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## **Out of Sight**

Editorial  
Baltimore Sun  
February 14, 2006

There was an earnest debate last year about whether torture should ever be used in a democracy, and the favorite argument of the pro-torture side was the "ticking bomb" example - that to save a (hypothetical) city from imminent destruction, you should be able to use whatever means you needed to if you were lucky enough to have one of the plotters in your custody.

Such a situation, to be sure, has almost certainly never arisen at any time in world history, but the idea of it was sufficient to convince a lot of people that, just maybe, it would be imprudent to absolutely rule out torture in any circumstances.

But under no stretch of the imagination could any of the detainees at Guantanamo Bay be aware of any ticking bombs. The place opened for prisoners more than four years ago, as fighting came to a halt in Afghanistan. A Seton Hall University study of U.S. military records, done at the behest of defense lawyers, found that more than half the 500 detainees committed no hostile acts against the U.S. or its allies. Attorneys describe prisoners who are filled with grief, frustration and anger over their inability to have their cases heard in any court.

Last summer, more than 100 detainees began a hunger strike; Thomas B. Wilner, a lawyer who represents six Kuwaiti prisoners, says that the first efforts at force-feeding were unnecessarily heavy-handed. In late August, the U.N. Human Rights Commission decided to investigate. The Pentagon denied access to the prisoners, but U.N. staffers reviewed documents and interviewed lawyers and detainees who had been released earlier. Yesterday, the Los Angeles Times reported that a draft copy of their study concludes that the treatment amounts to torture.

Interestingly, Mr. Wilner said yesterday that during the fall the treatment had eased considerably, but that in December the authorities suddenly cracked down hard on the hunger strikers, forcing them into "restraint chairs" for up to four hours and repeatedly forcing large tubes through their nasal passages. The government, he argues, is acting not out of concern that the strikers might die, because their nutritional intake before December had been adequate, but to break their spirits and to break the strike. These men do not pose an imminent threat to the United States; they are suffering because they are an embarrassment.

Two points stand out. Barring access to the United Nations was stupid, because it makes the U.S. look guilty before the world. "Cruel, inhuman or degrading treatment" is equally stupid, and, because Congress passed the McCain amendment last year, it also happens to be illegal.