US: Relatives of September 11 victims condemn Guantánamo show trial

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In a letter released December 10, 33 relatives of people killed in the September 11, 2001 attacks have condemned the Guantánamo military tribunals as illegitimate and politically motivated.

Issued in response to positive remarks made by a half-dozen family members selected by the Pentagon to attend hearings this week, the statement reflects strong opposition within the US population to the policies carried out by the military at Guantánamo Bay and elsewhere over the past five years.

The letter, published on the American Civil Liberties Union web site, stressed the fact "that many of us do not believe these military commissions to be fair, in accordance with American values, or capable of achieving the justice that 9/11 family members and all Americans deserve.

"We believe that the secretive and unconstitutional nature of these proceedings deprive us of the right to know the full truth about what happened on 9/11," the letter stated.

"These prosecutions have been politically motivated from the start, are designed to ensure quick convictions at the expense of due process and transparency, and are structured to prevent the revelation of abusive interrogations and torture engaged in by the US government. Unfortunately, any verdict borne of these proceedings will lack legitimacy and leave us wondering if true justice has been served. No comfort or closure can come from military commissions that ignore the rule of law and stain America's reputation at home and abroad."

The statement concluded with a reference to the assurances given by the incoming Obama administration to close down the Guantánamo operations and expressed the desire for "a fresh start for these and all other Guantánamo prosecutions in US courts worthy of American justice." The full statement can be accessed here.

Since Monday, pre-trial hearings in a death penalty trial have been underway at Guantánamo against five prisoners charged with planning the 2001 attacks that killed nearly 3,000. The Pentagon has allowed limited numbers of relatives to attend the hearings, selected by what its spokespersons described as a random lottery.

Among the defendants before the military tribunal is so-called September 11 "mastermind" Khalid Sheikh Mohammed, whom the CIA admitted to torturing. The men have been held for nearly seven years, denied basic legal and democratic rights and subjected to inhuman conditions and torture. During the hearings, secret and hearsay evidence and confessions obtained through torture will be admitted.

Over a month before the hearings, the five submitted a letter to the military panel saying they "wished to enter pleas in what was termed confessions" and be executed. (See "9/11 guilty pleas expose Guantánamo kangaroo court") On Monday the judge, Army Colonel Stephen Henley, postponed these pleas because of outstanding motions regarding questions of the mental instability of two defendants.

After Monday's proceedings, a handful of September 11 relatives spoke at a Pentagon-organized press

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conference outside the Guantánamo prison, unanimously characterizing the trial process as democratic and just.

According to a December 10 Associated Press report, more than 100 families applied to attend the hearings. After selecting "at random" the nine relatives in attendance Monday, according to the AP, the Pentagon told several families they could watch the hearings via remote video at military facilities in the US, but they hadn't been accommodated.

As a December 9 *New York Times* article by William Glaberson noted, the military has been unsuccessful at presenting its commissions as "fair and open": "They were outmatched by human rights groups and defense lawyers, with their inflammatory accusations about torture and secret evidence. … The half-dozen family members who spoke to reporters gave the Pentagon the counterpoint it had been lacking."

The article noted, "Pentagon officials have a track record of trying to line up pro-Bush-administration observers."

Thomas Durkin, a defense lawyer representing one of the defendants, told the *Times* that the September 11 families' praise was, in the paper's words, "an effort to make it politically risky for Mr. Obama to close the military commissions by making it appear that abandoning the military commissions would be abandoning the victims too." Durkin added, "This show trial is nothing more today than an effort to blackmail him politically."

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