

By Curt Wechsler

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"The degree of civilization in a society can be judged by entering its prisons," wrote Russian novelist Fyodor Dostoevsky in

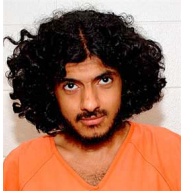
*The House of the Dead*

. The cruel, inhumane, and degrading treatment — torture — inflicted on disfranchised subjects, from Pelican Bay in California to Bagram, Afghanistan, must not only end; the presumption of American immunity to international law must be repudiated. Dismantling of U.S. torture camps can't wait. And that is up to us. On New Year's Eve 2011, President Obama signed an appropriations bill into law that effectively reneged on his election promise to close Guantanamo. The duties he assumed as Commander-in-Chief, "to preserve, protect, and defend the Constitution," are not supposed to be negotiable. Journalist Andy Worthington notes Obama's failure to effect closure, even though he had the means to do so.

The human cost of this failure has been documented. The *New York Times* maintains a docket of the roughly 780 men detained at Guantanamo over the years, nine of whom died while in custody. A new book by Jeffrey Kaye,

*Cover-up at Guantanamo*

, explores the circumstances of three suspicious deaths. His Guantanamo Truth website contains documentary material for Naval Criminal Investigation Service reports on Abdul Rahman Al Amri, Mohammed Salih Al Hanashi and Adnan Farhan Abd Latif "suicides."



It's time to be honest. You can't blame it on Congress. We say no more excuses and mixed messages. Release the 61 illegally detained men left at Guantanamo, including 20 uncharged "forever prisoners." Raise your voices everywhere Obama and presidential contenders appear. While Obama dallies, Congress threatens to institutionalize the indiscriminate application of criminal laws and the wanton treatment of suspected criminals at Guantanamo. Last week the U.S. House of Representatives passed a bill that would block transfers of detainees from the Guantanamo Bay prison to the U.S. mainland or any foreign country, reports *Sputnik News*. Security Human Rights expert Elizabeth Beavers urges a presidential veto, and speaks to election season silence on the issue. "It is unfortunate that they [candidates] don't talk about it because the decisions that the future president will make will have implications for generations to come."

What happens when you don't deal with the crime of indefinite detention? 800 years of Habeas Corpus law, the right to know why you are being held captive by the State, comes undone. We witness no savior from the Democratic Party. It's up to people living in the United States to mobilize against agents of denial and neglect.

Deferring responsibility for the closure of Guantanamo, on an arbitrary timetable, to President Obama has prolonged the misery of illegally held prisoners. It implies legitimacy for the lawless practice of military tribunals employed to sidestep due process. The Periodic Review Boards instituted by Executive Order 13567 on March 7, 2011 enable a legal limbo for victims of warrantless prosecution.

One of those victims, former child prisoner Hassan bin Attash (pictured above), is the last to face Obama's Periodic Review Board. Deemed too innocent to charge, but too dangerous to release, he languishes at Guantanamo while authorities quibble over applicability of the Optional Protocol to the Convention on the Rights of the Child (Attash was just sixteen or seventeen when he was captured).

"Closing Guantánamo the right way requires ending indefinite detention without charge or trial; transferring detainees who have been cleared for transfer; and trying detainees for whom there is evidence of wrongdoing in our federal criminal courts here in the U.S.," posts the ACLU. "Our federal courts routinely handle high-profile terrorism cases. If a prosecutor cannot put together a case against a detainee, there is no reason that person should continue to be

imprisoned."