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U.S. to Send Six More Guantanamo Prisoners Home

Reuters
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A military review panel has ruled six more Guantanamo prisoners are not enemy combatants, bringing to 12 the number designated for release from the U.S. prison for suspected terrorists during the widely criticized reviews.

A Pentagon spokeswoman declined to identify the prisoners or their nationalities but said Tuesday that the State Department was arranging their return to their home nations.

One has already been released and the other 11 are still at the U.S. Naval base at Guantanamo Bay, Cuba, said the spokeswoman, Navy Capt. Beci Brenton.

The widely criticized review tribunals have so far ruled that 410 other Guantanamo prisoners were enemy combatants, and final decisions are still pending in 136 cases.

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.

Last month, U.S. District Judge Joyce Hens Green ruled in Washington 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.

But the hearings before panels of three military officers at Guantanamo were finished before Green ruled, and the admiral overseeing the process is issuing final judgments as he reviews the transcripts and evidence.

Most of the prisoners were captured during the U.S.-led war in Afghanistan but only four have been charged with crimes since the United States began sending them to Guantanamo more than three years ago.

Brenton said the tribunal's findings did not mean the 12 designated for release were sent to Guantanamo in error.

"It certainly does not mean that," she said. "The finding of the (tribunals) is that they no longer meet the criteria."

The tribunals consider generally whether the prisoners belonged to the Taliban or al Qaeda or associated with those groups, and whether they fought against or pose a threat to the United States and its allies. Lawyers for many of the prisoners have criticized the criteria as overly vague.