

Six Years Too Long: Shut Down Guantánamo!

The Amherst Unitarian Universalist Newsletter

February 2008.

The sixth anniversary of the opening of the Guantánamo detention facility is this month. The majority of the 277 detainees now at Guantánamo have been there longer than the four years of the Japanese internment. Like the Japanese internment, these detentions are without the most basic due process rights. There have been no trials at Guantánamo and only three detainees have pending charges that would lead to trials. (One other plead guilty in a plea deal that allowed him to return to his native Australia to serve out an additional nine months of the agreed-to sentence.) The vast majority of the 485 detainees who have been released from Guantánamo were then set free in their home countries, many without requiring trials and some with trials that resulted in acquittals.

The only “hearing” the vast majority of detainees at Guantánamo will ever get is a Combatant Status Review Tribunal (CSRT), which is designed to determine whether they are “unlawful enemy combatants.” These hearings are a mockery of due process: detainees are not allowed lawyers; they are not allowed to see much of the evidence against them since it is “classified;” they are provided “a personal representative” who has no duty of confidentiality and who sometimes makes comments against the detainee at the hearings; and if they are found NOT to be unlawful enemy combatants, they may simply be tried again (and perhaps a third time as has happened) until a new panel of military officers finds that they ARE unlawful enemy combatants. (So much for the presumption of innocence and the constitutional protection against double jeopardy [i.e., being tried again after being found not guilty].) The inadequacy of the CSRT hearings is all the more daunting in light of the fact that the President, and now Congress (via the Military Commissions Act of 2006), has attempted to bar all Guantánamo detainees from access to the American Courts by eliminating habeas corpus. (The Supreme Court will be ruling on the legality of this conduct this spring.)

Equally alarming is the fact that the Bush administration has condoned (either explicitly or indirectly through its silence) methods of interrogation (such as waterboarding or simulated drowning) that are clearly considered torture by international human rights standards and would never be allowed in this country. The Bush administration attempted to redefine “torture” (at one time claiming it referred only to acts resulting in “death, organ failure, or the permanent impairment of a significant body function.” See Memo by Attorney Jay Bybee, Assistant Attorney General). The administration’s policies are in violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ratified by the U.S. in 1994. For more information about UU efforts to stop torture at Guantánamo, Afghanistan and Iraq, visit the weblink for UUSC STOP (Stop Torture Permanently) Campaign, found at:

<http://www.uusc.org/programs/STOP/index.html>.

It’s time to reclaim the rule of law, with the first step being to shut down Guantánamo.