OMNI GUANTANAMO NEWSLETTER #4, Jan. 16, 2013.
Compiled by Dick Bennett, for a Culture of Peace. Guantanamo: A Disaster from the War on Terror and the US Culture of War. (#1 March 3, 2011; #2 Dec. 11, 2011; #3 January 21, 2012)

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Witness Against Torture and Catholic Worker: January 11, 2012

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http://www.omnicenter.org/newsletter-archive/ Full knowledge and evaluation of the crimes committed against prisoners and of other abuses by people in power will empower the People and begin the end of Guantanamo.
PETITION TO PRESIDENT OBAMA
Signed by some members of Senior Democrats, Washington County, Arkansas, 3-20-12

DEAR PRESIDENT BARACK OBAMA:

On the second day of your presidency you declared that the use of torture would no longer have a place in the United States and that you would close the detention center in Guantanamo Bay, Cuba within a year.

We urge you to follow through with your promise. Of the 171 men still imprisoned, 89 are cleared for release. Send them home. Try the rest in federal courts, which in the past decade have tried 400 accused of terrorism. If courts can’t convict these men, they, too, should be released.

Indefinite detention without trial violates international human rights law and the U. S. Constitution and must end.

We also believe that keeping Guantanamo open compromises our foreign policy and inspires enemies against our country.

Groups Decry Obama’s Failure to Close Guantanamo
Jim Lobe, Inter Press Service, RSN, January 5, 2013
Lobe reports: "Human rights groups are denouncing President Barack Obama's failure to veto a defence bill that will make it far more difficult for him to fulfill his four-year-old pledge to close the Guantanamo detention facility this year."
READ MORE http://readersupportednews.org/news-section2/328-121/15392-groups-decry-obamas-failure-to-close-guantanamo-

LEGACY OF GITMO/BAGRAM
Kafkaesque Legacy of Gitmo/Bagram
Pillar reports: "More than a decade after the 9/11 attacks and George W. Bush's 'war on terror,' U.S. justice remains mired in Kafkaesque legal swamps at Guantanamo Bay and Bagram, places where murky theories about 'unlawful combatants' mean detainees have no real rights."
US Admits Hundreds of Afghan Teens Detained
Peter James Spielmann, Reader Supported News
Spielmann reports: "The U.S. military has detained more than 200 Afghan teenagers who were captured in the war for about a year at a time."

Torture Memos" Turn 10: Demand Accountability
Annette Warren Dickerson, CCR alerts@ccrjustice.org August 1, 2012
to jbennet
Watch former president Bush admit he authorized torture & listen to Murat Kurnaz, a man previously imprisoned at Guantánamo, join CCR attorney Katherine Gallagher to discuss why accountability for torture is critical.

Dear CCR supporter,

Today marks ten years since Bush administration lawyers drafted the infamous “torture memos” that both enabled the torture of individuals held in U.S. detention and provided legal cover for U.S. officials who participated in torture.

It has been well-documented that in the years following the September 11, 2001 attacks, high-level U.S. officials committed, ordered, directed, authorized, condoned, planned and otherwise aided and abetted, or failed to prevent or punish, serious violations of international law, including torture. The torture memos played a critical role in the U.S. torture program. To date, no senior government official has been held accountable for torture, and there is no pending criminal investigation into torture committed by U.S. officials. In fact the Obama administration has made clear that neither the authors of the Bush Administration’s “torture memos,” nor those who relied on these memos, will be subject to investigation. Nor has there been accountability for the destruction of at least 92 interrogation videotapes containing evidence of torture, including the torture of detained men who are still in Guantánamo.

The Bush administration tortured, but it is the Obama administration that is creating a legacy of impunity for this torture. President Obama is compounding this grim legacy by continuing indefinite detention without charge or trial at Guantánamo—a practice that a recent Physicians for Human Rights report makes clear is itself a form of torture.

Contact Attorney General Eric Holder and demand that the U.S. Department of Justice hold U.S. officials accountable for torture and other serious violations of international law at Guantánamo and other U.S. detention sites. The Attorney General should appoint an independent prosecutor with a full mandate to investigate and prosecute those responsible for torture and other war crimes, as far up the chain of command as the facts
may lead.
Support CCR’s work to hold U.S. officials accountable for torture and war crimes by learning more about it and sharing with others. Learn more about CCR's Bush Torture Indictment by visiting our case page. Also learn about our efforts in Germany, France and Spain to hold U.S. officials, including the lawyers who drafted the torture memos, accountable for torture around the world by visiting CCR’s page on accountability. The U.S. government has so far failed to comply with its obligations to investigate and prosecute torture, but together we can ensure torturers are held accountable.

Thank you for your continued support.
Sincerely,
Annette Warren Dickerson
Director of Education and Outreach

About Us
The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Read More

Why hasn’t Obama closed Guantánamo?

Anthony D. Romero   19th October 2011 — Issue 188

Its continued existence reflects a cynical political calculation—and a failure to rethink America's war on "terror"
Canadian detainee Omar Khadr was sent to Guantánamo in 2002, aged 15, but was put on trial only in 2010. He was sentenced to eight years

[An abbreviated version appeared in Civil Liberties (Winter 2012)].

Having travelled to Guantánamo Bay and witnessed the injustices perpetrated there, I wholeheartedly welcomed President Barack Obama’s promise to close the prison, made two days after he took office in 2009. But nearly three years later, that goal appears even further from his reach. Approximately 170 detainees remain at the facility, and in recent months their transfer out of Guantánamo has reached a virtual standstill.

Why? Many commentators have cited internal wrangling over priorities, strategic missteps and an unanticipated congressional blowback—characterising, more or less, an avoidable political tragedy. Yet if one steps back to examine the full picture of how Guantánamo came into being and why prisoners remain there, a common theme emerges. The continued existence of the prison is grounded in the intractable view that the United States is engaged in a global war without end. The US government is so wedded to this perception of “everywhere-and-endless war” that it is now on the verge of making permanent the very policies that led to Guantánamo’s creation.

This should alarm not only US citizens and civil liberties groups, but people around the world. A number of governments, including Britain’s, aided the United States in the wrongful detentions at Guantánamo, rendition to torture, cruel interrogations, and other abuses. For the sake of their own citizens’ security, foreign governments must weigh in now to ensure that past abuses are not repeated. International opinion matters to President Obama—and his administration needs to hear that the world not only wants Guantánamo closed, but also opposes any future regime of permanent, global war-based detention.
To understand why closing Guantánamo Bay has proven so difficult, one must consider the history of the prison. In 2001, in response to the 9/11 attacks, President George W Bush proclaimed that the United States was at war, not just in Afghanistan, but everywhere, and not just with al Qaeda but with innumerable other groups as well. In framing this as a “global war on terror,” the Bush administration claimed the authority to use extensive powers not available in peacetime—including the right to indefinitely imprison those deemed an enemy, wherever they might be. As we now know, this resulted in hundreds of men, many with no discernible ties to hostilities against the United States, being picked up all over the world, from Thailand to Zambia and Bosnia to Mauritania, declared “enemy combatants” and shipped off to Guantánamo Bay, which the Bush administration deemed a legal “black hole” removed from the oversight of US courts. The public was told that these men were the worst of the worst and could not be afforded the rights normally given to prisoners of war or terrorism suspects. They could not even be afforded the right not to be tortured. Many detainees were imprisoned for years, subjected to horrific abuses and denied fundamental due process rights. A handful were driven to suicide.

The US government bears primary responsibility for what happened at Guantánamo, but it did not, of course, act alone. Many allies helped with locating, abducting, transferring, and interrogating these prisoners; British secret services interrogated detainees before they were brought to Guantánamo and fed intelligence to interrogators who tortured their captives.

As the truth about the prison began to emerge, and court cases were filed, America’s allies began voicing their concern. By 2006, even Tony Blair, one of the firmest supporters of the war on terror, had recognised it would be best if Guantánamo were closed. There was also growing opposition to the prison within the United States across political party lines, too. By 2008 the two main presidential candidates, John McCain and Barack Obama, both committed to close the prison if elected. The shuttering of Guantánamo appeared to be a political certainty.

As President Obama signed the executive order, on 22nd January 2009, to close Guantánamo within the year, he was flanked by a cadre of high-ranking retired US admirals and generals, presumably to inoculate against any accusations that his decision was somehow “soft” on terror. The move was widely praised around the world, taken as a sign that the new administration would reclaim its standing in the international community, in part, by bringing US counterterrorism policies back within the rule of law. Yet a closer look at the text of the order reveals that the administration had failed to think through precisely how Guantánamo’s closure fitted within bigger picture decisions about counterterrorism policy.

The executive order left open too many loopholes, and explicitly kicked many of the more difficult questions down the road. One critical issue was whether the United States would continue to assert a global war-based authority to imprison people indefinitely without trial, and whether military commissions would be used instead of civilian courts. In the months that followed, it would become clear that these unresolved positions were at the core of what it really meant to close Guantánamo.

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Shortly after taking office, Obama administration officials stopped using the term “global war on terror” in official statements, substituting instead terms such as “overseas contingency operations.” But a cosmetic substitute in rhetoric did not mark a decisive shift in thinking. As officials began to patch together the details of what a Guantánamo closure would look like, it became clear that neither the administration nor members of Congress were prepared to abandon the “war on terror” framework that had led to the prison’s creation.

In March 2009, in response to unlawfully held prisoners challenging their incarceration in the courts, the Obama administration adopted a position—shocking to many—only marginally different from that
asserted by the Bush administration. (They dropped the term “enemy combatant” and relied solely on the Authorisation for Use of Military Force, a war resolution passed by the House of Representatives just days after the 9/11 attacks, rather than on presidential authority.) Thus far, US courts have largely accepted this position.

The administration dropped another bombshell in May 2009, announcing it would continue with military commission trials for some Guantánamo detainees. This prompted an outcry that the president seemed to be abandoning his campaign promise to pursue civilian trials in regular US courts. The administration sought and Congress passed some improvements to the Military Commissions Act in 2009, including eliminating the government’s ability to use statements obtained from its cruel treatment of defendants against them, but the rules continue to fall far short of fundamental fairness standards. Among other flaws, coerced statements made by other witnesses may be permitted, and the military is allowed to try terrorism crimes that the international community has never recognised as war crimes. (In practice, the commissions process also permits a far greater degree of censorship of a prisoner’s account of torture than a federal court would allow.)

A week after the announcement about military trials, President Obama made a landmark speech in front of the original copy of the US constitution, in which he fully outlined his administration’s war-based approach to the Guantánamo problem. He announced that, in addition to seeking to transfer and prosecute some Guantánamo prisoners, his administration would continue detaining—indeinitely and without trial—another category of prisoners who “remain at war with the United States,” which we now know includes people captured far from any battlefield, and who never engaged in hostilities against the United States.

With military commissions set to resume and a policy of indefinite detention now officially articulated, closing Guantánamo became, in large part, merely about shifting detainees from one prison to another and tinkering with the rules for a system of military trials. Meanwhile, congressional opposition to Obama’s plan to close Guantánamo mounted. At first, various members of Congress introduced dozens of bills to bar the transfer of Guantánamo prisoners to facilities inside the United States. Many were aimed at prohibiting transfers to specific states, driven by a “no enemy prison camp in my back yard” sentiment. Even Democratic legislators who didn’t oppose closing Guantánamo outright supported time-limited bans on funding to implement Obama’s closure policy, complaining that the president had failed to articulate a blueprint for how he intended to resolve not just the Guantánamo cases, but also the cases of potential future “war-on-terror” detainees.

Eventually, in June 2009, Congress passed a provision barring the transfer of Guantánamo detainees into the United States for any reason other than prosecution. Then in November 2009, when Eric Holder, the attorney general, was on the brink of announcing the plan to try Khalid Sheikh Mohammed and four co-defendants accused of conspiring in the 9/11 attacks in regular civilian courts, new proposals were introduced in Congress by Senator Lindsey Graham to force all Guantánamo cases set for trial into the military commissions.

At first, these proposals failed to gain the necessary congressional support. But when more than a year went by and the Obama administration appeared no closer to having either the political commitment or a logistical plan for bringing Guantánamo detainees to trial in the United States, Congress passed and the president signed, in January 2011, restrictions barring all transfers to the United States, even for prosecution.

At the same time, Congress also adopted draconian restrictions on the resettlement and repatriation of Guantánamo prisoners to foreign countries, even though the prisoners slated for transfer had been unanimously cleared by every military and intelligence agency in the US government. To justify such restrictions, members of Congress argued that the United States was still at war, and that Guantánamo
detainees could not be allowed to return to the fight. They also cited the Obama administration’s own reports, which contained highly inflated recidivism statistics for former Guantánamo prisoners. As a result, transfers of Guantanamo prisoners to foreign countries effectively ceased.

The prospects for Guantánamo being closed any time soon appear especially bleak. This January, the president signed an executive order entrenching the legal principle that detainees could be held without charges or trials. In effect, centuries of American jurisprudence had been compromised by presidential fiat. Central tenets of US democracy, such as “beyond a reasonable doubt,” “the right to rebut the evidence against you,” and “the right to confront your accuser in a court of law” had evidently become quaint and obsolete principles for this constitutional law professor-turned-president. The order also laid out anaemic procedures for continuing to review the cases of Guantánamo prisoners remaining in US custody. Most disturbingly, even if President Obama’s new process were to determine that a prisoner posed no threat to the United States, congressional transfer restrictions would likely prevent his release.

Congress bears a great deal of blame for the failure to close Guantánamo, but there are several reasons why the president is also heavily responsible. First, he had the full authority to transfer detainees to the United States for prosecution for almost the first two years of his presidency. But rather than expediting its closure, his 2009 executive order contained a one year timeline; the delay allowed opponents to derail the plan.

Second, when the first complete ban on detainee transfers was enacted in January 2011, it applied only to Department of Defense funds. At that time, President Obama still had the option to transfer detainees to the US using Department of Justice funds, but he did not exercise that authority. He also could have vetoed the transfer provisions, but did not.

Third, he did not stand behind the attorney general’s decision, in November 2009, to prosecute the 9/11 suspects in federal criminal courts. Allowing local and national elected officials to undermine the authority of the attorney general to prosecute was a stunning capitulation in the perennial turf war between the executive and legislative branches. In short, Obama succumbed to political pressure and refused to fight crucial battles.

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One might look at the nearly intractable political situation around closing Guantánamo and say that Congress has tied the administration’s hands in accomplishing its goal. But how did we get to this stalemate? President Bush didn’t ask the permission of Congress when he wanted to do the wrong thing and open Guantánamo. Why did Obama feel the need to get congressional blessing early in his tenure to do the right thing and close it?

As the first days of the Obama administration turned into months and years, the president cynically traded off the rule of law in favour of winning on other issues. Closing Guantánamo has perhaps only a relatively small domestic constituency of civil liberties activists behind it, compared to the administration’s other first-term promises, such as healthcare reform and ending the ban on lesbians and gay men serving openly in the military. In short, President Obama made a Faustian bargain that closing Guantánamo would cost too much political capital, while leaving it open would alienate few voters.

Whether that calculation was correct is irrelevant. The decision will be an unfortunate coda to the legacy of a historic presidency. As usual, and lamentably, principles did not trump politics.

Obama’s failure has implications far beyond the fate of the men who are trapped in prison. US policymakers continue to rely on war powers to detain prisoners with no connection to actual war, and this has an impact on forward-looking policies on detention. In the Senate, legislators have tacked on provisions to a defence funding bill that would authorise the indefinite military detention of civilians
anywhere in the world, if they are suspected of having a relationship to terrorists. If this measure is passed, the US government could adopt a law by the end of the year that authorises the president to be the world’s self-appointed policeman for terrorism suspects, even if the suspect has never threatened or harmed US interests.

In theory, these provisions would allow the military detention of US citizens within the United States, although in reality this would be very controversial, as it was under the Bush administration. More likely would be the US government using such authority to once again pick up British, Australian and Spanish nationals travelling abroad, as it did when Guantánamo was first opened. Governments, like Britain’s, would again be in the difficult position of proving a negative: that their nationals aren’t warriors or terrorists and should be returned home.

What is perhaps most striking about the looming Senate proposals is how out of touch they are with the policies of US allies and the opinion of the US public. US allies, including Britain, have long ago distanced themselves from the “war on terror.” The US public has likewise demonstrated a growing impatience for war without end: even radically conservative politicians are challenging presidential military authority and proposing cuts to previously untouchable defence funds.

If US policymakers would listen to their allies and constituents, and let go of their everywhere-and-endless war, there would be no authority to continue to hold men at Guantánamo, and no need for expanded powers for war-based indefinite detention. If, on the other hand, the United States further entrenches its militarised approach to counterterrorism, by enacting provisions like those pending in the Senate, we will see past mistakes repeated, and new Guantánamos will emerge to hold the latest victims of the ill-conceived worldwide war on terror.

• NEWS BY CAMPAIGN
  
  o Fast for Justice 2011
  
  o Fast for Justice 2012
  
  o Fast for Justice 2013
As our readers may recall, in December of 2005, some twenty-five activists from several Catholic Worker communities journeyed to forbidden Cuba to call attention to the plight of over 500 Muslim men imprisoned at Guantánamo Bay. Rumors had been confirmed by lawyers from the Center for Constitutional Rights: prisoners at Guantánamo were being subject to cruel, inhuman, degrading treatment and torture.
Consciences were incited, and then summoned abroad, by the vast hunger strike occurring within the prison itself. At the time, the degree to which the allegations against the prisoners were true was somewhat unclear; we knew only that torture was its own form of terrorism, and that it was criminal. But the overkill rhetoric of the Bush Administration was unnerving. Vice President Dick Cheney went so far as to opine that the US military and intelligence agencies would have to begin to “work…the dark side.” The Secretary of State Donald Rumsfeld would for years hammer home the point that Guantánamo prisoners were the “worst of the worst,” that they were highly trained al-Qaeda operatives who were captured by the US military on the battlefield. General Richard B. Myers, chairman of the Joint Chiefs of
Staff, warned that “these are very, very dangerous people…. These are people who would gnaw through hydraulic lines at the back of a C-17 to bring it down.”

The rhetoric was unmitigated and unchallenged in the mainstream media. Even to this day. And yet we now know that the vast majority of the nearly 800 prisoners to have ever passed through Guantánamo were guilty of nothing. Innocent men ripped from their villages and families. Surely, many of them are admirable men, and as we’ve come to know certain of them are downright heroic. Marc Falkoff, one of the pro bono lawyers for Guantánamo prisoners, expresses the shock when confronted with this reality: “The plain fact is that we went down to Guantánamo and we found that hundreds of these guys are in fact innocent civilians…. People think that… they’re really terrorists, and I’m just trying to do some lawyerly hocus-pocus, and it’s far from the truth…. I’m looking at evidence that, if the ordinary person looked at it… they would say, ‘This is absolutely, thoroughly ludicrous. Are you serious that this is why this guy is here?’ I mean, I’m talking about triple or quadruple hearsay, where the original declarant was tortured or abused in some way. That’s the kind of quality of evidence. To compare Guantánamo to the Salem Witch Trials is bang on. That’s what we’re talking about: webs of incriminating statements from increasingly untrustworthy sources.”

We have maintained our activism over the past seven years. And our indignation? Has it dried up like a raisin in the sun? Or festered like a sore? Or does it stink like rotten meat? Or has it crusted and sugared over like a syrupy sweet? I suppose we each feel differently, but we can be nothing but shamed at the death of poet and hunger-striker Adnan Latif. On September 8, 2012, he became the ninth prisoner to die at Guantánamo, the fourth on President Obama’s watch. One hundred sixty-seven prisoners are yet incarcerated at Guantánamo. The majority of these prisoners were cleared for release by President Obama’s task force, but most do not have any prospect of being repatriated. In other words, the Obama administration admits that the government has no case against more than half of the prisoners. This was certainly true for Latif who had not been seized any battlefield, rather, was handed over by Pakistani intelligence for a $5,000 bounty. (Only five percent of Guantánamo detainees were captured on the battlefield, and a large plurality were given up for bounty).

Latif was cleared for release three times under the Bush administration (initially in 2004) but remained at Guantánamo. He was cleared again under the Obama administration, in this case with the consent of every American intelligence agency. However, he continued to remain at Guantánamo because the Obama administration, quite contrary to the genuine rule of law, had imposed a moratorium on the repatriation of prisoners to Yemen (because al-Qaeda is suspected to be active there). Finally, in 2011, after winning his habeas corpus plea, a federal judge ordered him released from Guantánamo. The Obama administration appealed that decision, and it has been argued that they did so in order to gut habeas corpus of all meaning, knowing that the United States courts of appeals was
dominated by conservative judicial activists who were seeking to do the same. Such indeed occurred when they won the appeal. Then in 2012, the Supreme Court—the final court of appeals—unanimously refused to hear Latif’s case. And the gutting of habeas corpus was, quietly, made permanent.

Latif, one of the earliest prisoners at Guantánamo, was taken captive when he was in his mid-20s, taken from his wife and child, his parents and siblings. He was held without charge or trial for more than ten years, and throughout that decade, he suffered the worst abuses Guantánamo had to offer, under both the Bush and Obama administrations: beatings, including a dislocated shoulder on his first day at the camp; stress positions; sensory deprivation and overload; long-term solitary confinement; humiliation; and religious persecution. And drugging (there are now serious allegations that prisoners entering Guantánamo were given medications known to have dramatic neuropsychiatric side effects, as well as being subject to “chemical restraints” while in the prison). Yet, the innocent man had the courage to resist such violence and indignity. He participated in a series of hunger strikes, in one case dropping from 150 to 87 pounds! During these protests, he was one of the many who would be subject to even more torture—being illegally and brutally force-fed by the military. Latif said these force-feedings felt like “having a dagger shoved down your throat.” Overtime, his resistance would ultimately lead to frequent, perhaps constant, drugging. Classified as “non-compliant, sedatives were often used to subdue him. Latif complained to his lawyers of being forcibly administered unknown medications.

Yet it seems he never devolved into hatred, writing in sorrow, “America, what has happened to you?” For years Latif swung between episodes of resistance and despair. Despair which was in some part generated by our refusal to speak out against Guantánamo. As he wrote in one of his poems, “Where is the world to save us from torture?/Where is the world to save us from fire and sadness?/Where is the world to save the hunger strikers?” While imprisoned, he attempted suicide several times. If this is indeed sinful, who bears the guilt?

As regards his sudden death, the military recently ruled out suicide. Data from the autopsy has yet to be analyzed, but there is widespread speculation that drugs will figure prominently in the final determination. That said, the Center for Constitutional Rights continues to insist that all deaths at Guantánamo be independently investigated. Not a single such investigation has occurred, including the deaths of three prisoners in 2006, believed by many to be torture-related homicides. We encourage our readers to visit ccrjustice.org and sign their “Close Guantánamo With Justice” petition.

Our ignorance or indifference or cowardice may well come back to haunt us. When you begin to torture the “other,” you are infinitely closer to torturing your own. The National Defense Authorization Act (NDAA) of 2012, passed by more than two-thirds of the US Congress,
contains provisions which grant the Obama and future administrations the authority, to detain indefinitely, without charge or trial, anyone on the basis of executive suspicion, including US citizens picked up in the United States. That amounts to tyrannical authority and the American people should rebel against it. What has become of our indignation? Does it just sag like a heavy load… or…?

Posted on 12/28/2012 by Carmen Trotta

**Egypt Demands Release of Guantanamo Detainee**

**Ernesto Londono and Ingy Hassieb, The Washington Post, August 4, 2012 RSN**


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**END GUANTANAMO NEWSLETTER #4**

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Dick Bennett
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