

Obama approves Guantanamo prosecutions, reversing vow

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WASHINGTON— From Tuesday's Globe and Mail

Published Monday, Mar. 07, 2011 3:17PM EST

Last updated Monday, Mar. 07, 2011 11:09PM EST

President Barack Obama has abandoned the last vestige of his vow to shut the U.S. prison at Guantanamo Bay, Cuba, and instead has approved the resumption of controversial war crimes prosecutions against terrorist suspects held there, some of them for a decade.

The military commissions, Guantanamo's courts created by former president George W. Bush, remain an "important tool in combatting international terrorists," Mr. Obama said in a statement approving a new round of indictments. He said he wanted to "broaden our ability to bring terrorists to justice" and rescinded the ban on laying new charges.

Existing prosecutions had never stopped, despite Mr. Obama's internationally applauded vow that Guantanamo be closed within a year, the first order he issued as President and one of the reasons he was awarded the Nobel Peace Prize.

Murder and terrorism charges laid by the Bush administration, including those against Omar Khadr, the only Canadian held at Guantanamo and the only juvenile, continued on to trial and conviction since Mr. Obama has reached the Oval Office.

Rights groups denounced Mr. Obama's latest backtrack.

"The best way to get America out of the Guantanamo morass is to use the most effective and reliable tool we have: our criminal justice system," said Anthony Romero, executive director of the American Civil Liberties Union, adding that instead, Mr. Obama has "done just the opposite and chosen to institutionalize unlawful indefinite detention – creating a troubling 'new normal' – and to revive the illegitimate Guantanamo military commissions."

Congress has now outlawed the transfer of the remaining 170 Guantanamo inmates to prisons in the United States and the Obama administration has confirmed that if high-value terrorist suspects are captured – such as al-Qaeda leader Osama bin Laden – they will be taken to the leased base in southern Cuba where the United States has kept a naval station for more than a century.

Mr. Bush picked Guantanamo to imprison terrorist suspects, believing they would be beyond the reach and rights of U.S. legal and constitutional protections. But the U.S. Supreme Court has ruled otherwise.

The Obama administration has now confirmed that it will retain Bush-era practices: keeping Guantanamo as the prime prison for terrorism suspects captured overseas; continuing to use military commissions; and indefinitely detaining without charge those regarded as dangerous to the United States but impossible to convict even under the more lax rules of military war crimes tribunals.

The announcement included nothing about the fate of Khalid Sheik Mohammad, the senior al-Qaeda leader who has publicly claimed credit for masterminding the Sept. 11, 2001, attacks that destroyed New York's

World Trade Center towers and damaged the Pentagon. The Obama administration originally announced – to the acclaim of rights groups – that it would put him on trial in a federal civilian court close to where the flaming towers had collapsed, as a demonstration of its faith in the U.S. justice system.

However, it abandoned that plan in the face of angry opposition.

“I strongly believe that the American system of justice is a key part of our arsenal in the war against al-Qaeda and its affiliates, and we will continue to draw on all aspects of our justice system – including Article III courts – to ensure that our security and our values are strengthened,” the President said in a statement. (Article III courts are U.S. federal civil courts.)

“Barack Obama campaigned and began his presidency with a pledge to shut down Guantanamo, support federal trials for terrorism suspects, respect human rights and restore the rule of law,” the Center for Constitutional Rights said in a statement.

“Guantanamo and the military tribunal system are no longer an inheritance from the Bush administration – they will be President Obama's legacy.”

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