

Five Men Imprisoned For Four Years At Guantanamo Bay Acquitted Of Terrorism By Kuwaiti Court

By JD Staff

In the fall of 2001, the U.S. military in Afghanistan seized five Kuwaiti men. In exchange for a payment of \$10,000 each, the men had been identified by bounty hunters as Taliban fighters. The five men were Abdul Aziz Al-Shimmari, Abdullah Al-Ajmi, Adel Al-Zamel, Saad Al-Azmi and Mohamed Al-Dihani.

The five Kuwaitis were transported to Guantanamo Bay, Cuba, where they were interrogated during more than four years of imprisonment. In November 2005 the five men were released from U.S. custody and immediately deported to Kuwait, without charges being brought against any of them.

The five men were arrested upon landing in Kuwait City, and charged with:

- Joining the al-Qaeda organization on behalf of the Taliban government.
- Carrying out hostile actions against a foreign country thus harming Kuwait's political standing.
- Collecting donations for al-Wafaa, an Afghan charity the U.S. military claims provides money to al-Qaeda.
- One of the men, Abdullah Al-Ajmi, was also charged with fighting alongside the

Taliban in Afghanistan against the U.S. supported Northern Alliance.

In pre-trial motions the men's lawyers objected that the charges were based on a single report

provided by the U.S. military that summarized alleged statements of the detained men that was neither signed by any of the defendants nor their interrogators. The men's lawyers argued that under Kuwaiti law such an undocumented report is inadmissible as evidence. They also argued the charges should be dismissed because the court lacked jurisdiction, since the men were not accused of doing anything illegal in Kuwait.

The court rejected the lack of jurisdiction argument and the men's trial began in early May 2006. The men's defense was that they were in Afghanistan doing charity work, and the only evidence to the contrary was the U.S. military's anonymously written and uncorroborated report.

The five men were acquitted of all charges on May 21, 2006.

At the time of their release from U.S. custody in November 2005, Al-Dihani, 39 and the father of six, had been on a three-month hunger strike. According to an affidavit, Al-Dihani had been on his hunger strike at Guantanamo Bay for two months when in September 2005 his lawyer brought him a vegetarian pizza. Al-Dihani refused it, expressing sentiments perhaps shared by his four co-defendants: "The American justice system is like this pizza box. It looks very good on the outside but is empty on the inside. It is nothing but air."

As of late September 2006, six Kuwaitis remain indefinitely imprisoned without charges at Guantanamo Bay.

Sources:

5 Kuwaiti detainees returned home, *Seattle Times*, World Digest Section, November 4, 2005.

Kuwait criminal court acquits 5 former Guantanamo prisoners, *Arab Times*, May 22, 2006.



Exonerated People May Sue For Libel After Being Called "Criminals"

By JD Staff

British Prime Minister Tony Blair publicly apologized on February 9, 2005, to eleven people wrongly convicted in 1975 and 1976 of being Irish Republican Army bombers.

The media dubbed the four of those people convicted in 1975 as the Guildford Four, and the seven convicted in 1976 as the McGuire Seven. The Guildford Four were exonerated in 1989 and the McGuire Seven in 1991. One of the Guildford Four was Gerry Conlon, whose autobiography, *In The Name of the Father*, was made into a successful 1993 movie starring Daniel Day Lewis and Emma Thompson.

It became a matter of public contention that numerous other people exonerated in England during the past several decades were not included in Blair's 2005 apology.

During a radio interview in early May 2006 that was reported on by the press, Home Office Minister Fiona MacTaggart discussed the government's decision to cap compensation to a person whose wrongful conviction is quashed. She referred to those people as "criminals."

Within days, a letter was sent to Minister MacTaggart demanding that she retract her characterization of exonerated men and women as "criminals." The letter was written by Michael O'Brien, wrongly convicted of murder and robbery for 11 years before his exoneration in 1999. The letter was co-signed by Paddy Joe Hill, wrongly imprisoned for 16 years before his 1991 exoneration, Gerry Conlon, apologized to by Prime Minister Blair in 2005, and several other people wrongly convicted of murder.

All the signers of the letter had been exonerated of the crimes they had been convicted of committing by having their respective convictions quashed, and they contended MacTaggart's description of them as "criminals" was libelous under British law.

As of the fall of 2006, Minister MacTaggart had not responded to the demand for retracting her description of exonerated people as "criminals."

Sources:

British P. M. Tony Blair Apologizes To Guildford Four and McGuire Seven, *Justice:Denied*, Issue 31, Winter 2006, p. 45.

Miscarriage of justice victims may sue for libel, By Eric Allison, *Guardian Unlimited* (UK), May 4, 2006. Wrongly convicted men claim libel, *BBC News*, May 3, 2006.

See also, British P. M. Tony Blair Apologizes To Guildford Four and McGuire Seven, *Justice:Denied*, Issue 31, Winter 2006.



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they persisted." When talking about the trial affect on him, Marlinga said, "It was the closest I think I will come to any mental illness."⁶

See previous JD articles:

Prosecutor Indicted For Bribery After Two Men Exonerated Of Kidnapping And Rape, *Justice:Denied*, Issue 27, Winter 2005.

Marlinga Bribery Prosecution Update, *Justice:Denied*, Issue 28, Spring 2005.

Sources and Endnotes.

Jury Indicts Marlinga Again, by David Shepardson, *The Detroit News*, September 15, 2005.

1 Marlinga: the rape cases, Staff article, *Detroit Free Press*, April 23, 2004.

2 Marlinga not guilty, by Jameson Cook, *The Macomb Daily*, September 28, 2006.

3 *Id.*

4 Marlinga cleared, by Paul Egan, *The Detroit News*, September 28, 2006.

5 Marlinga not guilty, *supra*.

6 Acquittal sinks in for the Marlingas, by Peggy Walsh Samecki, *Detroit Free Press*, September 30, 2006

