

So the problem we have, quite frankly -- and this is the problem I mentioned earlier about the fundamental differences between us and the Europeans, but also...

WARNER:

I have to ask you to...

RIVKIN:

Very briefly.

WARNER:

... provide -- yes.

RIVKIN:

Very briefly, a fundamental difference in this country, critics don't understand the difference between legal approaches appropriate for wartime context and the criminal justice system.

WARNER:

I think that's important. We've got to fight the war.

Could we just ask, Mr. Denbeaux, I was very taken by your reference to your family and served with distinction in a great chapter of history that I am old enough to remember quite vividly myself.

And I thought, given your objectivity, that you might wish to comment on my views that let's let the court system run its course before Congress tries to jump in and rewrite this law.

DENBEAUX:

OK, with total and complete respect, when I listened to your statement, what dawned on me was you think it's been done in an orderly way. My own view of the last 5.5 years is of disorder and tardiness.

One of my problems is it's one thing to set up a system and have it work from the beginning, quickly. It's something else to try to say, after 5.5 years, let's now let the process work orderly, as it keeps getting changed right in front of everybody's eyes.

My assistant cook, who Mr. Rivkin thinks is and should be an enemy combatant, has been waiting for 5.5 years for somebody to review it -- his decision and others.

And I think my problem is that I believe all the evidence is our courts can handle these quickly. I don't think most of these cases are very hard. When the government says they were shooting at American soldiers, I don't think there's a federal district court in the United States that's going to say no.

I think in answer to the question about impartiality -- about what should be done, I actually am somewhat conservative on the doctrine of habeas corpus and the federal courts. I think they really can handle it.

And we're spending a lot of time trying to find any way but having habeas corpus. I'm not -- I don't care what way we come up with. If you had an impartial tribunal -- and my big problem is I don't see how to design that now in a process that's been done over and over and over again, and come to the same result.

WARNER:

Thank you. My...

DENBEAUX:

I apologize if I went too long.

LEVIN:

Thank you, Senator Warner.
Senator Akaka?

AKAKA:

Thank you very much, Mr. Chairman.

I want to add my welcome to Senator Leahy, who preceded you, and also welcome our panel members who are joining us today. And I want to tell you that what you are contributing here will be helpful to the committee.

I think that the passing of the Military Commissions Act, Mr. Chairman, during the past session of Congress has left me and many of my colleagues feeling unsatisfied with the final law. While it may have been a good start, I think it is clear that we still have more work to do to ensure that these military commissions are conducted in a manner that upholds the values, as was mentioned frequently here today, on which our great democracy was founded.

After the Supreme Court's decision in the Hamdi case in 2004, Mr. Dell'Orto, the Department of Defense established combatant status review tribunals with the stated objective of providing Guantanamo detainees, and I quote, "the opportunity to contest designation as an enemy combatant," unquote.

However, it is clear that the CSRT procedures enacted by the military, that the detainee really does not have an opportunity to seriously contest his designation as an unlawful enemy combatant.

My question to you is why is a detainee not allowed to have any advocate or lawyer to represent him? I note that he is assigned a personal representative, who specifically does not represent him in the proceedings, which makes the title of a personal representative a misnomer, to say the least.

So why is a detainee not allowed to have any advocate or lawyer to represent him?

DELL'ORTO:

Senator Akaka, let me talk about how you get CSRTs as derived from other recognized processes for an individual to contest his designation as a combatant.

The standard in our Geneva conflicts, which are conflicts involving lawful combatants in that shorthand way, are processes generally laid out in Army Regulation 190-8, which is a recognized process -- the so-called Article 5 tribunal -- that is the mechanism by which an individual picked up on a more normal, conventional battlefield is assessed for whether he should be detained as an enemy combatant.

If you compare the 190-8 process to the CSRTs, you find that there is no aspect of the CSRT process that provides less in the way of rights to a combatant than 190-8 does.

And, in many ways, the CSRT process provides more. And so, for instance, you ask about a personal representative. One thing I want to correct from what was stated earlier, a personal representative currently is cleared to see all of the classified information. He can see all of it. He cannot show it to the person he is assisting, but he is cleared to see all of it. So he does see all of that information.

But in a 190-8 setting, a conventional conflict, Geneva-governed conflict, the individual who is picked up on a battlefield has no personal representative. It's he alone, and so my response is that if we look at this and say -- the CSRT process and say, "Well, why doesn't he have this, why doesn't he have that," my response is, "He already has more than we give lawful combatants on a conventional battlefield."

And I find it remarkable that we are criticized for providing greater rights to an unlawful enemy combatant in this setting than we do to a lawful combatant in a Geneva-governed, more conventional conflict.

And then the question is, how far do you take that?
CQ Transcriptions, April 26, 2007

List of Panel Members and Witnesses

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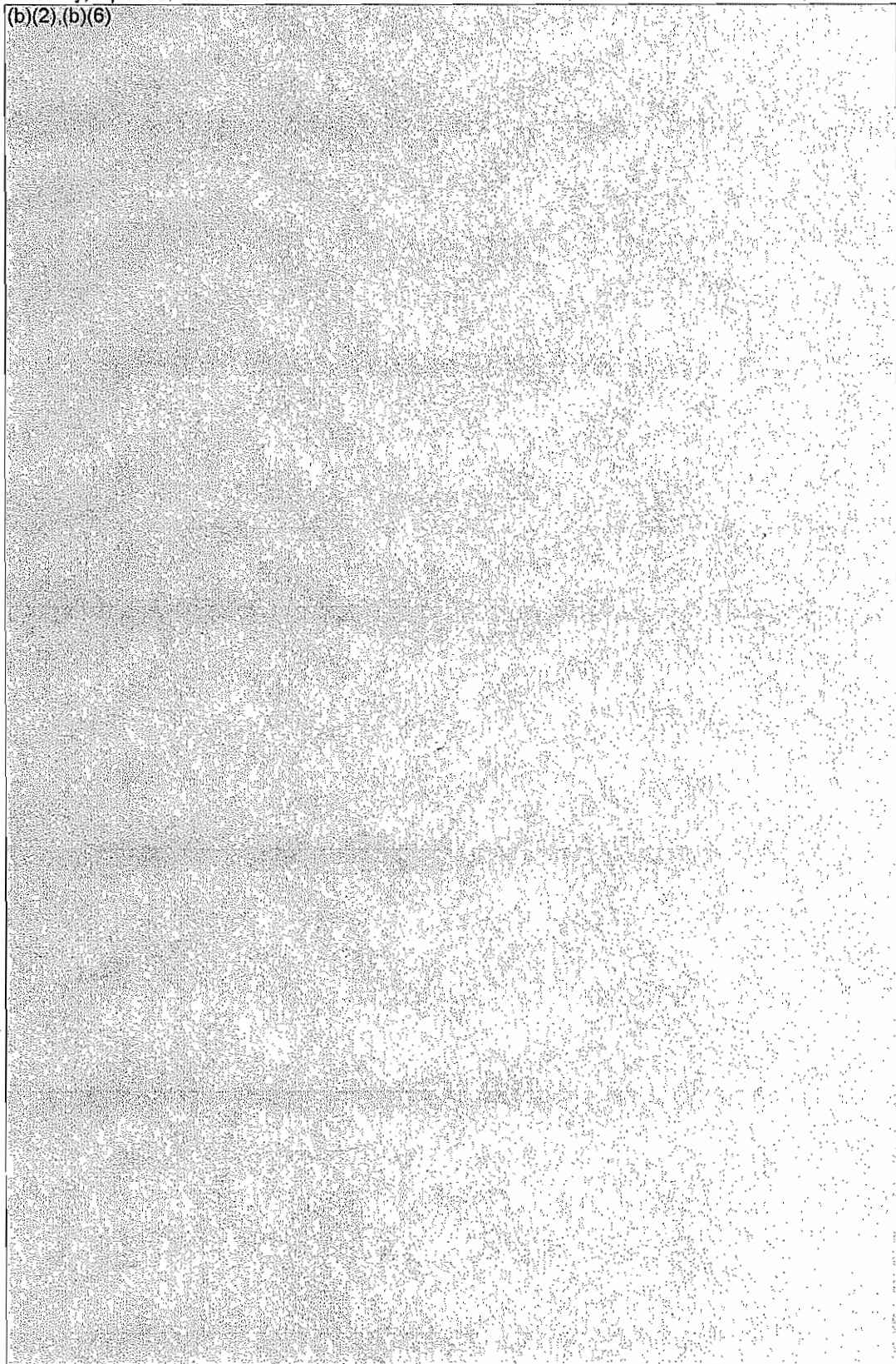
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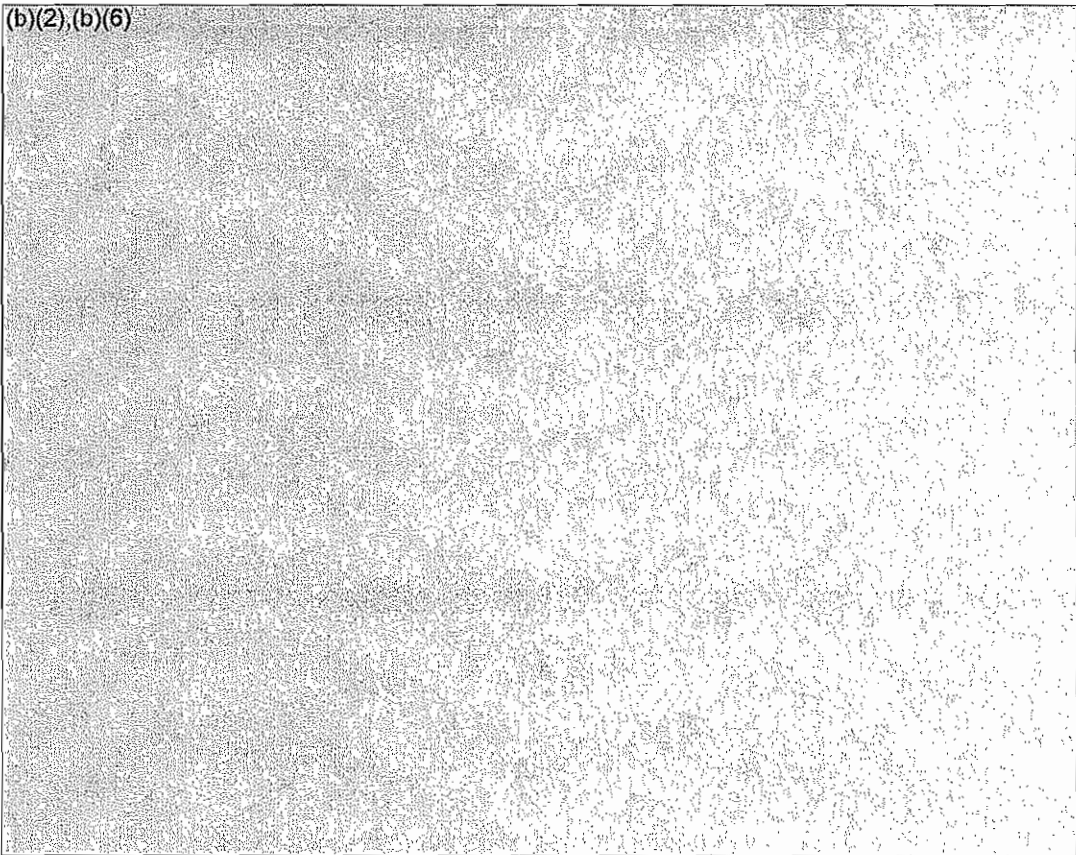
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GTMO Bird: Detainee access; al-Iraqi; Cleared but still at GTMO; GTMO a shame; US Sct. Rejects GTMO case; Senators and detainees; More suicides;

All:

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Thanks,

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Washington Post
April 27, 2007
Pg. 12

U.S. Wants To Limit Guantanamo Detainees' Access To Lawyers
By Carol D. Leonnig, Washington Post Staff Writer
The Bush administration is urging a federal appeals court to clamp down on Guantanamo Bay prisoners' ability to see their attorneys and obtain government records to help argue their innocence.

As the legal battle over the detentions moves to a new arena, the Justice Department is trying to tightly restrict the tactics that a persistent and largely volunteer group of defense lawyers can use to challenge the government's basis for holding their clients. In recent court filings, the Justice Department argues that defense lawyers' visits to the prisoners "cause unrest on the base," including hunger strikes and protests, and are often a pretext for obtaining accounts from the detainees to relay to the media.

The effort to restrict detainees' access to lawyers and documents comes as the fight over their fate moves out of a federal trial court -- which was often at odds with the administration's assertion that it could hold them indefinitely without charges -- to the U.S. Court of Appeals for the District of Columbia, which generally has been more supportive of the president's claim of broad powers in fighting terrorism.

In filings to the appellate court in recent weeks, the Justice Department argued that detainees should be allowed three visits with their attorneys, instead of an unlimited number. The government said more visits are unnecessary because the clients' testimony and views are not needed for the kind of limited appellate-court review now allowed by the law. The Justice Department also argued that the U.S. Court of Appeals should not consider new evidence or information in reviewing Pentagon decisions about continued detention. The court should take into account only the facts that a military combatant status review tribunal considered in determining that each detainee should be held, the government argued. The government has rejected attorneys' demands for other records, saying the government will determine which records are relevant.

"We've brought suit to prove our client is innocent. And the government says it gets to decide what is relevant to those facts," attorney Susan Baker Manning said. "It is absolutely, utterly at odds with everything in our legal system."

Many of the approximately 380 foreign nationals at the U.S. Navy prison at Guantanamo Bay, Cuba, have been imprisoned for years. The president declared the men enemy combatants, saying they were either terrorism suspects or had links to terrorist groups.

Defense attorneys, who were first able to interview their clients at Guantanamo in 2004, began compiling evidence that some detainees were kidnapped by local bounty hunters or were seized by U.S. troops by mistake. Such accounts were a source of embarrassment for the administration.

But under a law approved in 2005, detainees' attorneys now must seek to prove their clients' innocence in the appeals court. The law, crafted by the White House and approved by Congress when Republicans controlled both chambers, denies detainees the right to challenge their detentions in trial courts and requires them to petition the U.S. Court of Appeals for the District of Columbia to review Pentagon decisions to hold them.

Staff researcher Julie Tate contributed to this report.

New York Times

April 30, 2007

Pg. 15

Bar Criticizes Proposed Detainee Rules

WASHINGTON, April 29 (AP) — The Bush administration is trying to evade responsibility for problems at the Guantánamo Bay prison by falsely blaming defense lawyers, the New York City Bar says.

The president of the group leveled the criticism on Friday in a letter asking Attorney General Alberto R. Gonzales to abandon a Justice Department proposal to limit lawyers' access to the nearly 400 detainees at the prison.

In a court filing this month, the department said that the lawyers' use of mail to communicate with their clients had "enabled detainees' counsel to cause unrest on the base by informing detainees about terrorist attacks."

The mail system was "misused" to inform detainees about military operations in Iraq, activities of terrorist leaders, efforts to fight terrorism, a Hezbollah attack on Israel and abuse at the Abu Ghraib prison, the department said in the filing.

In his letter to Mr. Gonzales, the bar association's president, Barry M. Kamins, said, "This is an astonishing and disingenuous assertion."

"Blaming counsel for the hunger strikes and other unrest is a continuation of a disreputable and unwarranted smear campaign against counsel," the letter said.

A Justice Department spokesman, Erik Ablin, said the department was reviewing the letter. The department wants to narrow the definition of "legal mail" and set a three-visit limit on face-to-face meetings once a detainee agrees at an initial meeting to let a lawyer represent him.

The Court of Appeals for the District of Columbia Circuit will hear arguments on the proposal on May 15.

The 137-year-old New York City Bar, with more than 23,000 members, is one of the oldest and largest lawyers' organizations in the country.

Los Angeles Times

April 28, 2007

Top Al Qaeda Member Captured, Pentagon Says

The Pentagon says the high-ranking member has provided key details and was transferred last week to Guantanamo.

By Josh Meyer, Times Staff Writer

WASHINGTON — The Pentagon said Friday that it had taken custody of one of Al Qaeda's most senior members, an operational commander who had been active in Afghanistan and Pakistan. Defense Department and U.S. intelligence officials would not say precisely when or where Abd al-Hadi al-Iraqi was captured, or by whom, only that he was headed for his home country of Iraq when detained. Officials said Hadi was handed over to the CIA in late 2006 and has been providing crucial information about Al Qaeda.

"This was a very important capture. He was one of Al Qaeda's highest-ranking and experienced senior operatives," said U.S. Army Col. Gary L. Keck, a Pentagon spokesman. "He had been one of the organization's key paramilitary commanders in Afghanistan, and we know he was in direct communication" with Al Qaeda's second in command, Ayman Zawahiri, and perhaps leader Osama bin Laden.

In a declassified summary of Hadi's alleged activities released Friday by the Pentagon, he is accused of launching attacks on U.S. and coalition forces from Pakistan and leading an effort to assassinate Pakistani President Pervez Musharraf as well as unidentified United Nations officials.

The summary said Hadi was trying to get back into Iraq to manage Al Qaeda's affairs there "and possibly focus on operations outside Iraq against Western targets." Hadi had met with Al Qaeda members in Iran, and "believed that they should be doing more with the fight, including supporting efforts in Iraq and causing problems within Iran," the Pentagon summary said.

Hadi, who was born in Mosul, Iraq, in 1961, was transferred from CIA custody to the Pentagon's this week. The handover occurred at the U.S. military detention facility at Guantanamo Bay, Cuba, where Hadi joins 14 other accused Al Qaeda leaders whose cases are being reviewed by military commissions to determine whether they should face a tribunal. The Pentagon said in a statement that Hadi was expected to undergo a similar proceeding, given his alleged stature within the terrorist organization.

Officials did not disclose where the CIA had held Hadi or why he was being transferred to Guantanamo.

Friday's announcement drew immediate criticism from human rights organizations.

"When was [Hadi] taken into custody? How long has he been in CIA detention? Where has he been held, and what were his confinement conditions?" Amnesty International said in a statement.

"The lack of information around this transfer only adds to the deep concerns surrounding the United States' conduct in the so-called 'war on terror.' "

Human Rights Watch said in a statement, "The CIA's reliance on enforced disappearance also raises serious concerns about the likelihood of torture and other cruel, inhuman or degrading treatment."

Joanne Mariner, terrorism and counter-terrorism director at Human Rights Watch, added, "The CIA's secret detention of Abd al-Hadi al-Iraqi is a blatant violation of international law."

This transfer shows that Congress will have to act to end the CIA's illegal detention program."

A U.S. counter-terrorism official said Hadi had been providing crucial information about Al Qaeda's command structure and its operations, including continuing efforts to launch attacks around the world with help from senior leaders in Afghanistan and Pakistan.

That official spoke on condition of anonymity, saying he could not discuss the details of Hadi's arrest or the cooperation between the United States and at least one U.S. ally that participated in his capture.

"This is sensitive. It would put key foreign partners at risk were we to disclose where he was captured," said the official, who added that "the CIA was deeply involved in efforts to locate and capture this individual."

The official and others said Hadi was not caught in Pakistan, a U.S. ally that Washington believes is Al Qaeda's new base of operations. In the past, the Islamabad government has not wanted to publicize its close working relationship with the CIA and U.S. military in the capture of suspected terrorists.

U.S. officials also said Hadi was not caught in Iran.

Hadi was believed to be in close contact with senior Al Qaeda leaders who have been working out of Pakistan since late 2001 airstrikes drove them from their haven in neighboring Afghanistan. Hadi's suspected close associates included former chief of operations and confessed Sept. 11 mastermind Khalid Shaikh Mohammed and commanders who replaced Mohammed after his capture.

Hadi also figured prominently in Al Qaeda's training activities and paramilitary operations dating back to well before the Sept. 11 attacks, and was instrumental in developing the terrorist network's relationship with the Taliban, the counter-terrorism and Pentagon officials said.

In recent months, they said, Hadi provided his CIA interrogators with key information about the men who now make up Al Qaeda's senior leadership, and the group's continuing operational planning and efforts to develop ties to other terrorist organizations. He even briefed his captors on Al Qaeda's "succession plan" for replacing top strategic and operational leaders who have been captured or killed, according to the counter-terrorism official.

The Pentagon said that as a result of Hadi's transfer, there are now "approximately 385 detainees" at Guantanamo.

Back story

With the addition of alleged Al Qaeda operative Abd al-Hadi al-Iraqi, the U.S. military detention center at Guantanamo Bay, Cuba, now houses 15 so-called high-value detainees.

The prisoners were all held by the CIA in secret prisons abroad.

The other 14 were sent to Guantanamo Bay in September and since have undergone military hearings there to affirm their status as enemy combatants eligible for military trials. Among them is Khalid Shaikh Mohammed, who claimed responsibility for organizing the Sept. 11 attacks and other terrorist plots.

Mohammed also boasted in a military hearing in March that he beheaded Wall Street Journal reporter Daniel Pearl in Pakistan in 2002.

Some of the detainees – such as Abd al-Rahim al-Nashiri, who confessed to the bombing of the U.S. warship Cole in 2000 – said they admitted to accusations only after being tortured by American captors.

Another detainee, Ali Abdul Aziz Ali, also known as Ammar al-Baluchi, Mohammed's nephew, said he deserved leniency for providing "vital information" to Americans.

Source: Times research

Washington Post

April 28, 2007

Pg. 16

CIA Held Al-Qaeda Suspect Secretly

Officials Disclose That Use of Overseas Prisons Resumed

By Dafna Linzer, Washington Post Staff Writer

An Iraqi man accused of being a key aide to Osama bin Laden and a top leader of al-Qaeda was arrested late last year on his way to Iraq and handed over to the CIA, the Pentagon announced

yesterday, in what became the first secret overseas detention since President Bush acknowledged the existence of such a program last September.

The disclosure revealed that the Bush administration reopened its detention program within three months of announcing that no secret prisoners remained in the CIA's custody. The program has been criticized by human rights organizations and U.S. allies.

In a statement yesterday, the Defense Department described Abd al-Hadi al-Iraqi, 46, as "one of al-Qaeda's highest-ranking and experienced senior operatives" and announced that he has been sent to the Pentagon-run prison at Guantanamo Bay, Cuba.

Bush acknowledged the CIA's detention program last September and transferred all 14 of its senior al-Qaeda suspects to Guantanamo Bay. One intelligence official said al-Iraqi was the first person held by the CIA since Bush made the acknowledgment, but the official would not say whether other people have been held since al-Iraqi was handed over to the agency earlier this year.

"What the president said in September was that there was no one in CIA custody at that time," an intelligence official said, speaking on the condition of anonymity. "This individual was captured late last year, well after the president's speech, and transferred to the CIA several weeks later."

The Pentagon and the CIA confirmed yesterday that al-Iraqi was held by the CIA for several months before he was transferred earlier this week to Guantanamo Bay.

Pentagon officials said al-Iraqi was behind assassination attempts against Pakistani President Pervez Musharraf and a U.N. official. The Pentagon also accused him of coordinating with the Taliban in its insurgency against U.S. troops in Afghanistan.

But his most recent assignment was as the successor to Abu Musab al-Zarqawi, the leader of al-Qaeda in Iraq who was killed by U.S. forces last summer. Officials said al-Iraqi hoped to lead Sunni insurgents in Iraq and coordinate their efforts with al-Qaeda's global operation. The Pentagon said he traveled to Iran, meeting with al-Qaeda operatives to urge them to do more against U.S. troops in Iraq.

U.S. officials would not say where al-Iraqi was captured, but sources ruled out all of Iraq's immediate neighbors, as well as Pakistan and Afghanistan, and said he was not stopped at a border crossing. Officials said that several recent reports that al-Iraqi was operating freely were erroneous and that he has been in custody, in a third country, since late December.

Intelligence officials and experts have referred to al-Iraqi as al-Qaeda's chief planner and a top-ranking leader. The Pentagon said he is known and trusted by both bin Laden and his deputy, Ayman al-Zawahiri, and once served as Zawahiri's chief aide.

Before the attacks of Sept. 11, 2001, when al-Qaeda was firmly based inside Afghanistan, al-Iraqi served on a council of advisers to bin Laden.

He spent 15 years in Afghanistan as a trainer and planner beginning in the early 1990s, the Pentagon said. Before leaving his home country to join al-Qaeda's Islamic movement, al-Iraqi served in Saddam Hussein's military, rising to the rank of major.

The officials, who agreed to discuss limited aspects of the case on the condition of anonymity, said as many as five countries provided information that led to al-Iraqi's capture.

In a staff-wide e-mail, CIA Director Michael V. Hayden called the capture "a significant victory" and said the agency played a "key role in efforts to locate" al-Iraqi.

Anticipating concerns about the nature of the ongoing CIA program, Hayden told his staff that the secret detentions and interrogation methods conducted in the program are "legal and thoroughly reviewed by our government to ensure that they are fully in accordance with our laws and treaty obligations."

Cmdr. J.D. Gordon, a Pentagon spokesman, said al-Iraqi and other detainees "have provided information essential to developing our knowledge of al-Qaeda's organizational structure, operations, communications, finances, logistics and criminal activities."

But human rights groups challenged the Bush administration and the CIA to publicly reveal their interrogation methods and disputed the legality of secret detention.

Yesterday's announcement "raises worrying questions about how long he has been detained by the CIA, where he was held, what kind of treatment he endured, and whether other prisoners still remain in CIA detention," the New York-based organization Human Rights Watch said in a

statement, referring to al-Iraqi. The group called the secret detention "a blatant violation of international law."

Staff researcher Julie Tate and correspondent Craig Whitlock in Berlin contributed to this report.

New York Times

April 28, 2007

C.I.A. Held Qaeda Leader In Secret Prison For Months

By Mark Mazzetti and David S. Cloud

WASHINGTON, April 27 – The Central Intelligence Agency held a captured Qaeda leader in a secret prison since last fall and transferred him last week to the American military prison at Guantánamo Bay, Cuba, officials said Friday.

Abd al-Hadi al-Iraqi, an Iraqi Kurd who is said to have joined Al Qaeda in the late 1990s and ascended to become a top aide to Osama bin Laden, is the first terrorism suspect known to have been held in secret C.I.A. jails since President Bush announced the transfer of 14 captives to Guantánamo Bay last September.

The Pentagon announced the transfer, giving few details about his arrest or confinement.

Mr. Iraqi's case suggests that the C.I.A. may have adopted a new model for handling prisoners held secretly – a practice that Mr. Bush said could resume and that Congress permitted when it passed the Military Commissions Act of 2006.

Unlike past C.I.A. detainees, including the Sept. 11 plotter Khalid Shaikh Mohammed, who was held by the agency for several years after being seized in Pakistan in 2003, Mr. Iraqi was turned over to the Pentagon after a few months of interrogation. He appears to have been taken into C.I.A. custody just weeks after Mr. Bush declared C.I.A. jails empty.

Last fall, Mr. Bush declared the agency's interrogations "one of the most successful intelligence efforts in American history." But its secret detention of terrorism suspects has been widely criticized by human rights organizations and foreign governments as a violation of international law that relied on interrogation methods verging on torture.

Intelligence officials said that under questioning Mr. Iraqi had provided valuable intelligence about Qaeda hierarchy and operations. It appears he gave up this information after being subjected to standard interrogation methods approved for the Defense Department – not harsher methods that the C.I.A. is awaiting approval to use.

A debate in the administration has delayed approval of the proposed C.I.A. methods.

Military and intelligence officials said the prisoner was captured last fall on his way to Iraq, where he may have been sent by top Qaeda leaders in Pakistan to take a senior position in Al Qaeda in Mesopotamia. That group has claimed responsibility for some of the deadliest attacks in Iraq, including the bombing last year of the Golden Mosque in Samarra.

In a message to agency employees on Friday, Gen. Michael V. Hayden, the C.I.A. director, called the capture "a significant victory." He said C.I.A. operatives had played "a key role in efforts to locate" Mr. Iraqi. Though American officials would not say where or when he had been captured, they said it was not in Pakistan or Iran, countries where he was known to have operated in recent years.

Human rights advocates expressed anger that the United States continued a program of secret detention, and some wondered why the C.I.A. claimed it needed harsh interrogation methods to extract information from detainees when it appeared that Mr. Iraqi had given up information using Pentagon interrogation practices.

"The C.I.A. can't seem to get its story straight, said John Sifton of Human Rights Watch. "If they can get good intelligence without using abusive techniques, why do they so desperately need to use the abusive techniques?" But he said that there was no way to know whether Mr. Iraqi had been mistreated, because "no independent monitors have been able to see him since his arrest."

In his message on Friday, General Hayden said that the agency always operated "in keeping with American laws and values."

American officials have long been worried about efforts by Qaeda leadership in Pakistan to exert control over its Iraqi offshoot, known as Al Qaeda in Mesopotamia, and the dispatch of Mr. Iraqi to help run the Iraqi affiliate has raised concern among American military officials that the links between the groups are growing.

"We do definitely see links to the greater Al Qaeda network," Gen. David H. Petraeus, the top American commander in Iraq, told reporters at the Pentagon on Thursday. But the relationship between Qaeda fighters in Iraq and the top leadership has appeared to wax and wane over the years, often over tactical disagreements. In 2005, Ayman al-Zawahri, Al Qaeda's second in command, wrote a letter to Abu Musab al-Zarqawi, then the top Al Qaeda operative in Iraq, urging him to refrain from killing Shiites. But since then, terrorist experts have said that they see Al Qaeda in Mesopotamia as largely independent of the organization hub in Pakistan.

Washington Post

April 29, 2007

Pg. 1

82 Inmates Cleared But Still Held At Guantanamo

U.S. Cites Difficulty Deporting Detainees

By Craig Whitlock, Washington Post Foreign Service

LONDON -- More than a fifth of the approximately 385 prisoners at Guantanamo Bay, Cuba, have been cleared for release but may have to wait months or years for their freedom because U.S. officials are finding it increasingly difficult to line up places to send them, according to Bush administration officials and defense lawyers.

Since February, the Pentagon has notified about 85 inmates or their attorneys that they are eligible to leave after being cleared by military review panels. But only a handful have gone home, including a Moroccan and an Afghan who were released Tuesday. Eighty-two remain at Guantanamo and face indefinite waits as U.S. officials struggle to figure out when and where to deport them, and under what conditions.

The delays illustrate how much harder it will be to empty the prison at Guantanamo than it was to fill it after it opened in January 2002 to detain fighters captured in Afghanistan and terrorism suspects captured overseas.

In many cases, the prisoners' countries do not want them back. Yemen, for instance, has balked at accepting some of the 106 Yemeni nationals at Guantanamo by challenging the legality of their citizenship.

Another major obstacle: U.S. laws that prevent the deportation of people to countries where they could face torture or other human rights abuses, as in the case of 17 Chinese Muslim separatists who have been cleared for release but fear they could be executed for political reasons if returned to China.

Compounding the problem are persistent refusals by the United States, its European allies and other countries to grant asylum to prisoners who are stateless or have no place to go.

"In general, most countries simply do not want to help," said John B. Bellinger III, legal adviser to Secretary of State Condoleezza Rice. "Countries believe this is not their problem. They think they didn't contribute to Guantanamo, and therefore they don't have to be part of the solution."

A case in point is Ahmed Belbacha, 37, an Algerian who worked as a hotel waiter in Britain but has been locked up at Guantanamo for five years. The Pentagon has alleged that Belbacha met al-Qaeda founder Osama bin Laden twice and received weapons training in Afghanistan. His attorneys dispute the charges and say he was rounded up with other innocents in Pakistan in early 2002.

On Feb. 22, without explanation, the Pentagon notified Belbacha's lawyers in London that he had been approved to leave Guantanamo. Despite entreaties from the State Department, however, the British government has refused to accept Belbacha and five other immigrants who had lived in the country, because they lack British citizenship.

This month, Clint Williamson, the State Department's ambassador for war crimes, visited Algiers to discuss possible arrangements for the return of two dozen Algerians who remain at Guantanamo, including Belbacha, but no breakthroughs were reported. That country has been slow to accept its citizens.

Zachary Katznelson, a lawyer who represents Belbacha and several other prisoners who have been cleared, said defense attorneys have tried to speed up the process by contacting foreign governments to see if there are any specific obstacles to the return of their clients. In

many cases, he said, the prisoners and officials in their home countries are willing to approve the transfer, but the delays persist.

"The holdup is a mystery to me, frankly," said Katznelson, senior counsel for Reprieve, a British legal defense fund. "If the U.S. has cleared these people and they want to go back, I don't understand why they can't just put them on a plane."

Other prisoner advocates said the Bush administration has made its task more difficult by exaggerating the threat posed by most Guantanamo inmates -- officials repeatedly called them "the worst of the worst" -- and refusing to acknowledge mistaken detentions.

Foreign governments have also questioned why U.S. officials should expect other countries to pitch in, given that Washington won't offer asylum to detainees either.

"This is a problem of our own creation, and yet we expect other countries to shoulder the entire burden of a solution," said Ben Wizner, staff attorney with the American Civil Liberties Union. "There needs to be a worldwide solution here. The U.S. has to bear some of that burden. It can't simply expect its partners and allies to absorb all its detainees." The 82 cleared prisoners who remain stuck in limbo come from 16 countries in the Middle East, North Africa and South Asia, according to defense attorneys who have received official notification of their clients' status.

The 17 Chinese Muslim separatists make up the largest contingent. Other countries with multiple prisoners awaiting release include Afghanistan, Sudan, Tunisia, Uzbekistan and Yemen.

The Pentagon has reduced the population at Guantanamo by roughly half since the peak of 680 people in May 2003, generally by sending prisoners back to their native countries. But U.S. officials said progress has slowed because of the complexity of the remaining cases.

Of the roughly 385 still incarcerated, U.S. officials said they intend to eventually put 60 to 80 on trial and free the rest. But the judicial process has likewise moved at a glacial pace, largely because of constitutional legal challenges.

Only two people have been charged under a military tribunal system approved by Congress last year. One of those cases has been adjudicated. David M. Hicks, an Australian citizen, pleaded guilty in March to lending material support to terrorists. He was sentenced to nine months in prison and is scheduled to be transferred to Australia in May to serve his time there.

Defense lawyers for some of the 82 cleared prisoners whose release is pending said Hicks received a better deal than did their clients who were not charged with any offenses. "One of the cruel ironies is that in Guantanamo, you've got to plead guilty to be released," said Wizner, the ACLU attorney. "It's the only way out of there."

Complicating the return process is that virtually all the prisoners at Guantanamo come from countries that the State Department has cited for records of human rights abuses. Under U.S. rules, a pattern of abuses in a country does not automatically preclude deportation there. Rather, U.S. officials must investigate each case to determine whether an individual is likely to face persecution.

The investigations are time-consuming and often meet with resistance from the prisoners' home countries, which can be sensitive to suggestions that they allow torture, U.S. officials said. In cases where there is a risk of mistreatment, U.S. policy is to obtain a written promise from the host government that the prisoner will not be abused and that U.S. officials will be allowed to monitor the arrangement.

"It often takes us months and months, or even years, to negotiate the human rights assurances that we are comfortable with before we will transfer someone to another country," said Bellinger, the State Department's legal adviser.

Human rights groups have criticized the written assurances as unreliable. In March, the New York-based group Human Rights Watch issued a report on the fate of seven Russians who were released from Guantanamo three years ago, asserting that three of the men have been tortured since their return.

The watchdog group urged the U.S. government to find third-party countries willing to take Guantanamo inmates who are judged to be at risk for political persecution. U.S. officials countered that they have tried to do that for years, with virtually no success.

Only one country has been willing to accept Guantanamo prisoners who had never previously set foot inside its borders. Last year, after prodding by the State Department, the Balkan nation

of Albania agreed to take five Chinese separatists who belong to an ethnic group known as Uighurs.

The men were captured in late 2001 after they crossed the Chinese border into Afghanistan and Pakistan. Their attorneys said they were mistakenly taken into custody and had not taken up arms against U.S. forces. U.S. officials said dozens of countries refused to grant asylum to the Uighurs for fear of angering China, which considers them terrorists for leading a secession movement in the western province of Turkestan.

Seventeen other Uighurs who were caught in similar circumstances have been cleared for release but remain in Guantanamo because the State Department has been unable to find a home for them. Human rights groups have pressed the U.S. government to offer the men asylum, to no avail.

A senior U.S. official who spoke on condition of anonymity said that the Bush administration had considered granting the Uighurs asylum but that the idea was nixed by the Department of Homeland Security. The Uighurs would be rejected under U.S. immigration law, the official said, because they once trained in armed camps and because their separatist front, the East Turkestan Islamic Movement, was labeled a terrorist organization by the U.S. government in 2002.

Attorneys for the Uighurs said their predicament has been compounded by the Pentagon's unwillingness to say they don't pose a national security risk to the U.S. government or its allies. In announcing that the Uighurs had been approved to leave Guantanamo, military officials made a point of noting that they had not been exonerated and were still classified as enemy combatants.

"It's not a distinction that makes sense at all," said Michael J. Sternhell, a New York lawyer whose firm represents four of the Uighurs. "It's a caveat that the Defense Department is offering to cover itself."

Some human rights advocates said the Bush administration could speed things up by asking the United Nations or another international body for help.

Manfred Nowak, an Austrian law professor who serves as the U.N. special monitor on torture, said European allies and other countries would continue to duck requests to accept released prisoners as long as the U.S. government approaches them separately. An international commission responsible for finding a solution, he said, might carry more weight.

"If the U.S. is willing to do something to close down Guantanamo, then it should be done in a cooperative manner with the international community," Nowak said. "It's a question of burden-sharing. Otherwise, every individual country that the U.S. approaches says, 'Why us?'" Staff researcher Julie Tate in Washington contributed to this report.

Miami Herald

April 29, 2007

Detainees: Putting Faces To The Story

By Carol Rosenberg

Time and again, citizen photography -- or its absence -- has shaped world opinion in the global war on terror.

Shaken New Yorkers captured some of the most enduring images of the Sept. 11, 2001, attacks. An alarmed soldier slipped souvenir snapshots under a commander's door to blow the whistle on prisoner abuse at Abu Ghraib, Iraq.

The Pentagon still bans photography, official or otherwise, of flag-draped coffins bringing home America's war dead.

So, when independent lawyers offered to help skeptical Guantanamo Bay captives, held in shackles and largely isolated at the detention center at the U.S. Navy base in Cuba, they, too, turned to photos to forge trust and build attorney-client relationships.

Some lawyers posed with family in Arabia to vouch for their veracity. Others brought images of home to connect with the men whom the Pentagon portrays as caged terrorists, enemy combatants.

In crude, cell-side chats, some lawyers used photos to find common ground.

Now, a foundation called FotoFest has mounted an extraordinary exhibition -- right here, in Texas, President Bush's state -- that offers a sympathetic view of some Guantanamo captives, and the lawyers who have taken up their causes, free of charge.

"There are real individuals and real people there," says curator Wendy Watriss, as she walks along the exhibition. "They're not just faceless terrorists, and we need to understand more."

Part crude snapshots, part home-style travelogue, the 88-image exhibit with accompanying audio-video installations, on display until June 2, is called Guantánamo: Pictures from Home, Questions of Justice.

And the display is timely: It comes just as the Justice Department is seeking to curb attorney access -- after the U.S. Supreme Court decided to pass on review, this year, of Congress' decision to strip these lawyers of the opportunity to argue their clients' cases in U.S. District Court.

The exhibit ranges across two floors in a cavernous, renovated former railroad warehouse beneath a highway in downtown Houston, at FotoFest, a two-decade-old photographic arts center whose themes have for years spanned the planet -- offering portraits of everything from Czechoslovakia's Velvet Revolution to New Yorkers' snapshots from Ground Zero on Sept. 11, called here is new york: a democracy of photographs.

Now the lens is turned on Guantánamo, but without a single image from the remote U.S. Navy base itself.

Rather, it focuses on three dozen Guantánamo detainees using pictures before their capture or portraying them as absent fathers and sons -- and the American lawyers who have shuttled between big-city firms, the remote U.S. prison compounds in Cuba and Afghanistan and the Arabian Peninsula in a quest to set them free.

In one photo, a New York lawyer sits on a couch with a client's family, in Yemen.

Another shows attorneys meeting a client's father over a traditional meal, in Bahrain.

In another, the daughters of one Guantánamo captive pose with paper flowers -- fashioned from toilet paper inside Camp Delta and carried half a world away by a lawyer.

The images, says Watriss, herself a former news photographer, "are not photojournalism.

They're about a particular kind of intra-professional and inter-human communication."

Watriss assembled the show from photos that Margot Herster, a former New York photography student, collected from several attorneys, among them her husband, who now teaches at the University of Texas.

There is outrage and sadness -- everything but the U.S. administration's version of these prisoners as dangerous fanatics whose freedom could threaten America.

The attorneys narrate the show, in video and audio displays, and emerge as advocates on a mission, globe trotters offering a unique bridge between cell-side chats that no camera can record and conversations with kin half a world away.

Says one attorney in a video, talking about a client: "He's very depressed, and he gave me his last will and testament . . ."

Then, nearly sobbing, she tells the videographer to stop.

Elsewhere, another lawyer soberly describes finding his captive hanging and bloody from self-inflicted wounds. His words are heard in a darkened chamber where the visitor hears crude recordings of detainee status hearings and lawyers discussing their clients' cases.

"I think it's novel that any work that could be seen as critical of the [Bush] administration would be shown in Houston, especially by a big institution like ours," says FotoFest publicist Vinod Hopson.

Lawyers turned to their photography to overcome huge gaps. For more than two years, the Bush administration forbade lawyers from representing war-on-terror captives at Guantánamo.

Then a U.S. Supreme Court decision cracked open the cages, just a bit, for attorney-client conferences. So, slowly, in stages, America's legal establishment embraced the idea of habeas corpus counsel for "the worst of the worst."

But by the time some lawyers got to Guantánamo, their clients, after years of interrogation and isolation, didn't believe that the attorney sitting across from them was actually their advocate.

Houston Chronicle

April 29, 2007

Guantanamo Still A Shame We Can Fix

Congress should restore Habeas corpus, a right of detained to be charged or let go

By Murray Fogler

Our government has made a lot of mistakes in dealing with the prisoners at Guantanamo. But we have a chance now to correct one of the biggest ones.

Most of the remaining 385 prisoners at Guantanamo have been there for over five years. None of them has yet to have a fair hearing. How can we claim to be bringing democracy to the world when we ourselves have taken away one of the fundamental building blocks of the rule of law? That basic right is called habeas corpus.

The "Great Writ" of habeas corpus has been around since the Magna Carta in 1215. At its core, it serves as a check on the unbridled power of the executive to imprison. The writ of habeas corpus requires the executive to justify its detention of a prisoner - it must either charge the prisoner with a crime or let him go. This right is so fundamental to our country that it is embedded in the Constitution. The Founding Fathers prohibited Congress from suspending the writ of habeas corpus except in times of invasion or rebellion.

In spite of the history of the habeas right, the Bush administration has from the beginning sought to deny the Guantanamo prisoners any right to challenge their detention. It asserted that neither the Constitution nor the Geneva conventions applied to these men.

The U.S. Supreme Court, however, held that the prisoners had the right to use a habeas petition to challenge their detention in a U.S. court. The decision was handed down in June 2004. Almost three years later, there has yet to be a single hearing on any of the habeas petitions brought by the prisoners.

All three branches of our government share in this shame. In response to the Supreme Court decision, the Defense Department set up a military tribunal system to review its designation of the prisoners as "enemy combatants." This system was intended to replace any hearing in a U.S. court, but it was hardly fair. The prisoners had no right to counsel and no right to hear any evidence that the administration chose to label as classified. Not surprisingly, more than 90 percent of these tribunals rubber-stamped the enemy-combatant label.

When the volunteer lawyers representing the prisoners challenged the fairness of these tribunals in their habeas cases, the administration asked Congress to strip the courts of any jurisdiction to hear the cases. At the end of 2005, in the Detainee Treatment Act (DTA), Congress tried to do just that. The Supreme Court, though, ruled in June 2006 that the DTA did not apply to pending habeas cases, only to new ones filed after the DTA was enacted.

Undaunted, the administration urged Congress to plug the hole. Congress, by a narrow margin, complied with this request in September 2006 by passing the Military Commissions Act (MCA). Congress took away any authority for the courts to hear any habeas petitions of any aliens declared to be enemy combatants.

The final nail was driven by the courts. The D.C. Circuit Court of Appeals, which had procrastinated for two years making any decision on the fairness of the tribunal system, seized on the MCA as a way to dismiss the cases for lack of jurisdiction. The court said that these men were not protected by the Constitution.

This time, the Supreme Court has declined to overturn that decision. The habeas rights of the Guantanamo prisoners are now dead.

What can be done about this sad chapter in our nation's history? Simple: Tell Congress to restore the fundamental right of habeas corpus to these prisoners. Several senators have already vowed to do just that. A bill is now pending in Congress that would give the Guantanamo prisoners the right to challenge their detention in our courts.

This is not about being soft on terrorism. It is about preserving the basic freedoms on which our country was built.

We have nothing to fear from giving these men a fair hearing. If the evidence proves that a prisoner has committed or supported a terrorist act, throw the book at him. But if there is no evidence, we must let him go. When we have preserved this right for the Guantanamo prisoners, we have maintained freedom for all of us.

Fogler is a Houston attorney. Along with co-counsel Rachel Clingman, he represents Salim Muhood Adem, a Sudanese national who was arrested in Pakistan in early 2002 and has been in Guantanamo since then.

US court rejects Guantanamo case

The US Supreme Court has refused to hear a case lodged by two Guantanamo Bay prisoners who sought to challenge the legality of US military courts. The court gave no reason for its decision but three out of nine judges said they would have heard the case.

A total of four votes would have been sufficient to have the case heard by the Supreme Court. The case was brought by Salim Ahmed Hamdan, from Yemen, and Omar Khadr, a Canadian citizen. Ahmed Hamdan won a landmark case last year when the US Supreme Court ruled the military tribunal system illegal.

The decision forced US President George W Bush to return to Congress to obtain the legal authority to continue with the system of military tribunals.

Approaching trials

Lawyers for the pair of Guantanamo detainees claim that the new system is identical to the old one which the Supreme Court rejected a year ago.

The high court sided with Mr Bush's administration, which insisted that the trials should take place before the two men could bring an appeal.

Ahmed Hamdan is accused of being Osama bin Laden's personal bodyguard and driver and Omar Khadr, 20, faces a charge of murder for throwing a grenade that killed a US soldier.

The two men are among the first detainees that the US government plans to intend to prosecute this summer in its military courts.

Both men had urged the court to hear their case before they go to trial and asked the Supreme Court to clarify whether they were protected by the constitution.

Some 385 detainees are held at Guantanamo Bay, in Cuba.

<http://news.bbc.co.uk/2/hi/americas/6609251.stm>

Associated Press

Senators Skirmish Over Gitmo Detainees

By BARRY SCHWEID 04.26.07, 9:02 PM ET

A Senate skirmish over detainees at Guantanamo Bay ended in a draw Thursday, with Democrats urging action on the prisoners' behalf but running into stiff opposition from Republicans. "What is the hurry?" Sen. John Warner, R-Va., asked at a Senate Armed Services Committee hearing.

The indefinite detention of nearly 400 prisoners without charges is "unconstitutional. It's un-American," said the Senate Judiciary Committee chairman, Sen. Patrick Leahy, D-Vt., one of half a dozen witnesses.

The debate came amid complaints in the legal community over a new effort by the Justice Department to restrict defense lawyers' access to prisoners at the U.S. facility in Cuba. A Supreme Court ruling last year amounted to a repudiation of the Bush administration's plan for putting detainees on trial. After the decision, Congress acted to limit detainees' access to U.S. courts.

Citing the new law's "nightmare scenario," Leahy laid out this scenario: a hardworking and legal permanent U.S. resident innocently donates to a charity that is suspected by the government of funding an anti-U.S. group. This person, Leahy said, could be detained, even tortured and have no recourse in courts for years or even forever.

"America at its best is a beacon for human rights and human liberty, and that's how we like to see ourselves," said Sen. Carl Levin, D-Mich., chairman of the Senate Armed Services Committee. "But much of the world sees us in a very different way when we fail to live up to the standards we profess."

Warner, the committee's top Republican, urged Congress "not to get ahead of this process" and to wait for another ruling by the Supreme Court.

The justices turned aside the detainees on April 2, saying they should first take their complaints to the U.S. Court of Appeals for the District of Columbia Circuit, which was handed an extremely limited mandate on detainee issues.

Rather than enabling the prisoners to challenge their indefinite detention and treatment, the Republican-controlled Congress last year said the appeals court can decide only whether the

military followed proper procedures when it categorized detainees as unlawful enemy combatants.

"This is a nation at war," said Warner. "We are doing everything to protect our citizens and our nation. And I think we have got to be exceedingly careful. ... We are getting ahead of the judicial branch."

Also speaking in opposition to quick changes, Sen. John Cornyn, R-Texas, said he was "not aware of any recorded English common law case that grants habeas corpus relief to an alien detained as an enemy combatant."

Yet, Cornyn said, "we have gone a step further and provided an opportunity for both administrative and judicial review in a court" to people "who do not observe the law of war." Sen. Jeff Sessions, R-Ala., said the Constitution does not confer habeas corpus rights on people seized on the battlefield.

Among the witnesses, Daniel J. Dell'Orto, deputy general counsel at the Pentagon, defended the tribunal system. He said about 390 detainees had been released or transferred out of Guantanamo and about 80 were awaiting release or transfer when assurances of humane treatment are received.

"This underscores our commitment not to hold any detainee longer than necessary," Dell'Orto said.

The Justice Department this month filed court papers seeking to severely restrict defense lawyers' access to detainees at Guantanamo.

"This is just one more bad decision that follows in the stream of bad policy," said Jack Einwechter, recently one of the prosecutors in a military commission case against Osama bin Laden's former driver, Salim Ahmed Hamdan.

"There needs to be a balance between the needs of national security and the need for defense counsel to be informed," Einwechter said during an interview. "The proposed standard goes too far in restricting defense counsel access."

Retired from the military and now with a Washington law firm, Einwechter said the department's position is driven by the fact that "Congress has foreclosed any broad review of the issue of detention."

Cutting back defense lawyers' access is a "pretty outrageous move on the part of the government and is just indicative of the way they have tried at every step to frustrate the ability of lawyers to represent their clients," said Neal Sonnett, chairman of the American Bar Association task force on treatment of enemy combatants.

Justice Department spokesman Erik Ablin said the plan for attorney access goes well beyond what the Constitution and law require and is "unprecedented in the history of warfare" because it allows private civilian lawyers access to detained enemy combatants.

<http://www.forbes.com/feeds/ap/2007/04/26/ap3659849.html>

By David McFadden

ASSOCIATED PRESS

12:09 a.m. April 30, 2007

SAN JUAN, Puerto Rico - Lawyers envision more suicides and despair at Guantanamo Bay if the U.S. Justice Department succeeds in severely restricting access to detainees by defense attorneys, virtually the only contact inmates have with the outside world.

The Justice Department has asked the U.S. Court of Appeals for the District of Columbia Circuit to limit the number of lawyer visits allowed to three after an initial face-to-face meeting, to tighten censorship of mail from attorneys and to give the military more control over what they can discuss with detainees.

Lawyers for detainees believe that if their visits are limited, detainee desperation will deepen and more will try to kill themselves. On June 10, 2006, two Saudi detainees and one Yemeni hanged themselves with sheets, the first and only suicides since the 2002 opening of the detention center that now holds about 380 inmates.

"Visits by lawyers are one of the few bright spot these men have," attorney Zachary Katznelson told The Associated Press from Guantanamo, where he is spending two weeks to meet with 18 client detainees.

Clive Stafford Smith, an attorney for several Guantanamo detainees, said curtailing lawyer visits would likely lead more prisoners to attempt suicide.

"The level of depression is soaring, I am afraid," he said over the weekend.

Many detainees are kept in isolation in small cells with no natural light. With no prison sentence having been pronounced - except for one Australian detainee - the detainees do not know when they will get out, if ever. Many have been there for more than five years.

Attorney Stephen Oleskey, who represents six Algerians, said more suicides are "a real risk" if the court restricts lawyer-client contacts.

"I've seen firsthand the mental conditions of my clients deteriorate in isolation," Oleskey said from Boston. "And I think the impact of further restrictions would be dramatic."

Meanwhile, Katznelson sees the move to restrict attorney access as an attempt to seal the facility from critics.

"If we cannot come in, the only news getting out of here will be the government's carefully crafted version," Katznelson said in an e-mail Saturday.

It is the attorneys, arriving at the base in southeast Cuba aboard military planes or tiny commuter flights, who provide the world with information about hunger strikes, solitary confinement and other details about the detainees.

Journalists can visit but are barred by the military from interviewing detainees. The Red Cross, which occasionally visits, keeps its findings confidential.

But military commanders at Guantanamo and the Justice Department view the lawyers with suspicion.

Navy Cmdr. Jeffrey Gordon, a Pentagon spokesman, told the AP the military has been giving broad lawyer access to many detainees - even though they are accused of having al-Qaeda or Taliban links and the United States is still at war.

The mail system was "misused" to inform detainees about military operations in Iraq, activities of terrorist leaders, efforts in the war on terror, the Hezbollah attack on Israel and abuse at Abu Ghraib prison, the Justice Department said in this month's court filing.

Barry M. Kamin, president of the New York City Bar, called the assertions "astonishing and disingenuous" in a letter to U.S. Attorney General Alberto Gonzales.

Lawyers for detainees also dismissed the claims, calling them a pretext to deprive detainees of proper legal representation.

"There have been a lot of extreme statements made," said Oleskey, referring to U.S. government criticism of legal defense efforts. "I think it's unfortunate and it should stop."

<http://www.wcsh6.com/news/article.aspx?storyid=59171>

Former deputy at Gitmo offers insight on center BY BILL HESS Monday, April 30, 2007
Herald/Review

FORT HUACHUCA - Media outlets tout horror stories about detainees being held at Guantanamo Bay, a piece of America under the control of the U.S.
Navy in communist Cuba.

But the former deputy commander of the terrorist detention center says the tales fall in the fiction category and only have a touch of truth.

Hunger strikes happen. But Army Brig. Gen. Edward Leacock said Thursday night that force feeding a detainee through tubes in their nostrils is designed to keep them alive.

The detainees who engage in the non-eating campaigns even tell the people who put in the tubes which nostril to use, he told more than 100 people at a dinner meeting of the Coronado Chapter of the Military Officers Association of America.

A hunger striker who has not taken solid food for more than 500 days "has gained 20 pounds," Leacock said.

While the subject of his talk was serious, that comment and one of another detainee who has ballooned from about 200 pounds to more than 400 elicited laughter from the audience.

That many of the nearly 400 detainees are doing well physically and eating good - the average caloric intake is 4,200 per person per day - belies the tales of food deprivation, the recently returned deputy commander of Joint Task Force Guantanamo said.

Not a gulag

"It's not a gulag," he said.

A gulag is a term that comes from the Soviet systems of prisons of little hope from the Stalinist years. The word has been used by some to describe the series of six camps built to hold enemy combatants, many of whom have connections to al-Qaida or the Taliban.

The detention force of nearly 1,900 people at the Guantanamo facility - mostly military with about 250 civilians, including contractors - is known as JT-GTMO in military jargon.

Leacock said the Geneva Convention is adhered to there, and in some cases the actions with the detainees - they are not called prisoners - exceed the requirements.

The missions of the task force is "the safe and human care and custody of detainees," with the mission of obtaining intelligence for combat commanders, said the general, who is the assistant adjutant general for the Maryland National Guard.

He, like other soldiers from the Maryland Guard, deployed to Cuba last year and spent 13 months of duty at the detention center.

At one time, nearly 800 detainees were kept at one of the six camps, which are structured from low to maximum security, the general said.

Some detainees have been released to their home nations or another country because arrangements could not be made with their native land or the fear they would be harmed if they returned to a nation of their birth, Leacock said.

No nation in a time of war has released detainees as the United States is doing, he added.

About 80 of the 381 detainees will be released once a nation is found to take them, the general said.

As for allegations Americans torture those in custody, Leacock bristled at the suggestion.

"We don't torture detainees," he emphatically said, pointing and shaking his right index as he made his point.

GIs are harassed

On the other hand, the most hardened of those in custody harass the soldiers who are guarding them, he said.

For example, there is the cocktail thrown at Americans, the general said. The cocktails are not pleasant, for they are a mixture of bodily fluids - urine, feces, blood, vomit and spit - thrown on the guards.

His description of the cocktail brought sounds of horror and disgust from the audience.

There are leaders among the detainees, ranging from political to military, and those who are the enforcers, Leacock said.

Leaders and troublemakers are separated from the majority of the detainees, but they're never put into solitary confinement, the general said. A segregation area has been created that is designed to keep violent people and others who want to do harm away from the general detainee population. While in segregation, the detainees can talk with one another, have time for physical exercise, eat and received medical treatment.

What bothers Leacock is that some media outlets keep referring to Camp X-Ray years after the detention center was created. Camp X-Ray was built years before to keep migrants who failed in their attempts to enter the United States illegally.

That camp, which he admitted was run down, was open for less than a half year while other areas were built.

But as late as last year, an international media outlet did a story about the detention center, implying Camp X-Ray was operating and used a photo of that facility that was at least four years old showing a detainee and American soldiers.

Because of all the media trips and other investigations by American and international groups, the center "is the most transparent detention facility in the world," the former deputy commander said.

All those who work at the facility ask for is a fair shake in media reporting, the general said. And, surprisingly, that has happened in recent Arabic language media stories.

While Secretary of Defense Robert Gates recently said he wants to close the facility, as has President George W. Bush, the question is who would become responsible for the detainees, the general said.

"It's a policy decision, not a military one," Leacock said.

Intelligence needed

Some people say there is no longer any intelligence value that can be obtained from the detainees, some of whom have been held for years.

But Leacock said there is always new information that can be obtained, especially when a detainee decides to open up.

Once it is decided a detainee is no longer a threat, which is subjective and could be wrong, action is taken to release that person, Leacock said. One individual who was released went back to the fight, like about 40 others, and he was reportedly killed.

"We take risks when we release detainees," the general said.

Any intelligence is important, said Leacock, who is an intelligence officer and who has the responsibility of being the deputy commander for reserve affairs at Fort Huachuca's Intelligence Center as well as his Maryland National Guard job.

Treating some detainees with respect does provide benefits.

"We get more out of them," Leacock added.

The medical treatment provided them is excellent, and if the medical facility at the detention center needs help, the Navy hospital on the other side of the bay is available and has been used, the general said.

During his tour, three detainees committed suicide in 2006.

Although the investigations into those deaths are still being done, Leacock said he believes they were "political statements" to keep heat on America by alluding to blatantly untrue stories of inhumane treatment.

Detainees well treated

The detainees have access to lawyers, a library where there are books in 13 languages, receive and send mail, have call to prayer five times a day as the Muslim faith dictates and are fed meals based on their religious diets, Leacock said.

"Their favorite book is Harry Potter," he added.

For the Americans who have to work at the center, the stress is heavy and that is why the military allows for a two-week leave and some rest and recuperation trips, Leacock said.

The center's senior leaders don't stay in their offices. Along with senior noncommissioned officers, they are out in the different camps keeping a pulse on those who have the hard jobs of fending off attacks from the detainees and threats that they or their families will be hunted down and killed, the general said.

If there is one thing he would like the American people to realize, it is that "your young men and women are doing a phenomenal job in stressful situations."

Tribal Pakistan: Complexity, fragility

An assassination attempt on the Pakistani interior minister illustrates the fragile security situation in Pakistan's tribal areas, as the government pursues controversial peace deals with local leaders.

By Shaun Waterman in Washington, DC for ISN Security Watch (30/04/07)

The attempted suicide-assassination of Pakistan's interior minister at the weekend is the latest sign that Islamic extremists there continue to target the government of President Pervez Musharraf.

The attack, in the volatile North West Frontier Province, comes as Pakistan continues to pursue its much-criticized strategy of peace deals with local leaders along the Afghan border.

Witnesses told the Associated Press that the suicide bomber got within 15 yards of Interior Minister Aftab Ahmad Khan Sherpao as he was heading to his car to leave the town of Charsadda. The blast left the minister with minor shrapnel wounds in his legs, but killed 28 other people, including his political secretary.

Although there was no immediate claim of responsibility, it showed similar characteristics to a recent series of attacks launched by Pakistani Islamic extremists against the government and military, reported the Times of India.

As in four previous blasts, "Russian-made explosives and [a] jacket packed with ball bearings were used in the attack," the paper reported, quoting unnamed officials from the Federal Investigation Agency.

Officials told other news outlets they had recovered the bomber's head and other remains and that they were seeking to identify him.

Leading Pakistani daily, The Dawn, reported Sunday that Sherpao had named the Islamic militant leader behind the attack.

"Preliminary investigations have revealed that the attack was committed by a suicide bomber of Abdullah Mehsud," the paper quoted him as saying.

If that turns out to be true, it will be embarrassing for the US, which released Mehsud, also known as Noor Alam, in March 2004, after he spent more than two years in Guantanamo Bay.

Fragile security

But whichever faction was behind the attack, it highlights the fragile security situation in the tribal areas on Pakistan's lawless border - and the continuing efforts by Islamic militants based there to target the Musharraf government.

Sherpao is a vocal defender of the Musharraf strategy of striking peace deals with local leaders on the border - something critics see as appeasement of the Taliban.

He told a recent symposium in London organized by the Royal United Services Institute that the use of military force alone could not transform the security situation in the tribal areas.

"Local population must not be alienated and their customs, culture and traditions be respected," he was quoted as saying by Pakistan's News Network International.

Defenders of the deals say that only pulling the military out of the tribal areas - which comprise some of the most inaccessible terrain on earth and have proved ungovernable for centuries - can create the space for a political settlement with their inhabitants.

US officials have said that the deals created a sanctuary for the Taliban and al-Qaida, and blamed them for a steep rise in cross-border attacks against NATO and US forces in Afghanistan last year.

Although reporters are banned from the tribal areas and accurate accounts of facts on the ground are hard to come by, most observers seem to concur that the peace deals have led to the "Talibanization" of the local power structures, with tribal elders or other leaders who oppose the al-Qaida-linked extremists being murdered or driven out of power.

Moreover, although one condition of the deal was that the tribal leaders would expel foreign militants who refused to adopt a "peaceable life" ("what does a 'peaceable life,' mean in Waziristan, anyway?" joked one US official), in practice there has been almost no action against the estimated thousands of foreign Islamic fighters there.

The fighters - mainly Arabs, Chechens, Uzbeks and Uighurs - came to the tribal areas after the fall of the Taliban regime in neighboring Afghanistan, where they had fought the US-backed Northern Alliance. Islamic customs, and the local tradition of Pashtunwali, require hospitality to those seeking shelter.

Missing the point

Pakistani officials have made much of recent clashes between tribal militias and Uzbek militants from a breakaway faction of the Islamic Movement of Uzbekistan (IMU) in South Waziristan, one of the semi-autonomous tribal areas where the government inked a deal.

In a series of clashes beginning in mid-March, Pakistani officials said more than 200 Uzbeks and dozens of militiamen from local Pashtun tribes were killed.

Sherpao told reporters that the fighting was "the result of the agreements the government made with tribal people in which they pledged to expel foreigners and now they are doing it," according to Pakistani newspaper The Nation.

But in reality, the fighting appears to have been the product of a much more complex conjuncture of sub-tribal power struggles, criminal rivalries and thuggish over-reaching by one group of Uzbeks.

And one of the local leaders who moved against the Uzbeks, Mullah Mohammed Nazir, dispelled any illusions that he was part of an anti-terror alliance when he said last week that he would happily shelter al-Qaida leader Osama bin Laden.

"I have never met bin Laden but if he comes to this area and seeks protection, we will help him according to the tribal laws and customs" as a Muslim in need of aid, Nazir told reporters in the town of Wana in South Waziristan, according to Deutsche Presse Agentur.

But critics of the peace deals may be missing the point, and the dire predictions of a huge spring offensive by the Taliban and their allies in Afghanistan have so far largely failed to materialize.

The general in charge of US coalition forces in Afghanistan, Joseph Votel, told reporters recently that the number of border incidents had declined since January.

"I really attribute that to the very close tactical cooperation and communication that we're able to achieve with the Pakistan military" there, he said.

"We see ebbs and flows of activity along the border, and literally every day [...] we have some level of contact, albeit relatively small in most cases, with some insurgents or other personnel along the border," he said.

With "thousands every day" crossing a border the tribes do not recognize, Votel said he had concentrated on working with the Pakistan military to try to identify infiltration routes most used by militants "and then position our forces so that we have control over those areas," to "minimize disruption" to daily life in the region.

"We have worked very hard over the last couple of months to ensure that our tactical headquarters on the Afghanistan side of the border and the Pakistan tactical headquarters on their side of the border can talk and communicate freely," he said, adding, "We have seen significant progress in that communication chain."

So successful was the cooperation, he said, that the feared spring offensive by the Taliban had fizzled.

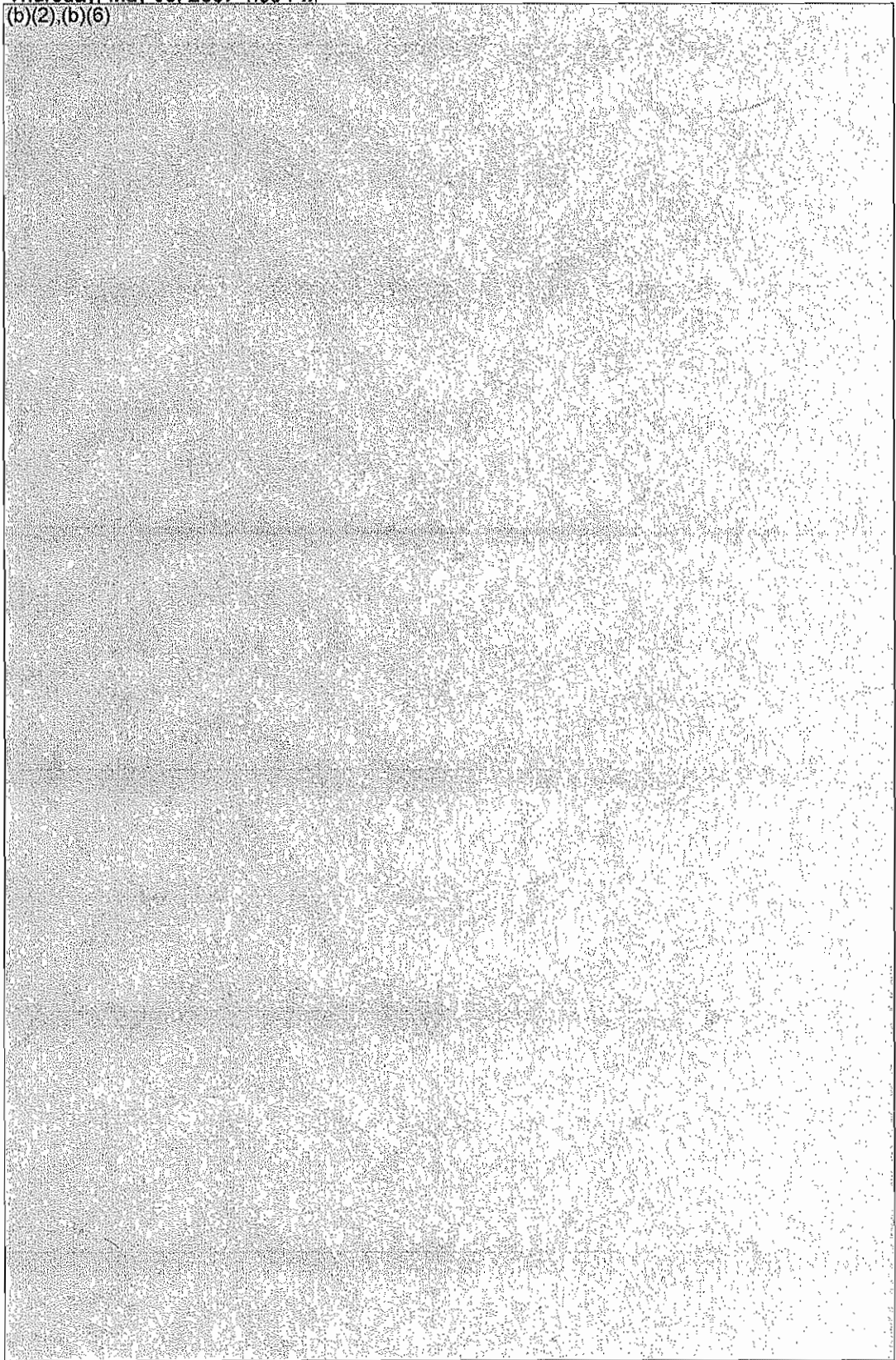
"We have been more offensive than I think they have in our posturing and in our ability to dominate areas on the battlefield," he said.

"We continue to be probed on a regular basis. We continue to see attacks in the interior. But we have not seen what I would describe as a spring offensive by the Taliban."

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