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A national Disgrace; Scandalous State of Affairs at Gitmo

Thomas P. Sullivan (op-ed)
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"Tantamount to torture" is how an inspection committee of the International Committee of the Red Cross recently described detention practices at Guantanamo Bay. More than 400 men have been detained for more than four years in virtual solitary confinement at the military detention center in Cuba. The prisoners, whom the U.S. government has denominated "enemy combatants," are foreign citizens taken into custody from various countries.

They have been interrogated repeatedly. With few exceptions, they have insisted they have done nothing wrong and took no action against the U.S. government. Some may have violated international laws, some may be terrorists. But others may not. What we do know is that these people have not been charged, let alone tried. The Bush administration has fought tooth and nail to prevent these "detainees" from being given an opportunity to appear before a court to challenge the basis for the government's classifying them as combatants. They just languish in Gitmo.

The writ of habeas corpus is enshrined in our Constitution: "The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it." It is the traditional method used to require prosecutors to explain to a judge the basis for imprisoning those suspected of committing crimes. In an astounding surrender to executive power, Congress recently passed a bill purporting to repeal the prisoners' right to file habeas petitions and substituted a procedure that leaves the prisoners at the whim and caprice of military tribunals. Translation: continued indefinite incarceration.

I recently traveled to Guantanamo to interview a client, a man from Saudi Arabia. He is in his 30s, married, father of several children, who has been incarcerated since late 2001. An interpreter who speaks Arabic accompanied me. I am serving without charge. Armed soldiers searched us and escorted us to and from a small cubicle. One of my client's legs was shackled to the floor.

Many of the cells--more appropriately described as cages--were made from shipping containers, 6-by-9-feet, with a raised cement slab and mattress for a bed, a metal floor, a toilet and a wash basin. That's it. Heat and rain enter freely, often making it alternately extremely hot or cold. The walls are mesh or undulating horizontal bars, causing damage to prisoners' eyesight. Prisoners see and converse only with detainees in cells adjacent or directly across from their cells. Prison guards escort them individually to a shower twice a week and to exercise twice a week in an enclosure consisting of a cement floor about 15 yards square surrounded by a chain-link fence. They have no access to radio, TV, magazines, newspapers or telephone. Reading materials are sparse--everything sent, including letters from families, is screened, a process that often takes many months. The lunch I saw served appeared hardly fit to eat.

Many prisoners are suffering physically and mentally from isolation, lack of proper food, medical care and exercise. Some have been driven to hunger strikes and attempts at suicide.

In times of national stress our commitment to due process is most severely tested. The temptation to adopt autocratic measures springs to the fore, made all the more palatable when the perceived enemy is a foreigner who speaks in a strange tongue and adheres to unfamiliar religious and cultural traditions. Former U.S. Supreme Court Justice Sandra Day O'Connor once reminded us that "it is in those times that we must preserve our commitment at home to the principles for which we fight abroad." We should promptly bring an end to this national disgrace.

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