

US “enemy combatant” Jose Padilla sentenced to 17 years in prison

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Jose Padilla—the US citizen held for years in isolation as an “enemy combatant” and tortured in a South Carolina military brig—was sentenced to 17 years and four months Tuesday by a federal judge in Miami, after being convicted on terrorism conspiracy charges last August.

Two co-defendants, Adham Amin Hassoun, a 45-year-old computer programmer of Palestinian descent, and Kifah Wael Jayyousi, 46, an engineer and school administrator originally from Jordan, were sentenced to 15 years and eight months and 12 years and eight months, respectively.

The imprisonment of Padilla is the culmination of a years-long campaign by the Bush administration to use his persecution as a test case for the dismantling of constitutional and democratic rights under aegis of the so-called war on terror.

Padilla was arrested without charges by federal agents on May 8, 2002 at Chicago’s O’Hare International Airport. A month later, then-Attorney General John Ashcroft declared in a nationally televised press conference, “We have captured a known terrorist who was exploring a plan to build and explode a radiological dispersion device, or ‘dirty bomb,’ in the United States.”

Based on this charge Padilla, who was born in Brooklyn and grew up in Chicago, was declared an “enemy combatant”—a category that, according to the Bush administration, denied him any protection under either the US Constitution or the Geneva Conventions. He was transferred to military custody where he remained held without charges, trial or right to an attorney for three-and-a-half years.

In June 2004, the Justice Department claimed Padilla had made a full confession; however, officials said that the alleged information would not be accepted in an

American courtroom because of the third-degree methods employed in the interrogation.

Following a number of court rulings rejecting the administration’s insistence that Padilla could be held without being charged and without access to legal counsel, the government transferred Padilla to a civilian jail in November 2005, in order to avoid a Supreme Court hearing on a challenge to his detention.

New charges were then produced that had no connection to the original allegations of a “dirty bomb” or subsequent claims that Padilla was plotting to blow up apartment buildings and hotels in American cities. Instead, Padilla was charged with being the “star recruit” of a North American terrorist cell. He and the two other defendants—Hassoun and Jayyousi—the Justice Department claimed, had conspired to commit murder overseas and provide material support for terrorism.

During the trial, prosecutors were unable to present any evidence of Padilla’s involvement in or knowledge of any plan to murder, kidnap or maim anyone. Instead they told the jury that Padilla had attended a training camp in Afghanistan in 1998, demonstrating his intent to engage in violent jihad.

The evidence produced by the government, however, was extremely weak. Out of its over 300,000 intercepted phone conversations, only seven involved Padilla and none included any of the “code words” that the prosecution claimed referred to plans to carry out terrorist attacks.

Moreover, the statements allegedly made by Al Qaeda official Abu Zubaydah—who the administration claimed implicated Padilla as a member of the organization—were destroyed as part of the effort to eliminate evidence of CIA torture of terrorist suspects.

As unjust as the harsh prison term for the 37-year-old

Padilla is, it fell short of the demands of the Bush administration and Justice Department, which wanted a life sentence in order to justify its flagrant violation of Padilla's democratic rights.

Prosecutors argued during the sentencing phase that a life sentence was merited because the judge should interpret murder conspiracy statutes to include "dangerous intentions" to conduct some unspecified terrorist action in the future. They even attempted to produce an Al Qaeda training camp "graduation list," which they alleged included Padilla's Arabic name, but this last minute "evidence" was rejected by the judge as unreliable.

Prosecutors also insisted that the three-and-a-half years Padilla spent in the military brig and two additional years he was held in Miami in solitary confinement had nothing to do with the criminal charges on which he was convicted and therefore should not be taken into account in determining the sentence.

In his own sentencing brief, federal public defender Michael Caruso wrote: "Mr. Padilla's assertion that he was tortured is, by any definition, unassailable. There can be no dispute ... that the government intentionally inflicted psychological pain and suffering upon Mr. Padilla."

In her ruling, US District Judge Marcia Cooke said she took into consideration the "harsh conditions" of Padilla's confinement in a Navy brig before he was charged, including, "the noise, no mattress, no books, no contact with family or a lawyer." The judge added, "I dispute the government's contention that I can't take into account these considerations in fashioning a sentence."

Lawyers for Padilla have filed civil lawsuits in South Carolina and California against Bush administration appointees and military personnel, detailing how Padilla was kept in strict isolation and subjected to sleep and sensory deprivation, including being deprived of sunlight for many months at a time. In addition he was shackled in stress positions, threatened with imminent execution, put in frigid temperatures, administered "truth serums" and other drugs and subjected to other forms of physical and psychological assaults.

Cooke acknowledged the three men did not engage in conduct intended to murder or maim on US soil and did

not harm any Americans in the US or abroad. Nevertheless, she upheld the prosecutors' legally specious argument, saying, "I support the government's contention that these defendants were engaged in conspiracy to murder, maim and kidnap" in other countries.

During the sentencing phase Padilla's mother, Estela Lebron, told the judge, "I just want to let you know my son is not a monster, and he is not a danger to this country." She added, motioning towards the prosecutors, "What they are doing to my son is injustice."

Padilla is appealing his conviction and prosecutor John Shipley said the government will appeal the sentence as too lenient.



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