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Turning the abstract into reality By Fran Quigley, Nuvo, 27 August, 2003 (<http://www.nuvo.net/news/archive/004034.html#004034>)

For more than a year and a half now, over 600 people — some as young as 13 years old — have been held at the U.S. naval base in Guantanamo Bay, Cuba. The detainees have been denied access to lawyers, their families, or any advisement of charges that may be filed against them. President Bush says that any trials will be held by military tribunals, perhaps in secret. Officials are considering building an execution chamber right on the base.

If this Kafka-esque nightmare were happening to my next-door neighbor or my cousin, I would be outraged. I could see the fear in the family's eyes, hear them pour out their frustration and anger. But instead, Guantanamo is happening to people from half a world away, who speak different languages and have no connection to me. No way it could touch my life.

Or could it? Last month, Professor George Edwards of the Indiana University School of Law-Indianapolis traveled to Kuwait, among other destinations, as part of his work directing the school's program in international human rights law. After Edwards delivered a lecture at the University of Kuwait, a student raised his hand. He told Edwards and the class that his brother, 25 year-old Fawzi Al Odah, is one of a dozen Kuwaiti prisoners held by the U.S. at Guantanamo Bay. "My contact with him, and later that evening with his father, helped turn the abstract into reality," Edwards says.

The abstract of Guantanamo Bay is bad enough. By declaring the detainees "illegal combatants," the Bush administration has denied them any rights as prisoners of war under the Geneva Convention. By housing them at a base on Cuban soil, the Bush administration has denied them any access to U.S. courts. The International Red Cross, Amnesty International, the American Bar Association, Human Rights Watch, the U.N high commissioner for human rights and many of the U.S.' closest allies have all protested the detainment.

But, as Professor Edwards points out, hearing the story of a single frightened family shines a particularly bright light on the injustice. I learned that lesson for myself last week, when I was able to speak by telephone with Fawzi's father, Khalid Al Odah.

The senior Al Odah — who speaks perfect English, by the way — insists his son is merely a teacher of the Koran, who left home during his school's summer 2001 vacation for a charity visit to teach poor students in Pakistan. Fawzi, his father says, has no weapons training and no connections to radical or terrorist groups. He was swept up, the family and Kuwaiti officials believe, when Pakistani tribes realized after Sept. 11 that bounties could be collected by turning over Arabs to U.S. troops.

Doing what the terrorists are doing

Ironically, Fawzi's family was relieved when they learned he was finally transferred from a Pakistani prison to U.S. custody. "I studied in the U.S. in the early 1970s, so I know the U.S. is founded on liberty and democracy and rule of law," Khalid Al Odah says. "We have all the evidence to show that he was only there as an aid worker. I was sure they would discover he was innocent and he would be released to go home."

Al Odah underestimated President Bush's willingness to ignore international and U.S. law in his constitution-trampling response to Sept. 11. Neither Fawzi's family nor any lawyer has spoken with him in nearly two years, and they have no idea why he is being held. The family now has hired U.S. lawyers, who will file a petition to the U.S. Supreme Court next week asking that the detainees be given access to counsel and informed of the charges against them.

"I know that 9-11 was a tragedy, but now it is time for wisdom in thinking about what is best for the United States," Khalid Al Odah told me. "This policy is hurting the U.S. with the rest of the world." He makes the same point that diplomats have been making for a year and a half. Winning the war against terrorism will require convincing the Muslim world of the sincerity and integrity of the United States. Denying basic justice to the Guantanamo detainees only fuels the anger that inspires people to strap on explosives and head for a marketplace full of civilians.

Of course, I have no idea if Fawzi Al Odah is an innocent schoolteacher or actually a well-concealed al Qaida member. But that doesn't matter. The short-sighted Bush policy of denying basic legal rights to him and his 660 fellow detainees undercuts the very moral authority the U.S. needs in order to counter the terror inflicted on Sept. 11. And now I know at least one frustrated and frightened Muslim father who thinks that, too.

"If the U.S. sticks with the rule of law, it will succeed with its war against terrorism," says Khalid Al Odah. "But right now, the U.S. is doing what the terrorists are doing: they are not distinguishing between the innocent and the guilty."
