

22 Years After It Was Created, Guantanamo Bay Prison Remains a Monstrosity

In 2020 Campaign Biden Promised to Close Facility, But Has Actually Upgraded It

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*During the 2020 election campaign, **Joe Biden** followed Barack Obama in promising to close the prison at Guantánamo Bay, which had become an embarrassing symbol of human rights violations.*

The move made sense geo-strategically as the Biden administration was intent on scaling down the Global War on Terror and pivoting U.S. troops away from the Middle East toward Southeast Asia and Eastern Europe to confront China and Russia, which were presented as the greatest threats to American national security.

Like Obama, however, Biden has failed to follow through on his promise.

This has undercut the rationalizations underlying the new Cold War and vast military budgets accompanying it, since it renders hollow the U.S. claim to be upholding a "rules-based international order" supposedly under threat from authoritarian Great Power rivals.

Biden has not only failed to close the Guantánamo Bay prison but has upgraded it, financing a [\\$4 million courtroom for secret military hearings](#) even though lawyers argued that the end of the war in Afghanistan invalidated the legal basis for keeping Guantánamo Bay open.

In June, UN **Special Rapporteur on Human Rights Fionnuala Ní Aoláin**, a law professor at the University of Minnesota and at Queens University in Belfast, issued a [23-page report](#) which concluded that inmates at Guantánamo had been subjected to "cruel, inhuman and degrading treatment" that "may meet the legal threshold of torture."

The degrading treatment [included](#) excessive use of restraints, constant surveillance of inmates who were deprived access to their families, and the adoption of unduly harsh disciplinary measures such as forced cell extractions, sensory deprivation and solitary confinement.

The report noted that numbers of Guantánamo inmates had never even been charged with any crime and lacked access to counsel; others had their cases languish for years in judicial pipelines while others were cleared but remain incarcerated. Secrecy pervades all of the available judicial and administrative proceedings, with the U.S. failing to uphold fair-trial guarantees.

Many inmates under these circumstances showed signs of deep psychological distress—including profound anxiety, helplessness, stress and depression. Medical and psychiatric care was inadequate; guards were inadequately trained—an online, one-time human rights training session was not enough—and the U.S. Government’s failure to provide torture rehabilitation squarely contravenes its obligations under the Convention Against Torture.



2013 protests against cruelty and inhumanity at Guantánamo Bay that was detailed in a June UN report. [Source: channel4.com]

Abhorrent Conditions Hinder Legal Efforts

The New York Times reported ironically on August 26 that the inhumane conditions at Guantánamo Bay prison have hindered legal efforts to prosecute terrorists.

The confession of a man accused of plotting the U.S.S. Cole bombing, for example, was thrown out by a military judge because the confession was contaminated by his torture by the CIA.

A medical board also recently concluded that Ramzi bin al-Shibh, a Yemeni accused of participating in the 9/11 plot, was unfit to stand trial after enduring torture at Guantanamo Bay.

Over the years, Al-Shibh had disrupted pretrial hearings with outbursts and has been heavily medicated with psychotropic drugs.

In court filings, he complained that the CIA torments him with noises, vibrations and other techniques to deprive him of sleep.^[1]

Acting As Ghouls

A newly released documentary, *We Are Not Ghouls*, directed by Chris James Thompson, spotlights the case of Binyam Mohamed, a UK resident originally from Ethiopia who was imprisoned at Guantánamo Bay for eight years before being cleared of any charges.

The documentary, available [here](#), is based on the book, *The Guantánamo Lawyers: Inside a Prison Outside the Law* edited by Mark P. Denbeaux and Jonathan Hafetz (New York: New York University Press, 2009).

The title of the documentary draws from a 2007 speech by Congressman Dana Rohrabacher (R-CA) who stated that, “in every war I’ve ever seen, there’s been mistakes, even the war on terrorism...but we are not ghouls, we don’t want to torture someone because he has a bad name, we want to get information from someone who we think might want to kill our children and your children.”

Unfortunately, Rohrabacher was wrong. The U.S. acted like ghouls torturing people like Mohamed who did not actually want to harm or kill American children.

In the 1990s, Mohamed had gotten into drugs in the UK after his parents moved back to Ethiopia and he found salvation in Islam. At the age of 21 he decided to undertake a journey to Afghanistan in order to better understand the religion. He said this was a like a young Buddhist deciding to travel to India.

When the U.S./NATO invaded Afghanistan in October 2001, Mohamed went to Karachi and tried to get a flight back to London but was arrested because of a forged passport.

The authorities tried to connect him to al-Qaeda terrorists like Khalid Sheikh Mohammed (an alleged plotter of the 9/11 attacks), Richard Reid, who tried to bomb a civilian airplane with a shoe bomb, and José Padilla, who was found guilty in 2007 of plotting a terrorist attack using a radiological bomb (or “dirty bomb”).

One problem was that Mohamed did not even speak Arabic.

This did not stop the British MI5 from interrogating him and then collaborating with the U.S. in transferring him to Morocco under the extraordinary rendition program.

The American Civil Liberties Union (ACLU) later brought a lawsuit against Jeppesen DataPlan, Inc., a subsidiary of Boeing Corporation, which provided [key logistics](#) to the CIA, including flight plans, clearances, and ground crew arrangements, that were used in the rendition program under which Mohamed was transferred.



Source: andyworthington.com

In Morocco, Mohamed was subjected to physical and psychological torture involving sleep deprivation, stress positions and mind games. He was stripped naked and cut with a scalpel in his genital area.

From Morocco, Mohamed was taken to a CIA black site near Kabul in Afghanistan where he was forced to endure a cruel form of sensory deprivation where the lights were turned off all the time as music blared from loudspeakers 24 hours per day, seven days a week.

The purpose was to drive captives crazy. Mohamed later told his lawyer, Clive Stafford Smith, that after enduring this he felt dead.

After six months, Mohamed was transferred to Guantánamo Bay where he was subjected to more prolonged periods of isolation and torture. As an act of resistance, Mohamed embarked on a hunger strike which caused his health to deteriorate.

Yvonne Bradley, a graduate of the University of Notre Dame Law School and devout Christian with conservative political views, was the lawyer from the Judge Advocate General (JAG) branch of the United States Air Force assigned to Mohamed's case.

She describes in the film how she was initially apprehensive about meeting Mohamed because of what she had read about him in the media, but found him to be a kind person.

When Bradley was given information on the case by opposing counsel, she thought something was missing as there seemed to be no evidence against him.

Bradley ultimately believed that she had been deceived by the military and government that she had dutifully served. She came to recognize that not only was Mohamed innocent but so were many of the other Guantánamo detainees.

The film ends on a happy note—with Bradley visiting Mohamed as a free man in London. Mohamed had bragged about his skill cooking spaghetti and he cooked her a spaghetti dinner.

Mohamed said that he was slowly coming back to life after his nightmarish years in Guantánamo that left him incapable of experiencing regular human emotions.

We Are Not Ghouls is a worthy film in its effort to humanize the victims of Guantánamo and invite empathy for their suffering. Bradley points out that, even if some of the Gitmo inmates are real terrorists, this does not excuse their treatment.

When Guantánamo Bay is finally closed down, perhaps the facility, if is not taken back by Cuba, might be converted into a museum where visitors could learn how the fear of terrorism combined with Islamophobia resulted in gross human cruelty and the abandonment of the rule of law in the U.S. after 9/11.

These visitors might then press for a Truth and Reconciliation Commission like those established by other societies whose leaders engaged in mass atrocities, and try in other ways to help ensure that the dark history following the 9/11 attacks is never again repeated.

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Note

[1] Carol Rosenberg, "Man Accused in 9/11 Plot is Declared Unfit For Trial," *The New York Times*, August 26, 2023, A15.

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