OMNI GUANTANAMO NEWSLETTER #1 Compiled by Dick Bennett, 3-3-11, for a Culture of Peace. Another Harm of the War on Terror.

REMEMBER GUANTANAMO: 10th anniversary 2011

JANUARY 11, 2001: Guantanamo established to confine “enemy combatants.” JANUARY 22, 2009: date when Pres. Obama signed the executive order to close the prison within one year.

January 22, 2011 Guantanamo remained in operation and torture continued. Hundreds of people around the country protested, including Witness Against Torture, the Center for Constitutional Rights, Amnesty International.

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--Kurnaz, Murat. *Five Years of My Life: An Innocent Man in Guantanamo.* Palgrave, 2008. Rev. Z Magazine (Dec. 2010). Torture of Muslim prisoners was “systemic,” with “countless acts of murder… at least in the hundreds.” “Pentagon architects designed prisons that were sadistic torture chambers.”


Obama Blasts Congress' Limits on Guantanamo Transfers

Warren Richey, *The Christian Science Monitor*

Warren Richey reports: "President Obama strongly objected on Friday to provisions of the 2011 Defense Authorization Act that prevent the military from transferring Guantanamo detainees to the US for trial. The president registered his opposition in a two-page signing statement issued shortly after he approved the Defense Department funding bill."

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Dear CCR supporter:
Join CCR for two upcoming events in Washington, D.C. on January 11th and 12th marking 10 years of arbitrary and indefinite detention at Guantánamo. If you can’t join us in D.C. for these exciting events, you can make an impact by signing our “Close Guantánamo with Justice” statement that is gaining momentum around the world. You are also invited to a CCR call-in on January 13th exploring how the recent Supreme Court ruling in Humanitarian Law Project v. Holder (HLP) affects the work of international solidarity activists and humanitarian aid workers.

I. “Close Guantánamo with Justice Now!”
Rally and procession on January 11, 2011 at 10:30 a.m. in front of the White House 1600 Pennsylvania Ave

Don't let the tenth anniversary of arbitrary and indefinite detention at Guantánamo pass in silence. Guantánamo is now Obama's prison—keep up the pressure to close Guantánamo with justice and immediately repatriate or safely resettle the men who have won their habeas cases or been cleared for release.

Spread the word and bring your friends and neighbors. Watch a video from last year's events including a direct address from former Guantánamo detainees

We will first gather at the White House at 10:30 a.m. for a rally with a coalition of human rights and grassroots groups. This is perhaps the most important part of the day's events—don't miss it! We will then participated in a "prisoner procession" organized by Witness Against Torture to a vigil at the Department of Justice. 174 men are still detained at Guantánamo, and we hope to have at least that many people as part of our procession.

Click here for more information about the rally
II. “Outside The Law: Stories from Guantánamo,” Panel discussion on January 12, 2011 at 12:00 p.m. - 1:30 p.m. at American University Washington College of Law, 4801 Massachusetts Avenue, NW. Room: WCL JD Lounge, 6th floor

Speakers at this critical panel about Guantánamo prison in its tenth year of operation include: Juan Mendez (U.N. Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and visiting professor at American University School of Law); Leili Kashani (CCR Guantánamo Global Justice Initiative Education and Outreach Associate); Andy Worthington (freelance investigative journalist, the author of The Guantánamo Files: The Stories of the 774 Detainees in America’s Illegal Prison; and the co-director (with Polly Nash) of the documentary film, "Outside the Law: Stories from Guantanamo." The panel will be moderated by Frida Berrigan (organizer with Witness Against Torture). This event is free and open to the public.

III. “CCR Explains HLP V. Holder: National Call For Solidarity Activists And Aid Workers.” Call-in on January 13, 2011 at 5:00 p.m. EST (712) 775-7100; Participant Access Code 413502#

The FBI continues to harass, intimidate and criminalize those who are committed to political activism and solidarity with worldwide struggles for justice. CCR litigated HLP up to the Supreme Court and is offering a monthly series of calls for activists and humanitarian aid workers who are concerned and have questions. CCR attorneys will give an overview of the decision and its implications and answer questions that are emailed in to them. Please RSVP and send questions in advance to events@ccrjustice.org with “HLP RSVP” or “HLP question” in the subject line. Please note that we will be accepting all
questions during the call through the email address events@ccrjustice.org. In order to submit questions please plan to have access to your email.

We hope to see you at these three significant events in the struggle for social justice.

Sincerely,

Annette Dickerson
Director of Education and Outreach
Center for Constitutional Rights
César Chelala: “Don't Just Close Guantánamo, Return It”


GROSS VIOLATION OF DUE PROCESS

Los Angeles Time, “The Guantanamo 48” Editorial

Intro: "Detaining these prisoners indefinitely and without trial goes against American notions of due process."

READ MORE  https://mail.google.com/mail/?hl=en&shva=1#inbox/12d359e4a709c1f8

REMEMBER WHAT IS DUE PROCESS
Mark Krause, accused of leaving a homemade bomb at a polling place in Carroll County, Arkansas and arrested, was:

1) asked by the judge the standard questions (level of education, etc.) to determine whether he was able to understand the proceedings;
2) appointed a federal public defender;
3) granted a probable-cause and detention hearing;
4) had his charges reviewed, requiring the government to show it has enough evidence.

None of this was done at Guantanamo, under the excuse that the prisoners were outside the protections of the Constitution. (ADG 1-4-11).

White House: No End Soon for Guantanamo
Agence France-Presse reports: "The White House admitted Sunday it would be unable to shut Guantanamo Bay in the near future, even as it acknowledged the US naval prison camp is a rallying cry for Islamic extremists."
READ MORE https://mail.google.com/mail/?hl=en&shva=1#inbox/12d2681171c01f69

ANDY WORTHINGTON ON OBAMA FAILURE TO CLOSE GUANTANAMO
From Democracy Now in Dec. 2009
Amy Goodman interviewed Andy Worthington, author of The Guantanamo Files: Stories from Outside the Law. He noted that Gitmo was to be closed by Jan. 11, 2010; that date was extended; and now extended again in order not to release Yemeni prisoners, of which 86 are still in G. Worthington also said that the Pentagon exaggerated the no. of G. released prisoners who rejoined al Qaeda.

REPORER CAROL ROSENBERG
Glenn, David. “The Record Keeper: Carol Rosenberg Owns the Guantanamo Beat.” Columbia Journalism Rev. (Nov. Dec. 2010). Rosenberg, reporter for The Miami Herald, is the most persistent critic of “the way the military runs things at Guantanamo.” This article describes many aspects of her presence at Gitmo and exposes Pentagon machinations.

U.S. military based Gitmo training on tactics China used in Korean War - USA Today
A training course at Gitmo was modeled on tactics that Chinese forces used to interrogate American prisoners during the Korean War, according to The New York Times. The paper reports that interrogation trainers used a chart with "coercive management techniques" that were "copied verbatim from a 1957 Air Force study of Chinese Communist techniques used during the Korean War to obtain confessions, many of them false, from American prisoners."
PRISONERS


MOHAMMED JAWAD

TMN (7-31-09), “Judge Orders Detainee’s Release.” The youngest detainee, tortured into confessing to crimes, imprisoned at G. six and a half years. without charge or trial.

JOHN WALKER LINDH

Democracy Now interv. his parents Frank Lindh and Marilyn Walker 7-31-09.

MOAZZAM BEG

Released from G. See Guantanamo Justice Center.

LETTER FROM JUDGE WENDELL GRIFFEN

The ruling yesterday by the Supreme Court that GuantánamoBay detainees may challenge the legality of their detention in U.S. federal courts through the time-honored writ of habeas corpus is indeed a landmark. However, commentators have not grasped the full irony of the ruling, the lengths taken by the Bush administration to prevent the Supreme Court from addressing the issue, and the historic step taken by the Court to decide the case at all. Indulge me in this lengthy summary.

For years since the 9-11-01 terrorist killings in New York, Pennsylvania, and Washington, the Bush administration has asserted an absolute and unchallengeable right to sweep people it terms "enemy combatants" into U.S. custody and hold them at Guantánamo without access to independent judicial review concerning whether they are in fact enemy combatants and whether they are detained legally. In 2006, the Supreme Court ruled that Salim Ahmed Hamdan, a Yemeni who served as a bodyguard and driver for Osama bin Laden, could not be tried by a military commission whose structure and procedures violated both the Uniform Code of Military Justice (UCMJ) and the Geneva Conventions. The Hamdan decision came in a 5-3 ruling, because Chief Justice John Roberts did not participate, having been on the Court of Appeals for the District of Columbia Circuit which reversed a district court ruling granting Hamdan's habeas application. Thus, the Hamdan decision invalidated the military commissions system developed by the Bush administration for prosecuting detainees.

The administration could have chosen to prosecute Hamdan and other detainees in federal court. It did not. It could have chosen to prosecute Hamdan and other detainees before courts-martial under the UCMJ, which would have also meant the detainees would have enjoyed procedural rights designed to provide fair trials (including the right to challenge coerced confessions, learn about coercive interrogations, identify exculpatory evidence beneficial to the detainees, have specific notice of the evidence upon which the enemy combatant designation was made, challenge hearsay evidence, and appeal adverse rulings in the federal court system. Again, it did not.

Rather, on the eve of the fall 2006 mid-term congressional elections, the Bush administration introduced, Congress enacted, and President Bush signed into law S. 3930, the Military Commisions
Act of 2006, which denies federal courts jurisdiction over habeas corpus applications filed by "unlawful enemy combatants." Democrats opposed that legislation, and were especially vehement in denouncing its habeas-stripping aspects. Republican Senator Arlen Spector of Pennsylvania, who chaired the Senate Judiciary Committee at the time, publicly deemed the MCA unconstitutional, even while he voted for it. Sadly, so did Senator Pryor of our state, as did Senator John McCain, the presumptive Republican nominee in the coming 2008 presidential election. After the MCA was signed into law, the Bush administration immediately moved to have some 500 habeas corpus applications dismissed under that law, even as its constitutionality was being challenged in federal courts. John Yoo called the MCA a "stinging rebuke" of the Supreme Court's Hamdan v. Rumsfeld ruling, which had invalidated the military commissions before which Hamdan and other detainees were to have been prosecuted.

The federal court challenges to the MCA by Guantanamo detainees eventually made its way to the Supreme Court, but the Court, under Chief Justice John Roberts, refused to hear the challenges a year ago. See Boumediene v. Bush, 127 S.Ct. 1478 (2007). In what was clearly a prophetic and extraordinary statement issued with the denial, Justices Kennedy and Stevens emphasized that denial of review did "not constitute any opinion on the merits" of the dispute, and Justices Souter, Ginsberg, and Breyer joined in a dissenting opinion in which they contended that the Court should give its "immediate attention" to the controversy. Last August, the Court reconsidered the matter and granted review of the constitutionality of the MCA and whether aliens held as enemy combatants in Guantanamo Bay may challenge their detentions by habeas corpus applications in federal courts. The decision announced yesterday by the Supreme Court says that they may do so.

The commentators thus far have not mentioned--perhaps because they have not studied the MCA--that the Court's ruling has far-reaching implications for the upcoming presidential elections as well as the constitutional legacy of the Bush administration. After the MCA was enacted, President Bush linked that legislation with "a CIA program [under which] ... suspected terrorists have been detained and questioned about threats against our country." In doing so, President Bush suggested that the CIA program, which included coercive interrogation tactics, helped result in detainees being designated enemy combatants by the Defense Department. Thus, it is more than slightly ironic that Senator McCain, who was tortured while a prisoner of war during the Vietnam conflict, voted to enact legislation sponsored by the Bush administration that sought to prevent Guantanamo detainees who may have also been tortured from challenging their detention through habeas applications filed in federal courts.

Senator McCain, like President Bush, criticized the Court's ruling in Boumediene v. Bush on yesterday. Senator McCain, like President Bush, supported the legislation which the Court struck down as unconstitutional. It remains to be seen whether political commentators will inform the American public about their common tie to the Military Commissions Act and the CIA coercive interrogation process that the MCA was intended to shield from judicial purview.

Finally, yesterday's ruling is a vindication for me on a personal level. In October 2006, after the Hamdan ruling and after enactment of the MCA, I wrote an op-ed piece titled "Frustrated Presidents" that Max Brantley was kind enough to publish in the Arkansas Times. In that piece, I argued that John Yoo was both historically and fundamentally wrong in contending that the Bush Administration's aspiration for unilateral power was consistent with American democracy. My op-ed column became part of the charges I was forced to defend before the Judicial Discipline and Disability Commission. The charges were dismissed after the JDDC finally decided to follow U.S. Supreme Court and other federal rulings on the First Amendment rights of judges to speak about disputed political and legal issues not pending before them.
As I approach the end of my service on the Arkansas Court of Appeals, I take special pleasure in seeing the Supreme Court remind the Bush administration and reassure the rest of our nation and the world that the highest and first obligation of every public official, including the President of the United States, is to support and defend the Constitution. As Justice Kennedy indicated in his majority opinion in Boumediene, if the government will not or cannot do that, none of us are safe from tyrannical government. In the first instance, it is the business of the executive branch to ensure that government does not conduct itself in tyrannical ways. In the last instance, it is always the solemn and noble job of courts and judges to entertain and decide the merits of allegations of such executive misconduct, even when the allegations are made by non-citizens who have been detained outside the territorial borders of the United States in what appears to have been a deliberate effort to deny them access to due process of law.

I predict that the Bush administration will be remembered as the most disrespectful toward due process and the rule of law in modern U.S. history. It remains to be seen whether Senator McCain will be remembered for having helped to enable the administration’s disrespect for the rule of law and due process.


End This Shame in America

This sort of thing should be shouted from the rooftops, and those responsible chased from public life. But instead we’ll have the grinning loons on cable news and talk radio telling us why it’s okay.

END OF GUANTANAMO NEWSLETTER #1, March 3, 2011