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The Gitmo Disgrace

Editorial
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IT IS TIME TO CLOSE THE U.S. military prison in Guantanamo Bay. The detainees there, numbering about 500, should be tried in court or released. It is inhumane to hold them indefinitely in a place where torture is not uncommon and due process is absent.

These aren't our conclusions. They are those of a recent United Nations inspection team that spent 18 months investigating conditions at Gitmo. It's not necessary to endorse all of its recommendations -- and it's hard to see how shutting down Gitmo would make the Bush administration any more amenable to respecting human rights and international conventions against torture -- to observe yet again that the prison is a global embarrassment that does the U.S. more harm than good in the fight against terrorism.

In a report, revealed Monday by Times reporter Maggie Farley, the U.N. team found that conditions at the prison regularly violate international law. The detainees, captured abroad since 2002 in Afghanistan and elsewhere, were said to be enemy combatants picked up on battlefields. President Bush and his senior staff have consistently called them terrorists and soldiers who needed to be removed from the field of battle. They justify the prison as "a military necessity" and note that enemy combatants can be held without charges for the duration of hostilities.

Yet the U.N. team found little sign that any U.S. officials ever tried to determine whether the men were actually enemy combatants. The team also rejected the notion that a war on terror constituted continuing hostilities.

It is becoming evident that the majority of the men held in Guantanamo were not, in fact, captured in battle. A study of individual detainee cases published recently by the National Journal argued persuasively that more than half of the detainees currently in Guantanamo were abducted in the mountains of Pakistan by warlords who handed them over to U.S. forces for cash rewards, sometimes \$1,000 a head. At a time when U.S. forces were unable to find Osama bin Laden, and were desperate to find enemy soldiers in the mountainous caves of Pakistan and Afghanistan, tribal informers apparently had a field day pointing to their own enemies as a way to supply human chattel, who ended up in Guantanamo.

Many of their individual case files suggest that government lawyers felt pressured to find, or invent, evidence that detainees actually knew something about Al Qaeda operations. One Yemeni prisoner was interrogated so roughly that, according to the National Journal, he finally said in exasperation, "OK, I saw Bin Laden five times: three times on Al Jazeera and twice on Yemeni news." His "admission" was duly recorded in a case file: "Detainee admitted to knowing Osama bin Laden."

His case is not uncommon. For detainees at Guantanamo, legal proceedings appear to resemble Salem witchcraft trials. Presumption of guilt and tarring by association abound, while the rules of evidence are perfunctory. These are not the American values our soldiers are fighting for.