

A nation of laws, even at Guantánamo

**OUR OPINION: WAR-CRIME SUSPECTS
ENTITLED TO A FAIR TRIAL**

The Pentagon would make a big mistake by failing to allow terrorist suspects a vigorous defense in its war court at Guantánamo Bay. Most of the world, including many Americans, already believes that there can be no justice for Guantánamo captives. Unless accused terrorists have legal protections, any conviction will be suspect, and rightfully so. The outrage in a death-penalty case would be even worse.

Interrogation techniques

Unfortunately, the experience of U.S. Army Lt. Col. Bryan Broyles, the first military defense lawyer to be assigned to a death-penalty case, inspires little confidence in the prospects for fair military trials. During a recent visit to Guantánamo, he was unable to meet with his client, Mohammed al Qahtani. The problem: Lt. Col. Broyles wanted to meet the captive accompanied by a civilian lawyer from the

Rights.

The intent was to reassure Mr. Qahtani that Lt. Col. Broyles truly was there to represent him and was not a military interrogator trying to trick him. Mr. Qahtani — the suspected 20th person in the 9/11 attacks — has reason to be suspicious. In 2002, interrogators at Guantánamo subjected him to weeks of extreme interrogation techniques that included sleep deprivation, sexual humiliation and intimidation by dogs.

Before arriving at Guantánamo, Lt. Col. Broyles and the civilian lawyer had sent requests for the joint meeting to military authorities, as the rules require. But neither received a response before they arrived. Both lawyers say the military blocked them from meeting with Mr. Qahtani.

In a statement, Guantánamo's prison command said that it "takes extraordinary steps to facilitate access" for lawyers to see detainee clients. It also

suggested that the joint meeting with Mr. Qahtani was thwarted by a scheduling conflict.

Whatever the logistical issues, it is ultimately in the Pentagon's own interest to see that Mr. Qahtani and other war-crimes suspects get legitimate legal representation. Civilian lawyers and military lawyers have jointly met with captives in other cases. In the three days that Lt. Col. Broyles and the civilian lawyer were at Guantánamo, the military command could have "facilitated" a workable time for them to meet with Mr. Qahtani.

Legal, moral standards

The U.S. legal system goes to extraordinary lengths to ensure that a person facing the death penalty has a competent defense. Whether or not the suspect is a terrorist or mass murderer, U.S. legal and moral standards demand that the trial be fair. This is essential to ensure that no person is wrongly convicted and executed. Equally important, it shows that we are a nation of laws. For years, America has been the standard bearer for fairness and justice. We mustn't change course now.

