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Don't Repackage Gitmo!

Comment

by **MICHAEL RATNER & JULES LOBEL**

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President-elect Obama should be applauded for reiterating his promise to close the prison camp at Guantánamo. It has been a national embarrassment and a symbol of everything the Bush administration has done wrong in the "war on terror": detention without charges or trial, torture, and the establishment of military commissions in which handpicked military judges, not civil courts, try people on the basis of coerced evidence and hearsay. Shutting it down is important. However, we do not know what will be done with the 255 prisoners still detained there. Most of them will probably be sent back to their home countries, or else given asylum if it seems likely that repatriation will result in torture.

But what of others whom the Bush administration asserts cannot be released? And what will be the fate of any new detainees under the Obama administration? These questions should be answered as they have been for 200 years in this country: if there is sufficient evidence, charge them with crimes and have trials in federal courts; if not, release them.

Not much will have been accomplished if Guantánamo is shuttered while the practices that underlie it continue. Yet this is being suggested by some who may have Obama's ear. They argue that holding some terror suspects without trial or charges is necessary. A National Security Court composed of specially appointed judges without juries, using watered-down, minimal due process, would make the decisions.

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