Guantánamo files offer glimpse of Pentagon's kangaroo courts

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On March 3, 2006, the Pentagon was forced under the Freedom of Information Act to declassify and publish documents, numbering over 5,000 pages concerning the notorious Guantánamo Bay prison camp in Cuba. These documents are posted on the US Defense Department's web site at: http://www.defenselink.mil/pubs/foi/detainees/csrt/index.html.

Most of the documents—some 3,959 pages—consist of individual testimonies by detainees before a military tribunal—the Reprocessed Combatant Status Review Tribunal (CSRT)—which is charged with determining whether they are "enemy combatants." Many of these prisoners were captured by Afghan warlords and police, and then handed over to the US for interrogation and internment. Under the extra-legal rules set by Washington, those whom the tribunal determines are "enemy combatants" can be deprived of all rights and incarcerated indefinitely.

Secondly, there are interviews with more than a thousand detainees before the Administrative Review Board, which decides the fate of the prisoners. Finally, there are hundreds of letters addressed to individual detainees, notifying them of charges against them and concluding that they will have a "meaningful opportunity" to make their case to the aforementioned board.

Significantly, many of these documents contain the names of the prisoners themselves. These documents will no doubt be scoured by thousands of families in Afghanistan, Pakistan, Tunisia, Iraq, and elsewhere, whose loved ones are still missing and unaccounted for since the US invasion in 2002.

However, the documents raise more questions than they answer. They do not contain the tribunals' verdicts, nor refer to any sentences handed down. Apparently, after an "open" interrogation session with the detainee, who is represented by an Assisting Military Officer (AMO), the board adjourns and then reconvenes for a "closed" session, where the fate of the detainee is decided. The "closed" session transcripts and decisions have not been released. The names of the American military personnel have also been consistently blacked out, but the rank and branch of the presiding officer of the Administrative Review Board are visible: "Colonel, US Marine Corps".

Through these documents one can catch a glimpse of the secret world of military justice set up by the Bush administration in the course of the so-called "war on terror."

There is no question that the Geneva Conventions, under which prisoners of war have definite rights, are being totally ignored. The military tribunals and boards, which decide the fates of the hundreds of prisoners, make a mockery of justice and international law.

Charges against the individual detainees, appearing under the heading, "the following primary factors favor continued detention," include evidence such as the following:

"Detainee's uncle was the commander of a known terrorist organization."

"The detainee's name was found on an Internet web site listing of captured Taliban and Al-Qaeda fighters."

"Training: The detainee received training with the Kalashnikov rifle."

"Commitment: The detainee left Tunisia due to the fact that he is a Muslim extremist."

"Associations: The detainee appears to know another detainee well."

"The detainee demonstrated his intent to attack or maliciously engage the United States or its allied interests by admitting he went to help the Taliban in their fight against the Northern Alliance."

"Other Relevant Data: During capture, the detainee had in his possession a Casio F-91 watch. The Casio F-91 has been used in bombings that have been linked to Al-Qaida and radical Islamic terrorist improvised explosive devices."

This continues for hundreds of pages. The "Casio F-91 watch" accusation can actually be found in the case papers of more than one detainee. Because the watch has a compass, it is worn by many Muslims in order to determine the direction of Mecca for prayer.

The trials themselves are a farce. During the proceedings, for example, the detainees are told that there exists

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"classified" evidence against them, which they are not allowed to see.

The majority of detainees have been held for more than three years in the Guantánamo prison camp without trial or sentencing—well in excess of the three-month limit imposed by Article 103 of the Geneva Conventions. In four years, only ten prisoners have been charged with a crime.

Also in violation of the Conventions, the prisoners have been denied access to the International Red Cross, they have not been able to make contact with anyone outside the base, and have been routinely subjected to torture and humiliation.

The documents give some hint of the abuse that these detainees have suffered and its shattering physical and mental impact. One prisoner, captured during the US invasion of Afghanistan, for example, tried to commit suicide by hanging himself in early 2003. According to the Pentagon files, he suffered "significant brain injury due to lack of oxygen." The document went on to state that he would probably never regain his mental faculties, but might be able to follow "simple, concrete directions."

Qari Esmhatulla, who was captured during "Operation Anaconda" and brought to Guantánamo in 2002, is case number 395 of 1455. He was 16 at the time of his capture, and his written statement is included in the proceedings:

"After staying overnight at a religious shrine in Afghanistan, where I visited annually and prayed, I was making the six hour walk toward my house along the route that was in the vicinity of Fort Mulgull. Although there were three routes I could have taken to arrive home, I had been told that two of the routes were closed and therefore I took the path nearest Fort Mulgull.

"Apparently the route near Fort Mulgull was under surveillance and Afghani forces arrested me and accused me of returning from a fight even though I was unarmed and had never been in any fight. They ordered me to admit that I had come from Shahi-Kwowt and not from the Shrine. I denied having come from that area two or three times and they started to beat me. After being beaten I admitted the things that were not true only to make them stop beating me. I heard my captors talk about receiving a bounty from American forces for people they captured.

"They placed a grenade near me so they could have an explanation for arresting me. I know nothing about how to operate a radio or use hand grenades. After being arrested I was beaten and suffered a head injury that my captors told the Americans I had received during the war. My head injury occurred as a result of being beaten by Afghani guards and not as a result of the war.

"When captured, the only items I had in my possession were a perfume bottle, 2,500 rupees, and a letter from the Taliban Ministry of Finance. The perfume was simply body oil and the document advised me to keep studying the Koran, be a good Talib, and not to waste time being idle or walking around. I never agreed to join the Taliban military, participate in jihad, attack or maliciously engage U.S. or allied forces, and that statements suggesting that I did were obtained after my Afghani captors tortured me. I felt that if I admitted the things that weren't true I would receive better treatment.

"The Taliban demanded payment of 300,000 afghans (Afghani currency) from family members that were old enough to join the Taliban but did not do so. My family did not have enough money and my brother was forced to join the Taliban even though he did not want to. He had no choice. It was a proven matter that the Taliban was taking people to war by force. In spite of the fact that my brother died, I do not view my brother as a martyr.

"I was never a member of the Taliban. I did not have the facial hair that all members of the Taliban wear and if you look at my picture when I was captured it will be apparent. I never joined the war, never engaged in any military training, and never traveled to Shahi-Kwowt to join the Taliban Military. The only reason I ever admitted this to the Afghani soldiers was because I was being beaten."

The questions from the board included, "If you are killed during jihad, are you a martyr in your belief?" and "Are you interested in being a martyr?"

The presiding officer of the board added cynically at the end, "The board would also like to express our condolences on the loss of your brother."

As of the writing of this article, Qari Esmhatulla is still among those incarcerated at the camp.

The purpose of the US prison camps such as the one at Guantánamo Bay is to ruthlessly suppress opposition to the illegal occupations of Iraq and Afghanistan by terrorizing and intimidating the populations of these countries with the prospect of indefinite imprisonment without any hope of release.

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