

Another Guantanamo “spying” frame-up collapses

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25 September 2004

The second major case of alleged spying by a Muslim US soldier at the Guantanamo Bay prison camp has collapsed ignominiously. Senior Airman Ahmad Al-Halabi agreed September 22 to plead guilty to four lesser charges involving the mishandling of information, in return for the Pentagon dropping espionage charges against him.

The following day he was sentenced to time served plus a dishonorable discharge, after being held for months under the threat of a possible death sentence. The maximum possible sentence on the four charges to which Halabi pleaded guilty was nine-and-a-half years in prison, and the prosecutor asked for a four-year term. The soldier’s military attorneys said Halabi would appeal the dishonorable discharge.

A naturalized US citizen born in Syria, Halabi had just completed a tour of duty as a translator at Guantanamo when he was arrested in July 2003 and charged with planning to supply classified information about the prisoners at the camp to the Syrian government or Al Qaeda. He could have faced the death penalty if convicted on the most serious of the 30 charges initially brought against him. He has been confined to Travis Air Force Base near San Francisco for the past 14 months.

When the 26-year-old soldier was first charged, Justice Department and the Pentagon officials hinted at a conspiracy by Muslim US soldiers to breach the security of the Guantanamo Bay prison and provide information about the prisoners to Arab governments with purported links to terrorism. Halabi’s secret arrest was followed by the much-publicized detention of Captain James Yee, a Muslim chaplain at the prison, the arrest of civilian translator Ahmed Mehalba, and the arrest of Army Reserve Colonel Jackie Farr.

All charges against Yee were dropped in March. Last week, the case against Farr, who was charged with removing classified material from the base, was

abandoned. Charges against Mehalba are still pending, but without co-conspirators, it will be difficult for prosecutors to argue credibly that the translator was part of a dangerous plot against US national security.

Halabi was arrested on his way to Syria to get married, but the fact that he had contacted Damascus to get a visa for that purpose was used by Bush administration officials to suggest illegal collusion with the Syrian government, which has been the target of intensive US bullying since the invasion of Iraq.

An Air Force supply clerk at Travis, Halabi was assigned to work as an Arabic translator at the Guantanamo Bay prison and evidently was upset by the racist abuse of prisoners there by military guards and CIA interrogators. He collected 180 letters that prisoners had written to their families, as well as a list of prisoners’ names and a rough sketch of the camp.

The government claimed that Halabi, who moved to Detroit as a teenager, planned to reveal these documents to unspecified “enemies” during his trip to Syria. The charges of espionage and “aiding the enemy” in wartime could carry the death penalty.

Half the charges were dropped earlier this year, and the prosecution admitted that only one of the hundreds of documents in Halabi’s possession was actually classified. The soldier was released from jail and allowed to resume working as a supply clerk. But he was scheduled to go to trial this week on 16 remaining charges. All but four were dropped at Wednesday’s hearing.

The Arab-American soldier pleaded guilty to violating an order by taking two photographs of the prison camp—neither of them including any prisoners—and lying to an investigator about the photos after he was arrested. “I was scared,” he told a military judge. He also pleaded guilty to carrying classified materials without proper locks or covers, storing documents in a closet at his Guantanamo residence, and wrongfully retaining

documents, as well as a blanket charge of causing a violation of good military order.

The Pentagon was further embarrassed by revelations of gross misconduct by military investigators and prosecutors, involving both mishandling and suppression of evidence.

When the lead investigator in the case, Air Force Special Agent Lance Wega, found a box of documents that Halabi had mailed to himself at Travis Air Force Base, he declared he had found the “smoking gun,” and he and other investigators opened the box without gloves and began drinking to celebrate. Later, thinking better of how this would look, they put the documents back in the box, put gloves on, and staged photographs of themselves opening the box properly. They then lied to the FBI when agents began to process the documents for fingerprint evidence.

Former Air Force Staff Sgt. Suzan Sultan, also an Arabic translator, testified in a pretrial hearing about the cover-up of the mishandling of evidence. She also testified that she had made a mistake in the translation of a letter Halabi received from the Syrian embassy granting him a 30-day entry visa for his marriage ceremony, leading to a charge that he had also been spying for Qatar, a Persian Gulf emirate.

When Sultan realized her error and approached a prosecutor, Captain Dennis Kaw, he instructed her not to tell the defense. Sultan later went to Halabi’s attorneys with her evidence, and they informed the court. The judge in the case ordered a complaint filed with the military ethics committee, and Kaw quit his position and left the military.

In the meantime, Arab-American and Muslim groups in the US rallied support for Al-Halabi, raising more than \$50,000 for his legal defense through an Airman Halabi Justice Committee.

Halabi’s 73-year-old father, Ibrahim, a US citizen and resident of the Detroit area, testified as a character witness at Thursday’s sentencing hearing. He described the family’s isolation after his son’s arrest. “We were shocked, and everyone was really sad,” he said. “No one called us anymore.”

During Halabi’s imprisonment, he was denied the right to speak Arabic to visitors, essentially cutting off all contact with his father, who speaks no English.

Testifying for the first time publicly, Airman Halabi recounted his life history in a 90-minute statement in which he made it clear that anti-Arab and anti-Muslim bigotry was widespread at Guantanamo, not only directed

towards the prisoners, but towards minority US soldiers as well. He said guards “called us names like ‘detainee-lovers,’” and tried to disrupt Muslim religious services.

Halabi stated under oath that he had collected old documents as “memorabilia from my time there ... war trophies,” without any intention of passing them on to anyone else. “It was the wrong thing to do,” he said, but “I never, ever wanted to do anything to hurt the Air Force, my country or my family.”

Despite this declaration and the acceptance of a plea bargain, the lead prosecutor, Air Force Lt. Col. Bryan Wheeler, denounced Halabi as a “liar and a thief,” whose actions had “emboldened” terrorists and their supporters. Outside the courtroom, even after agreeing to drop the espionage charges, Wheeler declared that Halabi was, in fact, guilty of attempted espionage, and would have passed sensitive materials to a foreign enemy if he had not been arrested.

Major Jamie Key, one of Halabi’s defense attorneys, denounced Wheeler’s post-plea statement, saying, “It’s hard to express my complete and utter outrage at those kinds of comments. The chief investigator in this case told me two weeks ago that there is no evidence Senior Airman Al Halabi intended to spy. I see this as an attempt to shore up what has been one of the most catastrophic failures in military justice history. If they had one shred of evidence that my client intended to spy, they would never have agreed to pleas to four infractions.”

Major Kim London, another military defense attorney, said, “The United States oversold, overcharged and overreacted in this case, and now they have to save face... The root cause of all this stemmed from his different religion, his funny name, because he was from a different homeland.”



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