

Obama orders resumption of military trials at Guantanamo

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President Barack Obama on Monday announced the lifting of a 25-month stay on new military trials at the Guantanamo Bay, Cuba prison camp, effectively repudiating his post-inauguration pledge to close the infamous facility.

In a White House announcement, Obama said he had ordered the Defense Department to lift the order, issued on the first full day of his administration over two years ago, suspending the filing of new charges in the military commissions at the camp. Obama at the time presented the order as the first step in shutting the facility within a year.

Administration officials said new charges against some of the 172 detainees remaining at the prison would be filed within days or weeks.

Obama also signed an executive order establishing a process to hold some Guantanamo detainees indefinitely without charge or trial, a further assault on the principle of habeas corpus and step in the direction of a police state. The US government considers that some of those being held—having been seized in various places around the world and imprisoned for nearly a decade without any legal recourse—cannot be tried even by the drumhead military commissions because they have been tortured or held on the basis of “evidence” elicited through the torture of others.

There are no doubt others among the prisoners whose testimony could embarrass the government by revealing the complicity of US intelligence agencies with Al Qaeda and other terrorist outfits.

Obama said his actions “broaden our ability to bring terrorists to justice, provide oversight for our actions and ensure the humane treatment of the detainees.” The administration claims that new procedures for the military commissions bring them more in line with international laws and standards. However, they deny

basic due process protections, even when compared to the regular military court martial process.

All of those being held as prisoners in the “war in terror,” moreover, are denied the basic protections granted to prisoners of war under the Geneva Conventions.

Attorney General Eric Holder released a statement Monday declaring: “The executive order issued by the president today strengthens the legal framework under which we will continue to detain those individuals who are at war with our country and who pose a significant threat to the security of the United States.”

Holder said the administration would continue to seek to try some of the Guantanamo prisoners in civilian criminal courts, and criticized Congress for passing a law late last year restricting the ability of the administration to transfer terrorism suspects to the United States from Guantanamo for trial. That action blocked the administration from proceeding with plans to try alleged 9/11 mastermind Khalid Sheikh Mohammed in a civilian court on the US mainland.

Holder also said the White House remains committed to closing Guantanamo, but just last week he told a congressional panel that he did not know if the administration would be able to close the facility by the end of Obama’s first term.

The executive order signed by Obama Monday seeks to provide a fig leaf of legality to the unconstitutional indefinite detention of prisoners. It sets out rules requiring a review of all Guantanamo detainees’ status within a year, and every three years thereafter, to determine whether they remain a threat.

The American Civil Liberties Union, the Center for Constitutional Rights, and Human Rights First all criticized Obama’s announcement for institutionalizing the indefinite detention of people who have never been

formally charged with, let alone convicted of, a crime.

The Center for Constitutional Rights said in a statement, “The creation of a review process that will take up to a year—designed to be repeated every four years—is a tacit acknowledgment that the Obama administration intends to leave Guantanamo as a scheme for unlawful detention without charge and trial for future presidents to clean up...”

Elisa Massimino, president of Human Rights First, said, “This is a step down the road toward institutionalizing a preventive detention regime.”

Congressional Republicans praised Obama’s action. House Judiciary Committee Chairman Lamar Smith of Texas and the chairman of the House Armed Services Committee, Howard McKeon of California, welcomed the revival of the military commissions. McKeon said he was “pleased” that the president had “reversed his earlier decision and will restart military commissions at Guantanamo.”

Obama’s continuation of the Bush-era military commissions and maintenance of the Guantanamo gulag is of a piece with his continuation and escalation of Bush’s war policies. Obama won election by appealing to anti-war sentiment and opposition to torture and other criminal methods. He has, however, continued the occupation of Iraq and escalated the war in Afghanistan and Pakistan, while continuing and expanding the anti-democratic policies of his predecessor.

The Obama administration has refused to prosecute a single Bush administration official for employing lies to invade Iraq and engaging in torture, abductions and the use of secret prisons. Obama has continued the practice of rendition to kidnap alleged terrorists and transfer them to other countries to be tortured, used the claim of “state secrets” to block victims of rendition and torture from going to court, upheld the right of the president to declare people “enemy combatants” and unilaterally condemn them to indefinite detention in military jails, and even signed an order to assassinate an American citizen.

Just five days before Obama announced the revival of military commissions at Guantanamo, his administration sanctioned the filing of 22 new charges against alleged WikiLeaks source Private Bradley Manning, including the capital charge of “aiding the enemy.” The administration is threatening to execute

the 23-year-old soldier for the “crime” of helping to expose US war crimes in Iraq and Afghanistan, and American diplomatic conspiracies around the world.



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