



Why the Secrecy About Gitmo?

By [Daphne Eviatar](#) 2/24/09 11:15 AM

The Pentagon's [report yesterday](#) that the conditions at the Guantanamo Bay prison camp meet all the requirements of the Geneva Conventions, was, not surprisingly, met with a mixture of skepticism and downright hostility.

Adm. Patrick Walsh reported that based on more than 100 interviews over 13 days, inspections of all the camps at the prison and observation of daily operations, "it was apparent that the chain of command responsible for the detention mission at Guantanamo consistently seeks to go beyond the minimum standard in complying with Common Article 3," he said. "We found that the chain of command endeavors to enhance conditions in a manner as humane as possible, consistent with security concerns."

Advocates for the detainees such as the Center for Constitutional Rights, however, were not convinced.

"The men at Guantanamo are deteriorating at a rapid rate due to the harsh conditions that continue to this day, despite a few cosmetic changes to their routines," said CCR staff attorney Pardiss Kebriaei in a statement released yesterday. "They are caught in a vicious cycle where their isolation causes psychological damage, which causes them to act out, which brings more abuse and keeps them in isolation. If they are going to be there another year or even another day, this has to end." The advocates have released [their own report](#) on conditions at the prison.

Of course, both things could be true. Men who are abducted, beaten, hooded, flown across the world and thrown in a rudimentary cage-like prison, subjected to "extreme" interrogations and held for up to seven years without charge aren't likely to be all that cooperative after a while. Their captors may well believe that isolating the men will ensure security, even if it contributes to destroying the prisoners' mental health. And whether isolation, force-feeding someone who's trying to starve himself to death, or not letting a prisoner out in the sunshine violates the Geneva Conventions' ban on "humiliating and degrading treatment" is arguable.

But that seems to be missing the point. The controversy over conditions at

Guantanamo really raises two key questions.

First, if the Pentagon is so proud of the conditions at Guantanamo, why not let human rights advocates and journalists in to see it, as they've requested? So far, access has been extremely limited, and the lawyers have to count on descriptions of conditions and treatment from their clients, who may have an incentive to exaggerate the deficiencies and abuses, or who, after all this time in prison for crimes they may never have committed, may have truly lost their minds. Allowing independent human rights advocates and journalists to see the prison and interview detainees — and maybe even installing an independent human rights monitor at Guantanamo to observe and make recommendation on how to improve it until it's closed — could go a long way toward both making the prison a more humane and constructive place, and would give the Obama administration some credibility on an issue that it claims to care about.

Second, the administration needs to move quickly to send more of those prisoners home if they don't have evidence to warrant holding them. Yesterday, the Pentagon released Binyam Mohamed, the Ethiopian-born U.K. resident picked up in Pakistan and flown to Morocco, where he says he was interrogated under torture before being sent to a CIA prison in Afghanistan and then to Gitmo. Mohamed was held there for more than four years because the Bush administration alleged he was plotting with al Qaeda to set off bombs in the United States. The charges against him, however, were eventually dropped. Almost seven years after his capture, he was allowed to return home.

Compared to some of the other Gitmo prisoners, Mohamed is lucky. Because he was from the United Kingdom, the United States was able to negotiate his release. Many more are still being held, even if the United States has little to no evidence against them — sometimes even after it is determined they've done nothing wrong. Just last week, a the U.S. Court of Appeals for the District of Columbia ruled that a federal judge had no authority to release into the United States the 17 Chinese Muslim Uighurs who are stuck at Guantanamo and have never been charged, but can't return home for fear of persecution by Chinese authorities. Only the executive has the authority to release them into the United States, the court ruled.

The fact that innocent men are still being held in prison weeks after a new administration has taken over with the promise to restore the rule of law is astonishing. Sure, President Obama has a crashing economy to worry about among other things. But as Obama put it himself on the campaign trail, when Sen. John McCain (R-Ariz.) threatened to cancel a debate to attend congressional negotiations on a bank bailout bill: **"Presidents are going to have to deal with more than one thing at a time."**

Fortunately, the president has a large staff of highly capable people to help him out. It's time for Obama to make good on his promises.