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U.S. Says 3 at Guantanamo Not Enemy Combatants

Reuters
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MIAMI - The U.S. Navy ruled that three more Guantanamo prisoners had been wrongly classified as enemy combatants on Thursday, using a tribunal process that a federal judge found constitutionally flawed earlier this week.

That brings to six the number found not to be enemy combatants since the United States began sending terrorism suspects to the Guantanamo Bay naval station in southeastern Cuba three years ago.

A Pentagon spokesman, Lt. Cmdr. Daryl Borgquist, would not identify the three or their nationalities but said the State Department would arrange for them to go home.

So far the tribunals have ruled that 387 other Guantanamo prisoners were correctly classified as enemy combatants. Final decisions in 165 cases are still pending before Rear Adm. James McGarrah in Washington, who is reviewing records from administrative hearings that concluded at Guantanamo last month.

The Pentagon created the "Combatant Status Review Tribunals" after the Supreme Court ruled in July that the Guantanamo prisoners had the right to challenge their indefinite detention.

U.S. District Judge Joyce Hens Green ruled on Monday that the tribunals violated the prisoners' constitutional right to due process because the detainees did not have access to lawyers or secret evidence, including evidence that may have been obtained through torture or coercion.

Another federal judge in Washington recently came to the opposite conclusion, and the issue is still pending before the appeals courts.

The status hearings before panels of three military officers were finished at Guantanamo before Green ruled and McGarrah will continue to issue final judgments as he reviews the transcripts and evidence, Borgquist said.

"This office has been asked to complete a certain process and that's what we're doing," he said. "It's a matter of processing the paperwork now because the tribunals have all occurred."