# Frame-up prosecution of Guantanamo Bay chaplain collapses

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Captain James Yee, who could have faced the death penalty on false accusations of spying at the Guantanamo Bay prison, was cleared of all criminal charges March 19. After a formal hearing which resulted in a written reprimand on unrelated personal misconduct charges three days later, Yee was released from custody to return to his home station of Ft. Lewis, Washington.

Yee's arrest last September touched a public furor over an alleged spy ring at Guantanamo Bay, which bore more resemblance to the hunt for witches in 17th century New England than an actual investigation. Three other people working at the camp for prisoners seized during the US invasion of Afghanistan now face charges similar to those against Yee: Ahmed al-Halabi, an Arab-American airman charged with espionage; Ahmed F. Mehalba, an Arabic translater at the prison, charged with mishandling classified data; and Colonel Jack Farr, a military investigator, also charge with mishandling classified data and lying to investigators.

Captain Yee spent 76 days in custody, most of those in solitary confinement wearing an ankle chain, after his arrest at a Florida airport as he was going on leave from the Guantanamo camp. Military officials initially told the press that he might face charges of espionage and sedition, even treason. They implied there had been a massive espionage operation against Guantanamo Bay, probably linked to al Qaeda, although Syria and even Iraq were also suggested as possible sponsors.

No espionage charges were ever brought against Yee, however. He was charged with mishandling classified material, failing to obey an order and making a false official statement. Then Army investigators were compelled to admit that they did not even know whether the "sensitive documents" Yee was supposedly carrying—believed to be personal notes on Guantanamo—were even classified. Hearings for Yee were postponed five times, on each occasion with the claim that the classification review had not yet been completed.

With their case disintegrating, the military command decided to smear and abuse the prisoner. On December 4, Yee was brought before a hearing to face additional charges of adultery and conduct unbecoming an officer, for allegedly downloading sexually explicit material on his government computer. Yee's wife and four-year-old daughter, who were attending the hearing, heard a Navy officer testify under oath about the details of her affair with Yee.

The Army's vindictiveness towards the chaplain continued right up to the end of the legal proceedings. When the charges were dropped, the announcement was made Friday evening after the network television news, to minimize publicity, and officials claimed that they were not clearing Yee, only deciding not to prosecute in order to avoid public release of the "sensitive documents" he had been carrying.

Yee's lawyers, Eugene R. Fidell, declared victory nonetheless, saying, "The Army's dismissal of the classified information charges against him represents a long-overdue vindication. We reject the notion that security concerns played any role in this decision." Fidell said Yee would appeal the written reprimand he was given at Monday's hearing, which was also held at late hour—6 p.m.—to minimize publicity and embarrassment for the military.

It is likely that Yee's notes were actually "sensitive," not from the standpoint of security, but because any information on the prisoners at Guantanamo would be politically damaging to the Bush administration. As a chaplain to the prisoners, Yee was undoubtedly aware of acts of violence and brutality against them, as well as

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their deteriorating physical, mental and emotional condition.

After the conclusion of the Yee case, the commanding officer of the Guantanamo prison, Major General Geoffrey D. Miller, was transferred to a new assignment. He was placed in charge of US prisoner detention operations in occupied Iraq.

Legal proceedings in the case of a second Guantanamo Bay soldier, Airman al-Halabi, are continuing at Travis Air Force Base outside Sacramento. Al-Halabi was charged in January with 30 violations including espionage and aiding the enemy, but 13 counts, including all the most serious ones, have been dropped. He still could face a sentence of life imprisonment if convicted on the remaining charges.

Although assigned to a logistical unit at Travis, al-Halabi was pressed into service as a translator after the Pentagon opened the Guantanamo Bay prison. The Army needed interpreters to assist in the interrogation of the prison population, which quickly swelled to nearly 700. Al-Halabi worked at Guantanamo for nine months, until his arrest last July. His arrest and imprisonment were kept secret until after Yee's arrest two months later.

As far as can be determined from the statements of Pentagon officials about the case, the al-Halabi seems to have been guilty of little more than ordinary human sympathy for the prisoners, accepting hand-written notes from them for delivery to their families and typing them into his laptop.

The most serious charges, now dropped, accused the Syrian-born al-Halabi of supplying information about Guantanamo to the Syrian government. The 25-year-old soldier maintained that he had contacted the Syrian embassy only to get a visa so he could bring his Syrian fiancée to the United States. Al-Halabi was arrested as he attempted to leave the country to travel to Syria for the wedding.

On Wednesday, March 24, al-Halabi's lawyer Donald Rehkopf asked for dismissal of all charges because the government refused to divulge its evidence against the defendant. Rehkopf told the press, "I've been doing military cases for 28 years. I've never encountered even one-one hundredth of this difficulty before." Rehkopf said that the government was classifying documents inappropriately and barring him from discussing the material with his client.

Rehkopf also objected to the conditions under which his client is held in prison. He has been held in a 8x11-foot cell with only a portable toilet, no ventilation and two security cameras, which the lawyer described as "a room that they would not allow an Air Force military working dog to be confined in." Al-Halabi is also barred from speaking Arabic, which prevents him from talking with either his fiancée or his aging father except through a translator.

The defense has brought motions for al-Halabi's release from pretrial confinement, while prosecutors are seeking to suppress evidence relating to Colonel Farr, who was working on the al-Halabi case when he was himself arrested for improper handling of classified materials. The court martial for the young airman is now scheduled to begin April 27.

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