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Address Guantanamo abuses

Editorial
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In December 2001, as the campaign to overthrow the Taliban regime in Afghanistan was winding down, the Pentagon announced that it would use the U.S. military base at Guantanamo Bay, Cuba, to hold prisoners swept up in the fighting. That seemed like a good idea at the time. In many cases, it is a good idea now. But questionable arrests and recurring allegations of prisoner abuse are beginning to undercut U.S. goals. With 550 men from 40 nations still detained indefinitely three years after their arrest, a new approach is needed.

The Bush administration contends that the detainees are illegal enemy combatants who can be held indefinitely. In spite of a U.S. Supreme Court ruling in June that the prisoners may challenge their incarceration in U.S. courts, Justice Department lawyers continue to tell federal judges that the men have no rights that can be enforced by the courts.

Complaints of abusive treatment are rising and attracting headlines around the world. A recently leaked summary of an International Red Cross report complained of tactics "tantamount to torture." Even the FBI has warned Pentagon officials that harsh treatment would produce "unreliable results."

Fresh claims of "systematic abuse" were raised Friday in front of Europe's top human-rights body by a former detainee from England who was released in March. He and three other Britons are suing the U.S. government for \$10 million each in damages. And The Washington Post reported Friday that the CIA maintained a secret prison within a prison at Guantanamo, hiding some al-Qaeda captives from outside observers.

Some of the Guantanamo detainees were seized not on the battlefield but thousands of miles away in Africa and Europe. In one case, six men were snatched by U.S. agents in Bosnia and taken to Guantanamo even though the Bosnian Supreme Court had found no credible evidence to support a claim that they were plotting to bomb the U.S. Embassy in neighboring Serbia.

A Justice Department lawyer told a federal judge this month that the United States is entitled to grab anyone, anywhere in the world, it suspects of aiding al-Qaeda, even inadvertently, and hold that person indefinitely.

The government argues that administrative-review tribunals being run by a panel of military officers at Guantanamo provide all of the protection against injustice that's necessary. But court documents filed in the pending lawsuits paint a picture far removed from any normal sense of due process. In scores of cases, the tribunals appear to have:

- Relied overwhelmingly on secret evidence that detainees aren't allowed to see.
- Failed to obtain information detainees say would prove their innocence.
- Prevented detainees from consulting lawyers.

Undoubtedly, some hard-core al-Qaeda foot soldiers are among those at Guantanamo. At least seven of the roughly 150 released so far are known to have returned to terrorism or expressed a desire to do so. No one wants that to happen.

But the government's hard-line opposition to independent review of its actions by the courts, coupled with the recurring claims of prisoner abuse, helps fuel anti-Americanism around the world. With U.S. military and diplomatic resources stretched thin by Afghanistan and Iraq, the nation needs more friends, not more enemies abroad. Giving fodder to critics of the U.S. is counterproductive.