Al-Odah. "I have friends in the United States. I don't understand what is happening now."

### Relief Turns to Shock

The elder Al-Odah is a former Kuwaiti air force colonel who trained in America and provided intelligence to the United States during the Gulf War. He said his 25-year-old son did regular charity work during his summers off from teaching, and was in Pakistan teaching local children when the U.S. air raids began in neighboring Afghanistan. Al-Odah insists his son had no terrorist connections and says Fawzi was helping Afghan refugees get across the border when he was detained.

When Al-Odah first learned his son was in U.S. custody, he was confident Fawzi would be able to explain his circumstances and that he would be quickly released.

"When I learned he'd been handed over to the Americans, I was really partially relieved because this is a civilized country and a civilized nation," the father said.

Al-Odah says he was then shocked to learn from Kuwaiti officials that Fawzi had been shipped to Guantanamo Bay and locked up in a temporary holding cell at what was then called "Camp X-ray."

Government officials told ABCNEWS they were unable to comment specifically on particular detainees like Fawzi Al-Odah. With little public information coming out of Guantanamo, there are many families like the Al-Odahs who wonder why their sons and husbands are being held and why they can't see a lawyer.

### An Anti-American Approach?

Maj. Gen. Geoffrey Miller, who runs the detention facility, is unapologetic. "We will detain them as long as the war on terrorism goes on, and to ensure that they are not a threat to our country," said Miller.

The mission, as Miller described it, is to keep the detainees off the battlefield and to gain potentially useful intelligence from them.

Human rights groups called that approach anti-American. "It's an outrageous situation for a government to hold more than 600 people — many of them for more than a year — without charge, without trial.," said Curt Goering, deputy executive director of Amnesty International USA.

Thus far, five men have been released from Guantanamo after the government determined they were neither terrorists nor of intelligence value. Miller insists that ongoing, intensive interrogations have helped officials confirm that the approximately 625 prisoners they are still holding are the right people.

"All the detainees at Guantanamo have been carefully screened and it's appropriate that they are there," Miller said.

Sources told ABCNEWS that the prisoners at Guantanamo do not provide them with extraordinary intelligence, but that they often do confirm important information gathered elsewhere. Most of them, the sources say, are too dangerous to release.

Last March, the prisoners were moved into more permanent detention facilities, referred to as "Camp Delta," where they are today. The physical conditions were improved from open-air cells to jail cells indoors, protected from the elements. The prisoners are allowed to write letters to their families — letters that are scrubbed by U.S. forces for any intelligence details.

But human-rights advocates argue that under international law, the men who are held at Guantanamo are supposed to have a right to an impartial tribunal to determine their status, since the administration will not grant them "prisoner of war" status and the protections that come with it.

The U.S. government's attitude toward the people it calls "enemy combatants," according to one adviser to the Pentagon, is "tough luck."

And some observers say there are two legitimate sides to the issue. "There's a human right not to be detained erroneously," said Ruth Wedgwood, professor of law at Johns Hopkins University in Maryland, "but there's also a human right not to be blown up by a suicide bomb or to be blown up by an airliner crashing into your office building."

#### Families Sue

Fawzi Al-Odah's family and the other Kuwaiti families have filed a lawsuit against the U.S. government, asking that their sons and relatives be given access to the U.S. courts to plead their case. A federal judge in Washington ruled last summer in favor of the government, saying the detainees do not have constitutional protections. The case is now in federal appeals court.

"We're not asking for their release; we're asking only that they have access to a legal process so that if they are innocent, they can prove it," said Thomas Wilner, attorney for Kuwaiti detainees.

Khalid Al-Odah says what has happened to his son at Guantanamo has not changed his fondness for the United States or his and other Kuwaitis' support for the U.S. war on terrorism. He says what he knows about America makes the experience even harder to understand.

"This is not the American principle, this is not the American way I know," Al-Odah said. "I think the American flag deserves much much better than that."

Fawzi has been writing to his anxious family — he's sure he'll be home soon. But American sources say most of the prisoners, in fact, won't see home for years.

ABCNEWS' Kendra Gahagan contributed to this report.