



Terror Convictions Overturned in France

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PARIS -- A French appeals court on Tuesday overturned terrorist conspiracy convictions for five former inmates of the Guantánamo Bay prison who were tried and convicted in 2007, after they were returned to France.

The court ruled that information gathered by French intelligence officials in interrogations at Guantánamo Bay, Cuba, violated French rules for permissible evidence, and that there was no other proof of wrongdoing.

None of the men, originally captured in Afghanistan in 2001 and 2002, are currently in prison, having been given time off for time already served.

But the ruling is likely to be seen as a precedent for similar cases, and may also inject more uncertainty into the delicate process of repatriating inmates being released from the Guantánamo prison, which President Obama has vowed to close.

Various European countries have expressed willingness in principle to take some of the inmates, depending on their potential for dangerous behavior and whether the United States also accepts some of them. Some European countries prefer that the European Union come up with a unified position, so that Washington cannot play one country against another while trying to negotiate placements.

The case is also noteworthy because it involves Mourad Benchellali, now 26, a member of a family with numerous other connections to jihadist violence. His older brother, Menad, was arrested in 2002 on suspicion of planning to bomb Russian targets, including the Russian Embassy in Paris, as a response to the Chechen war. He was convicted in 2006 and sentenced to 10 years in prison.

Their father, Chellali Benchellali, a Muslim cleric from a suburb of Lyon, was arrested in connection with the plot to avenge Russia's crackdown in Muslim Chechnya. He had previously gone to Bosnia to help Muslims in the Bosnian civil war. He was given an 18-month suspended sentence; his wife, Hafsa, was given a two-year suspended sentence; and another son, Hafed, was sentenced to four years in prison.

Mourad Benchellali, who was at Guantánamo, wrote an Op-Ed article for The New York Times in June 2006, in which he said that in 2001, when he was 19, "I made the mistake of listening to my older brother and going to Afghanistan on what I thought was a dream vacation." His brother's friends, he wrote, sent him to a Qaeda training camp. He spent two and a half years in Guantánamo as an "enemy combatant" and said he could not "describe in just a few lines the suffering and the torture."

He and other French detainees were returned to France in 2004 and 2005 after pressure from the French president at the time, Jacques Chirac, who promised that "justice will be done." They were immediately arrested. They were convicted in 2007 of criminal association with a terrorist enterprise. During their trial, the men said they had spent time in Qaeda training camps in Afghanistan, but had never used their new combat skills.

In addition to Mr. Benchellali, the others cleared were Brahim Yadel, 37; Nizar Sassi, 27; Khaled Ben Mustapha, 35; and Redouane Khalid, 39. None of them were in court to hear the judges uphold their appeal.

According to lawyers for the men, the court found that the French counterintelligence service, the D.S.T., could not serve as both an espionage agency and a judicial police service. Paul-Albert Iwens, the lawyer for Mr. Khalid, told the Reuters news agency that the court had refused "to let it be said that a police agency could question people detained on foreign territory in conditions that go against international conventions."

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