



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

The Guantánamo Scandal

New York Times

May 15, 2003

For a year and a half, the United States has held hundreds of people captured during the war in Afghanistan as prisoners in Guantánamo Bay without access to family, lawyers or any semblance of due process. Another small group was shipped home recently, and there are reports that military trials for some prisoners may start soon. But that does not alter the fact that the detentions insult some of our most cherished ideals and harm our national interest.

Last month, Secretary of State Colin Powell advised Secretary of Defense Donald Rumsfeld that he was encountering growing complaints from the countries whose nationals are among the prisoners. The cynical response by Mr. Rumsfeld — that the problem is the slowness of the many intelligence agencies that need to interrogate prisoners — only makes things worse.

The extraordinary attacks of Sept. 11 clearly demanded extraordinary measures. All reports, moreover, indicate that the prisoners have not been physically mistreated. But America vowed after Sept. 11 that the terrorists would not be allowed to drag us down to their level. Meanwhile, the Department of Defense has held more than 600 male prisoners, some as young as 13 — and of 42 different nationalities, including citizens of our closest allies — in a concentration camp. They have been declared "unlawful combatants" in order to deny them the protection of the Geneva Convention. They have been incarcerated on a naval base on Cuba, over which Cuba has no control, to put them beyond the reach of the law. The military set no limit on their detention, and it declared that if they were brought to trial, the proceedings would be before special military tribunals, which can act in secret, and their only appeal would be to the president — who stripped them of their rights in the first place.

No doubt some of the prisoners are members or leaders of Al Qaeda. Some may have been in the Taliban; some may have done terrible things. Many were probably just caught up in the tribal chaos of Afghanistan. Whoever they are, their treatment should be a demonstration of America's commitment to justice, not the blot on its honor that Guantánamo has become. The Guantánamo prisoners need immediate access to their governments, families and lawyers and deserve some tribunal in which to contest their confinement. They deserve real, open justice without further delays or excuses.