

Guantanamo Hunger Strike Spreads

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Detainees have few ways to resist. Refusing food challenges injustice. It's now past two months.

Around 130 detainees refuse food. They're surviving only on water. Some are being force-fed. Doing so constitutes torture.

Obama's been dismissively silent. On March 28, his spokesman Joshua Earnest commented for the first time, saying:

The White House is "closely monitoring the hunger strikers at Guantanamo Bay. (The administration remains committed to closing the detention facility."

On January 22, 2009, Obama's Executive Order promised closure. Guantanamo remains open. No closure plans exist. It gets worse.

On March 7, 2011, his Executive Order promised "Periodic Review of Individuals Detained at Guantanamo Bay Naval Station Pursuant to the Authorization for Use of Military Force."

It said in part:

"This order is intended solely to establish....a process to review on a periodic basis the executive branch's continued, discretionary exercise of existing detention authority in individual cases."

"Detainees at Guantanamo have the constitutional privilege of the writ of habeas corpus, and nothing in this order is intended to affect the jurisdiction of Federal courts to determine the legality of their detention."

"The Secretary of Defense shall coordinate a process of periodic review."

"In consultation with the Attorney General, The Secretary of Defense shall issue implementing guidelines governing the process...."

"For each detainee, an initial review shall commence as soon as possible but no later than one year from the date of this order."

Over two years later, no implementation process exists. Nothing's done to initiate one. Guantanamo harshness continues. More than half the remaining 166 detainees were cleared for release. Innocent victims remain incarcerated.

In January 2002, detainees began arriving. Few if any committed crimes. Most were seized for bounty. Washington wanted bodies. Almost 800 men were held. A little over one-fifth

that number remain.

None belong there. They've been lawlessly held. They've been tortured, abused and ill-treated. They've been denied their fundamental rights. Supreme Court decisions were bypassed.

Three landmark ones stand out.

In *Rasul v. Bush* (June 2004), the Court granted Guantanamo detainees habeas rights. Doing so lets them challenge their detentions in civil court.

In 2005, Congress passed the Detainee Treatment Act (DTA). Enactment subverted the High Court ruling.

In *Hamdan v. Rumsfeld* (June 2006), the Supreme Court said federal ones retain jurisdiction over habeas cases. Guantanamo military commissions lack "the power to proceed because (their) structures and procedures violate both the Uniform Code of Military Justice and the four Geneva Conventions (of) 1949."

In October 2006, Congress passed the Military Commissions Act (MCA). It subverted the High Court ruling in more extreme form. It abrogated fundamental rule of law principles.

It gave Bush officials extraordinary unconstitutional powers. Obama continues them. They're used to detain, interrogate, torture and prosecute alleged terrorist suspects or anyone claimed to support them.

US citizens are vulnerable. They can be detained indefinitely. They can be kept in military prisons. They can be isolated in tiny animal cages. They're subjected to militarized harshness.

They're denied all fundamental rights. They can be charged or uncharged. They can be tried or untried.

MCA law states:

"no (civil) court, justice, or judge shall have jurisdiction to hear or consider any claim or cause for action whatsoever....relating to the prosecution, trial or judgment of....military commission(s)....including challenges to (their) lawfulness...."

In *Boumediene v. Bush* (June 2008), the High Court said Guantanamo detainees retain habeas rights. MCA unconstitutionally subverts them.

Administration officials have no legal authority to deny due process in civil courts. Acting as judge, jury and executioner with no right of appeal excludes judicial fairness.

FY 2010 NDAA followed. Section 2031 contained the 2009 Military Commissions Act (MCA). The phrase "unprivileged enemy belligerent" replaced "unlawful enemy combatant."

Language changed but not intent. Police state harshness continues. Obama enforces it. His policies belie his rhetoric. He's guilty of high crimes against humanity. They continue out-of-control. Innocent victims suffer. They do so largely out of sight and mind.

David Remes represents Guantanamo detainees. He does so pro bono. He's done other human rights work. "The military has no credibility when it comes to Guantanamo," he said. Hunger strikers are "determined to leave one way or another - alive or dead."

On April 2, Russia Today headlined "Gitmo hunger strike spreads amid protests at US embassies," saying:

"Lawyers say prisoners' lives are at risk. Three were hospitalized last week." Defense attorney Carlos Warner called today's strike action the largest in Guantanamo's history.

Searching Korans is its proximate cause. Hopelessness and despair best explain it. Obama's blanket ban prevents two-thirds of the men being released. All are denied due process and judicial fairness.

Since early 2011, three prisoners died. Four others alone were released. Congressional legislation restricts it. It requires the Defense Secretary to assure anti-American activities won't follow. Doing so is impossible.

In mid-March congressional testimony, SOUTHCOM commander General John Kelly said:

Detainees "had great optimism that Guantanamo would be closed. They were devastated....when the president backed off - at least their perception - of closing the facility."

"He said nothing about it in his inauguration speech. He said nothing about it in his State of the Union speech. He has said nothing about it (since). He's not restaffing the office that looks at closing the facility."

Detainees know their only escape route is death. Other possibilities are denied. They're condemned to perpetual harshness. They'd rather die than endure it.

Official reports downplay conditions. Lies substitute for truth. Joint Task Force Guantanamo calls them "Safe," "Humane," "Legal," and "Transparent."

It's in its 12th year of operation. It's a blight on humanity. It never should have been opened in the first place. It operates out of sight and mind. It reflects America's torture prison network. Dozens operate globally. Some are ship-based at sea.

Most Guantanamo detainees are striking. They're prepared to die for justice. They have no other recourse. Center for Constitutional Rights attorney Omar Farah represents two strikers. He told Truthout:

"Like the Bush/Cheney administration, the Obama administration's reflex is to defend its detention practices at Guantanamo and to downplay the prisoners' protests by claiming that they are motivated by a shallow interest in media attention rather than a principled rejection of eleven years of indefinite detention without charge and abusive conditions of confinement."

"Common sense tells us otherwise. This hunger strike, like the many before it, was triggered by an arbitrary crackdown by the Guantanamo prison administration and is driven by the existential torment indefinite detention produces."

“It is understandable then if some prisoners now want the world to realize that they are still detained without charge after more than a decade and that they are facing the chilling reality that they may die at Guantanamo simply because this administration lacks the political will to release them.”

Carlos Warner represents Fayiz al-Kandari. He lost 30 pounds since refusing food in February.

“The military has a playbook and they are following it,” he said. “But the fact that it’s the same rhetoric twice leads me to believe they are more concerned with public perception than the health of my clients.”

They’re doing what’s always done at Guantanamo. They’re “telling the world to look away and move on.” They’re saying everything’s fine. “Things are not fine, and I hope the world will not look away this time.”

The longer strike action continues, the harder it is to conceal it. Farah calls it irresponsible for Pentagon and government authorities to try. Deaths are certain, he adds.

UK-based human rights group Reprieve attorney, Clive Stafford Smith, represents Shaker Aamer. He said guards try ending strike action forcefully. Physical and psychological includes sleep deprivation, brutal cell extractions, and other abusive practices. Prisoners are treated like dogs.

Shaker was “badly punished for joining the strike. He has been denied various things that were ordered for medical reasons, including his second isomat (for his back), his blanket (for arthritis), his knee brace (for his knee injury), his back brace for his back problems), and the pressure socks that are meant to help with the edema in his feet.”

“He even went ten days without being allowed a toothbrush.”

America’s by far the world’s leading human rights abuser. No other nation comes close. It’s record is unmatched. It’s unprincipled, longstanding and unconscionable.

No one’s safe from its ravages. Everyone’s vulnerable globally. Presidential diktats can order assassinations, arrests, indefinite detentions and torture. Innocence is no defense. State terror is official policy. So is cruel and inhumane treatment.

Guantanamo operates lawlessly. It’s America’s public face. It symbolizes brutal harshness. Obama bears full responsibility. He menaces humanity. It may not survive his second term.

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