

Following example of Bush-Cheney

## Obama administration bars torture investigators from Guantánamo Bay

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25 July 2009

Adding to its six-month record of extending the Bush administration's attacks on democratic rights, the Obama administration is now blocking efforts by human rights investigators from the United Nations to interview detainees at the Guantánamo Bay prison.

According to a report Thursday in the *Washington Post*, two UN human rights researchers, Martin Scheinin and Manfred Nowak, have sought to visit Guantánamo and been turned down. In a particularly cynical twist, US officials claimed that they were too busy implementing Obama's much publicized order to close down Guantánamo by next January to answer questions about the ongoing abuse of prisoners still held in the facility.

Last month, Secretary of State Hillary Clinton rejected a UN request for a meeting in Washington to discuss the treatment of prisoners at Guantánamo and at secret CIA detention centers, which Obama also claims to have shut down. The US government has flatly refused to provide any information about the locations of the secret prisons or the identities of those who were held in them.

The UN investigators who spoke with the *Post* tried to put the best possible face on the Obama administration's conduct, accepting the White House claim that the torture centers have been shut down and suggesting that Obama was seeking to protect Bush administration officials against prosecution for torture of prisoners carried out in the past.

More likely, however, the torture and abuse are ongoing, and the White House is seeking to protect itself as well as Bush administration officials.

The German magazine *Der Spiegel* reported this

week, citing interviews with released Guantánamo prisoner Lakhdar Boumediene, that torture was continuing at the prison. Boumediene was the lead plaintiff in the case that went to the US Supreme Court, resulting in a ruling invalidating an earlier process for handling the Guantánamo cases. He was released outright in May.

According to an article by reporters John Goetz and Britta Sandberg, "Boumediene is a free man who can talk about his years in prison. What he has told *Spiegel* is likely to trigger controversy in the United States: Boumediene claims that the abuse and humiliation of prisoners continues in Guantánamo and that detainees there are still harassed and tortured. According to Boumediene, a special guard unit continues to beat prisoners to get them out of their cells, and any official claims that such treatment has stopped are untrue."

Another ex-detainee, Mohammed el Gharani, who was released in April and returned to his native Chad, said that he was beaten and pepper-sprayed by soldiers when he refused to leave his cell right up to his final day in the prison.

The protection of torturers, whether past or current, is itself a violation of the International Convention Against Torture, a treaty signed by the Reagan administration in the 1980s and ratified by Congress.

US Attorney General Eric Holder, who is supervising an internal administration review of the issue, has reportedly decided that only "rogue" CIA agents who went beyond the torture methods specified by Bush administration lawyers would be charged with any crimes. There will be no prosecution of either the lawyers who drafted the torture memos or the top

officials, including President Bush and Vice President Cheney, who approved and ordered the torture program.

Anthony D. Romero, executive director of the American Civil Liberties Union, criticized Holder's action as a case of "making low-level officials take the fall while the big fish get away."

"The evidence is abundantly clear that the crime of torture was authorized at the highest levels of the Bush administration," he wrote. "A narrow investigation that fails from the outset to follow the facts where they lead would only perpetuate the Bush administration's false claim that torture was the result of a 'few bad apples,' rather than confront the reality that it was a widespread, systemic and orchestrated policy set at the highest levels of government."

Proven torture of Guantánamo prisoner Mohammed Jawad has forced the Justice Department to drop its current prosecution on murder charges. The action came Friday, compelled by a deadline set a federal district court judge who declared the treatment of Jawad to be "an outrage." An adolescent when seized by US forces in Afghanistan seven years ago, Jawad has been held ever since in violation of international agreements on child soldiers, who are supposed to be treated as victims and not criminals.

Jawad was able to secure a habeas corpus hearing in the civilian courts. US District Judge Ellen Segal Huvelle ruled July 17 that all of Jawad's statements, including a confession, would be thrown out because they had been obtained through torture during his initial incarceration in Afghanistan. But Attorney General Holder said Jawad's case would continue to be investigated in an effort to prove charges against him without any of his own coerced testimony.

Jawad is accused of throwing a grenade at an American military convoy, something which under international law would be considered an act of resistance against an invader, not "terrorism." Moreover, there has been no evidence presented except his own self-incriminating statements, which the judge said were "the function of torture."

The first prosecutor in the case under the military commission system established by Bush and continued by Obama, Darrel Vandeveld, resigned from the military in protest over the use of torture-generated testimony and is now working with the defense.

At the July 17 hearing, Judge Huvelle declared, "I don't understand this case. I'm baffled. This guy has been there seven years, seven years. He might have been taken there at the age of maybe twelve, thirteen, fourteen, fifteen years old. I don't know what he is doing there... you should have figured this out months ago, years ago, frankly." She concluded, "Let him out. Send him back to Afghanistan."

Jawad, then only 12 years old, was beaten and chained to a wall while in US custody in Afghanistan, then subjected to extreme isolation at Guantánamo, where he tried to hang himself in his cell.

Lawyers for other Guantánamo detainees publicly blasted the Obama administration for failing to provide information, including transcripts of interrogations, needed for their defense. Speaking to *Bloomberg News*, Professor James Cohen of Fordham University School of Law, who represents two prisoners, said the Justice Department "hasn't changed its stonewalling position" from the Bush administration.

Brent Mickum, attorney for Abu Zubaidah, who was waterboarded 83 times according to a Justice Department report, said that many defense attorneys for Guantánamo prisoners were frustrated with the Obama administration's approach. "There is certainly a large group of us who has basically written" Obama off, he said.

In a further demonstration of the alignment of Obama and Bush, the Justice Department argued before a federal judge Tuesday that an interview by former Vice President Dick Cheney with prosecutors in the case involving the leaking of the identity of then-CIA agent Valerie Plame should remain secret for five to ten years.

Cheney's chief of staff Lewis Libby was convicted of perjury and sentenced to prison—a sentence commuted by Bush—for lying to prosecutors about his role in the affair.



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