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Who's Held at Guantanamo? --- Detainees Tell Their Stories; Some Cite Mistaken Identity, Others, Altruism Gone Awry

By Jess Bravin
The Wall Street Journal
November 1, 2004

MEET THE "WORST of the worst" -- as the Defense Department once called the prisoners of the war on terrorism held at Guantanamo Bay, Cuba.

Mustafa Ait Idr says he isn't a terrorist, but a Croatian karate champion who worked for charity groups helping orphans. Ridouane Khalid, from the Paris suburb of Aulnay sous Bois, claims that his chronic medical conditions, including hepatitis, scoliosis and herniated discs, mean he couldn't have been a threat to anyone. Uthman Abdul Rahim Mohammed Uthman of Yemen insists he never heard of al Qaeda until he was brought to Guantanamo.

Ever since it opened a detainment and interrogation center at the isolated naval base in January 2002, the government has been loath to identify or release other information about the prisoners there or explain how it extracts intelligence from them. But in June, the Supreme Court, rejecting Bush administration arguments that the offshore prison fell outside court oversight, ruled that inmates could contest their imprisonment.

Reluctantly, the Pentagon started administrative hearings to review whether the prisoners are indeed "enemy combatants" and acceded to a court order permitting attorneys to meet with prisoners, though not to attend or represent them at hearings. Instead, inmates are assigned a military officer as their "personal representative," who must report anything incriminating he hears.

Five panels, each made up of three military officers, are busy processing prisoners, often holding 10 hearings a day. Prisoners don't have to take part in the hearings, but most have, the Pentagon says. As of last week, the panels, known formally as combatant status-review tribunals, had made recommendations for about half the 550 prisoners, and Washington had finished the paperwork in 103 cases. All but one detainee remains classified as an enemy combatant.

Lawyers representing families of more than 60 detainees have challenged the process, which denies prisoners access to most of the evidence against them. "A person could get better justice from any class of American fifth graders than from these tribunals," says Prof. Eric Freedman of Hofstra Law School in Hempstead, N.Y., who is advising lawyers for the detainees.

In Washington, a federal district judge recently ordered the government to produce records of the Guantanamo hearings, and unclassified portions of those files have begun trickling into court.

Though heavily censored, the records provide the best look yet of the prisoners and their accounts of how they got to Guantanamo. The government's cases are harder to elicit, because nearly all the evidence is classified. But the detainees range "from bad to very bad to very, very bad," says Rear Adm. Jim McGarrah, who heads the hearing system and signs off on each decision.

Typically, prisoners describe themselves as altruistic volunteers whose efforts to help poor Muslims went horribly awry, landing them at Guantanamo by mistake or treachery. Some complain of mistreatment or voice fears of it.

At his Sept. 28 hearing, Yasin Qasem Muhammad Ismail first got the officers on his tribunal to promise he wouldn't be tortured. Then he told them that in his case, "99% of what you have heard is inaccurate and incorrect."

Mr. Ismail said he left Yemen after a failed effort to get married and "psychologically, I was not all together." He went to Afghanistan because he heard he could get free room and board at guesthouses there "and you don't have to do nothing." He said he spent four months at an al Qaeda training camp because "I had plenty of time to kill. The training was free, just like everything else."

After the U.S. invasion, Mr. Ismail said he was kidnapped by Afghans who "sold me to the Americans." U.S. interrogators "hit and tortured" their prisoners. At Guantanamo, he was hit in the shoulder, he said.

"The tribunal did not find the detainee's testimony persuasive," records say. He remains classified as an enemy combatant.

Saudi Juma al-Dosari allegedly helped recruit the so-called Lackawanna Six, young Yemeni-Americans from upstate New York who in the spring of 2001 traveled to training camps in Afghanistan and later pleaded guilty to providing material support to a terrorist organization.

The government traces Mr. Dosari's al Qaeda career to 1989, when as a teenager he allegedly went to Afghanistan and trained on AK-47 rifles. In the 1990s, he allegedly fought for Islamist causes in Bosnia and Chechnya and in 1996 was questioned by Saudi authorities about the Khobar Towers bombing that killed 19 U.S. servicemen. In 1999, Mr. Dosari was a prayer leader at the Islamic Center in Bloomington, Ind., and traveled around the U.S., allegedly to recruit for al Qaeda. He was taken captive in December 2001 in Pakistan, after the battle of Tora Bora.

Mr. Dosari disputed the allegations against him in an interview with his personal representative, an Air Force major. "Half the population of Saudi Arabia has shot the AK-47, does that make them all terrorists?" he said. He noted he was never charged in connection with the Khobar bombing and said he was in Afghanistan to help run humanitarian projects.

The government wouldn't show Mr. Dosari its classified evidence but presented a May 2003 Buffalo (N.Y.) News article recounting his alleged efforts to recruit the young Muslims in Lackawanna, including a sermon "full of rage and politics" at a local mosque.

To that, Mr. Dosari replied, "I have a right to free speech," and denied inciting attacks on the U.S. "If I was al Qaeda, would I go to New York and say these things?" he said. "I am not that crazy." He was unanimously found to be an enemy combatant.

At his hearing, Farouk Ali Ahmed, a Yemeni in his 20s, acknowledged he stayed in a Taliban-run guesthouse but said he went to Afghanistan only to teach the Quran to children. The tribunal relied on the statement of an unnamed prisoner who identified Mr. Ahmed as a guard at Osama bin Laden's private airport in Kandahar.

That sparked a rare protest from Mr. Ahmed's personal representative, an Army lieutenant colonel. In written comments, he complained that the tribunal disregarded evidence that the statement came from a known liar. "Had the tribunal taken this evidence out as unreliable, then the position we have taken is that a teacher of the Koran (to the Taliban's children) is an enemy combatant (partially because he slept under a Taliban roof)," he wrote. (The parentheses are the lieutenant colonel's.) Still, he was deemed an enemy combatant.

Not all prisoners were captured in Afghanistan or Pakistan. Mr. Idr, the karate champion, is one of six Bosnian nationals of Algerian origin arrested in Sarajevo in October 2001 in connection with an alleged plot to blow up the U.S. and British embassies. The Sarajevo government handed them over to the U.S. in January 2002, despite orders from Bosnian courts that there were no grounds to hold them.

The Pentagon says Mr. Idr, a 34-year-old father of three, belonged to GIA, an extremist Islamic group with ties to al Qaeda. Military records say he obtained Bosnian citizenship by serving in the Bosnian army in 1995, "associated with a known al Qaeda operative" there and planned to travel to Afghanistan.

Mr. Idr disputed all that. He submitted an affidavit from his Bosnian-born wife supporting his claim that he moved to Croatia in 1993 because his job as a computer technician for an Islamic charity was relocated there, and obtained Bosnian citizenship after frequent visits there.

At a long hearing on Oct. 6, Mr. Idr depicted himself as the victim of a Kafka-esque nightmare in which he punched in the dark against unknown accusers and unseen evidence. He said his years-long detention made it too embarrassing for the military to admit its error.

Tribunal members seemed engaged by the articulate Mr. Idr and even laughed at one of his jokes. But they unanimously ruled him an enemy combatant.

Adm. McGarrah, who affirmed that decision, says the system works. "I believe the process has a rigor and a reliability to it that hopefully" will satisfy the federal courts, he says.