

U.S. Rising Public Concern over the U.S. Military Prison in Guantanamo



There is a domestically troubling reality in the US of rising public concern over the US military prison in Guantánamo, Cuba.

Is there some background on the case to get the ball rolling?

Abu Wa'el Dhiab, a Syrian who has been cleared for release from Guantánamo since 2009, is challenging the US military's practice of feeding detainees on hunger strike through tubes inserted into the stomach through the nose. He and other detainees consider the feeding to be torture, and request an end both to it and to Guantánamo guards forcibly removing them from their cells for the treatment. Dhiab and an undisclosed group of detainees are on hunger strike to protest against their incarceration without charge.

What is the latest legal response to this?

I see that the Guardian newspaper website reports today that Judge Gladys Kessler, of the Washington DC district court has rejected the US government's plea to prevent the public from attending the first legal challenge to its practice of forcibly feeding detainees on hunger strike at Guantánamo Bay, describing it

as “extraordinary” and “deeply troubling.”

And furthermore Judge Kessler noted that the Justice Department’s request came late, almost like an afterthought – just days before opening statements are to be delivered in the case of Abu Wa’el Dhiab.

Judge Kessler was categorical in her rejection of the white House’s quibbling. Kessler wrote in a ruling on Thursday, “With such a longstanding and ongoing public interest at stake, it would be particularly egrerious to bar the public from observing the credibility of live witnesses, the substance of their testimony, whether proper procedures are being followed, and whether the court is treating all participants fairly.”

It seems that any uncompromised member of the US justice department would come to this conclusion?

For sure, but it was still good to read that, in an occasionally mocking tone, Kessler dismissed the government’s argument that an open hearing would jeopardise national security by risking the disclosure of classified information. Much of the evidence to be submitted is already public she found.

To some extent this observation is true. But the reality is that the public has had minimal independently confirmed glimpses inside a force-feeding practice. In fact, when the government requested last week that the public be shut out of the trial beyond the opening statements scheduled for Monday, lawyers for Dhiab warned of a coverup.

Something that Judge Kessler would not countenance?

Hardly! She is not new to the case. Judge Kessler, last year, called the force feeding “painful, humiliating and degrading.”

What can we expect to come out at the trial?

Among the key pieces of evidence in the trial are videotapes of the feedings and the extractions that Kessler has ordered the government to produce. But those videotapes, Kessler has agreed, are not to be shown to the public – meaning that the most graphic depictions of the force-feedings will remain hidden from view.

And the press?

The Guardian is among several media organisations that filed suit for the disclosure of the videotapes and that also submitted a brief to Kessler arguing for an open hearing. Kessler countered by saying that Dhiab’s challenge has garnered a good deal of publicity in the press, which, in my opinion, does not amount to an answer at all! Even less acceptable was the international controversy generated by the force-feeding ever-present in Dhiab’s case. This was joined by broader critiques of justice at Guantánamo. Kessler quoted a supreme court ruling to the effect that that trials were “contests of credibility.”

For sure, that’s a real lawyer’s view of things!

And it casts a lot of light on the whole system of justice in the US, both its presuppositions and intended outcomes. In fact it shed a lot of light on the justice department’s acceptance of the sentencing of the Cuban Five and the consequent administration intransigence in the face of world opinion.

An undisclosed number of detainees remain on hunger strike at Guantánamo. In 2013, after nearly the entire detainee population joined the hunger strikes, the military quelled the ensuing international outrage by refusing to disclose basic information about the persistence of the strikes.

It has struck the phrase “hunger strike” from its lexicon, preferring “long term non-religious fasting.” How about that for the euphemism of the year?

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