

Obama prepares to resume military commissions of Guantánamo Bay prisoners

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More recent leaks from the Obama administration in the *Washington Post* indicate that the White House will soon move to revive the military commissions trials of “terror detainees” now held at Guantánamo Bay, Cuba, military prison.

The trials, which were temporarily suspended by a January 20 executive order from President Barack Obama, would resume under slightly different guidelines. The order is set to expire May 20. It is likely Obama will request a 90-day extension while it works out the details of a revised tribunal system.

The administration’s apparent decision to resuscitate the military commissions is based on its fear that should the trials be heard in civilian court, many would result in the dismissal of charges. This is because the evidence against the accused is based largely on torture and forms of hearsay inadmissible in normal proceedings.

The proposed changes aim to lend an air of legitimacy to the military tribunals—which legal experts and human rights groups have criticized for failing to meet minimum norms of judicial fairness and which have damaged the credibility of the US internationally—while still controlling the court process to secure guilty verdicts where it is deemed politically necessary.

According to White House officials, new rules would limit, but not outlaw, the use of confessions extracted through “coercive interrogations,”—i.e., torture—and might grant detainees more latitude in the selection of legal counsel. Trials might proceed on US territory at military bases or offshore on military brigs.

Significantly, hearsay evidence could be allowed, based on the decisions of presiding military judges. The acceptance of hearsay evidence, which is not allowed in

either civilian courts or in the military court martial, would permit the testimony of secret agents and the third-party testimony gathered from foreign intelligence services, potentially including evidence gained through torture.

In his campaign for the presidency, Obama criticized the military trials and promised to close down Guantánamo. But this raised the question of what to do with the 245 or so inmates still held at the military prison camp, who have been denied any recourse to a legitimate court system for years.

In recent days, Republican politicians have mounted a scare campaign over the possibility that some of the remaining inmates might be tried, imprisoned, or released in the US.

Congressional Republicans launched a bill in Congress called the “Keep Terrorists Out of America Act” that would have limited the transfer of any Guantánamo prisoners, for any reason, to US soil.

Republicans have singled out for attack 17 Muslim Uyghurs from China, whom a federal judge ordered to be released in northern Virginia. In language reminiscent of the anti-communist claims of Senator Joseph McCarthy in the 1950s, Congressman Frank Wolf ominously warned, “information I have received indicates that the 17 Uyghurs being held at Guantánamo may be more dangerous than the public has been led to believe.” The Uyghurs were exonerated by the US military in 2003, and by subsequent court proceedings since.

On Sunday, former Vice President Dick Cheney appeared on a morning news program, proclaiming that the Obama administration’s attempt to resolve the legal logjam at Guantánamo would place the US in danger of a new terrorist attack (see *Perspective*).

And a new Republican Party TV ad features video

footage of the hijacked airplanes crashing into the World Trade Center on September 11, 2001, set to ominous music with a closing caption that asks, “How does closing Guantánamo Bay make us safer?”

The target audience of these appeals is not primarily the public, which years ago became skeptical of the 9/11 fear mongering in the absence of any credible explanation of what actually took place in the lead-up to the attacks that day. Rather, the Republicans are making a scarcely concealed political appeal to the national security apparatus against the elected government.

Chastened by the attacks, congressional Democrats have threatened to withhold any money from the forthcoming supplementary spending bill for the Iraq and Afghanistan/Pakistan wars that could be used to close the Guantánamo prison camp. Last week, the House Appropriations Committee passed a \$96.7 billion war-funding bill that wrote out requested money for Guantánamo’s closure.

On Tuesday, Senate Majority Leader Harry Reid said the \$80 million or so for closing Guantánamo would be included in the final bill, but it would be contingent upon President Barack Obama providing details of what would become of the prisoners.

Any resumption of the trials will be fraught with legal difficulties. To date, only three military tribunal cases—out of nearly 800 total inmates housed there since 2001—have resulted in terrorism convictions.

At the same time, Washington has found few foreign states willing to accept the prisoners who it deems are safe for release—i.e., those who even the US government declares are innocent but who have faced imprisonment and barbaric conditions for years.

Recently, the German interior minister, Wolfgang Schäuble, reversed an earlier decision and announced that Germany would no longer accept for resettlement nine Chinese Uyghurs. Saudi Arabia may accept as many as 100 Yemeni inmates and put them through what one media account refers to as a “rehabilitation program for Islamist radicals.”

Human rights groups roundly criticized Obama for moving toward the rehabilitation of the trials. “This is an extraordinary development, and it’s going to tarnish the image of American justice again,” said Tom Parker of Amnesty International. In a letter to the *Wall Street Journal*, Parker called the military commissions the

“court system with the fewest rights for suspects of any court in the Western world.”

Anthony D. Romero, the executive director of the American Civil Liberties Union, promised to bring suit against any minor change, condemning Obama’s maneuver to legitimize hearsay evidence as a “greater travesty than Bush administration justice.... [W]e’ll litigate this before they can proceed, absolutely,” Romero said.

The inhumanity of American imperialism’s methods in “the war on terror” was recently underscored by another attempted suicide by a Guantánamo inmate.

On Monday, the attorney representing Adnan Latif, a Yemeni, said that his client tried to kill himself during an interview. Latif peeled a small piece of wooden veneer off the table, and used it to saw through one of his wrist veins, then hurled the blood at the lawyer, David Remes.

This was not Latif’s first attempted suicide. He has been held at Guantánamo since 2001. The US has refused to allow the presentation of exculpatory evidence that may exonerate him.

Less than a month earlier, *Al Jazeera* obtained a letter from Latif saying that he has been tortured recently—after Obama ostensibly banned torture through one of his January 20 executive orders.

Another inmate, Mohammad al-Qurani, also told *Al Jazeera* that he had been tortured since Obama took office. In January, a US judge ordered that al-Qurani, who was only 15 years old when he was abducted from Pakistan in 2001, be released. He remains imprisoned.

In the public record, there have been hundreds of suicide attempts by Guantánamo detainees. At least four of these have resulted in death.



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