

Judge throws out Padilla torture claims

by UPI

MIAMI - A bid by Jose Padilla to avoid trial on terror charges based on allegations of torture while in U.S. custody has been thrown out by a federal judge in Miami.

In her 12-page ruling, U.S. District Judge Marcia Cooke said the allegations of torture in a South Carolina naval brig has nothing to do with the current charges accusing the former Chicago street gang member of conspiring with Islamic extremists to assist them in violence overseas, the Miami Herald reported Wednesday.

Padilla claimed he had been isolated in a tiny cell around the clock, deprived of sleep on a bunk with no mattress and shackled and manacled for hours at a time. Last fall, his lawyers filed a motion saying he shouldn't be tried because his constitutional rights had been violated.

Padilla, 36, is a U.S. citizen arrested by the FBI on May 8, 2002. President George Bush later declared him an "enemy combatant," sending him to the South Carolina naval brig in on charges he was planning a radiological "dirty-bomb" attack on U.S. soil after training with al-Qaida in the Middle East.

Bush lifted the combatant designation in late 2005, opening the way for the current charges, the Herald said.

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