

The following text may be printed, copy/pasted, or downloaded and emailed.

Close Gitmo? Be Careful What You Wish For

It's not just one jail that needs to be shut. The entire system needs fixing.

Eric Umansky (Op-ed)
Los Angeles Times
June 14, 2005

Closing the U.S. prison at Guantanamo Bay has suddenly become a hot topic. Since Sen. Joseph R. Biden Jr. (D-Del.) broached the idea, the notion has been gaining steam.

Over the weekend, Sen. Mel Martinez (R-Fla.) added the first Republican voice to the chorus, and there will be Senate hearings Wednesday on detainee issues. Even President Bush seems to be hinting that he's game. Asked during a television interview whether Gitmo should be shut, the president said, "We're exploring all alternatives as to how best to do the main objective, which is to protect America."

Gitmo has come to represent the lack of accountability and the extralegal aspects of the war on terrorism. Shuttering it would be a grand gesture. The symbolism would be important and could help improve the U.S. image. But if that is all that is done, a closure risks obscuring a more important issue and could even be counterproductive: If the U.S. is to really regain its standing as a defender of human rights, it needs to do more than mothball a single jail; it needs to change its policies.

If the prison were to close, what would happen to the detainees? Most of them were judged by former commanders at Guantanamo to be merely Taliban foot soldiers. Some, presumably, would simply be released. Others might face military tribunals, and some would most likely be shipped off, to be held by other countries. The last two possibilities are not a welcome scenario from either a moral or public relations perspective.

Consider the tribunals. Heavily stacked against defendants, they've been condemned by such groups as the American Bar Assn. and military defense lawyers, who actually sued the government over the lack of prisoners' rights.

Shipping terror suspects to other countries, even their own countries, could be worse.

The U.S. has been practicing a form of this: "extraordinary rendition," in which prisoners are picked up in one locale — "snatched" in CIA parlance — and find themselves incarcerated elsewhere, in countries such as Syria or Uzbekistan.

The legal process in such cases isn't just flawed, it doesn't exist. Detainees get no trials or hearings before a judge. The U.S. gets pro forma promises that prisoners won't be tortured, but there is no known monitoring. And Uzbekistan, for instance, has gained some renown for reports of political prisoners being boiled alive.

Rendition hasn't generated the headlines or the level of outrage as Guantanamo Bay. But stories from rendered detainees have made it out, and they do little for the U.S. image. One Australian citizen who was rendered to Egypt was reportedly hung from a wall and given electric shock. In something of a reprieve, he was transferred to Guantanamo Bay. He arrived without most of his fingernails.

There's also a perverse possibility intrinsic in closing Gitmo: It could end up making the U.S. less accountable. With the visible symbol of unfair treatment swept away, pressure for wider change might dissipate.

It's important to remember that Gitmo is only one of a group of U.S. prisons around the globe set up to hold "enemy combatants" captured in the war on terrorism. Far less is known about the other jails, which are reportedly run by the CIA. There's one at Bagram Air Base in Afghanistan, called the Salt Pits. As the New York Times reported, two detainees have been killed at Bagram. More obscure is the reported facility at a base in Diego Garcia in the Indian Ocean.

Unlike at Guantanamo Bay, no reporters have been allowed to visit these jails. And unlike at Guantanamo Bay, which is quasi-U.S. territory, prisoners at these less-prominent locales aren't covered by court judgments that allow them to challenge their detentions; they don't have access to military tribunals; and they are not registered with the Red Cross. The prisoners are, as the term goes, "ghost detainees."

That's not an argument against closing Guantanamo Bay, but against stopping there. It's always risky inveighing against a symbol because, in the end, that's all you might end up changing.

The problem, ultimately, isn't the buildings. It's the system.