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A promise broken: Obama & Guantánamo Bay

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20 May 2011

The Guantánamo Bay detention facility was created under George Bush's Presidency in the aftermath of the attack on the World Trade Centre in New York in 2001. Described as 'a place where normal legal rules' do not apply, it quickly became infamous for harsh and extreme conditions of detention. Interrogators practiced a variety of torture techniques on prisoners at the facility including the now well known water-boarding procedure.

In the run up to his election Barack Obama declared that he would close Guantánamo Bay once he got into office. He declared that the facility was a stain on United States' 'moral stature' in the world¹ and that it would be a priority to close it. Here is what happened.

January 21st 2009: Fresh from election victory, Obama signed an executive order directing the Central Intelligence Agency to shut down what remains of its network of secret prisons. By this directive the Guantánamo detention camp is to be closed within a year – by Jan 2010.

¹ www.democracynow.org

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January 25th 2009: Obama officials, charged with implementing this directive, begin to investigate the cases against those held at Guantánamo. They conclude that it will take time to “assess cases and gather meaningful legal evidence into a presentable form” so that those cases pending at the facility can be processed. It emerges that evidence and interrogation information gathered on prisoners at the camp is not ‘readily’ accessible or even collected in one file or set of folders!

April 2009: A statement released by Mohammed al-Qaraani, a prisoner at Guantánamo, alleges the torture and abuse has worsened at the camp since Obama’s election². This is denied.

May 2009: Claiming he is ‘entangled in legalities’, Obama opts to proceed with prosecutions of the prisoners held at Guantánamo – this despite the concern that torture was used to obtain confessions. Obama argues that his new strategy “will begin to restore the commissions as a legitimate forum for prosecution, while bringing them in line with the rule of law.” (Note that ‘commissions’ are special military courts set up to facilitate the trial of prisoners at Guantánamo.)

November 2009: On a trip to Asia, Obama admits in interview that his deadline for closing Guantánamo (Jan. 2010) will not be met. He states, ‘I knew it was going to be hard,’³ He refuses to give a new deadline date for closure.⁴

December 2009: The Pentagon officially resumes trying foreign prisoners before military commissions at Guantánamo Bay. This is the first time following their suspension after President Obama took office.

Dec. 2009 / Jan. 2010: In a further set back for human rights, Obama orders a stay on the repatriation of a set of prisoners from the Yemen who have been held in Guantánamo but who have been cleared for release – as there is no evidence against

them. Obama officials state that “security concerns” along with congressional politics prompted Obama’s phone call to Attorney General Eric Holder to halt the releases.

Jan. 2010: The deadline for the closure of Guantánamo passes.

Nov. 2010: The Washington Post reports that the Obama Administration has effectively abandoned plans to close the Guantánamo Bay prison. They cite technical obstacles including an inability to secure congressional funding to close the prison and transfer remaining prisoners to the United States.

Dec. 2010: In a further blow to human rights standards Obama signs the order for the ‘indefinite detention’ of certain prisoners without charge or trial. ProPublica⁵ reports that the Obama Administration expects to indefinitely hold at least 48 of the prisoners remaining at Guantánamo. Prisoners will however be ‘allowed’ to challenge their incarceration periodically. ProPublica also reports that nearly two years after Obama’s pledge to close the prison at Guantánamo, more prisoners there are formally facing the prospect of lifelong detention than they were on the day Obama was elected.

March 2011: Obama signs an executive order creating a formal system to indefinitely detain prisoners without trial at the military prison at Guantánamo Bay, Cuba. In addition, the White House says it will resume new military commission trials at the base. Lawrence Korb, (Center for American Progress) explains that “basically it means that Guantánamo Bay is going to be open for as far as we can see...”

² www.democracynow.org

³ news.bbc.co.uk

⁴ www.democracynow.org

⁵ www.democracynow.org