

By Debra Sweet

Intense world events have again eclipsed news of the Guantanamo prisoners, meaning that their situation grows worse. No wave of releases has followed Obama's promise in May 2013 to once again close it. Andy Worthington reported Friday in [Guantanamo Violence: Prisoners Report Shaker Aamer "Beaten," Another Man Assaulted "For Nearly Two Hours":](#)

Clive Stafford Smith, the founder and director of the legal action charity Reprieve, described how he has “just received a series of unclassified letters from various detainees who we represent in Guantánamo Bay,” which “tell a disturbingly consistent story” — of “**a new ‘standard procedure’ where the FCE team [the armored guards responsible for violently removing prisoners from their cells through ‘forcible cell extractions’] is being used to abuse the prisoners with particular severity** because of the on-going non-violent hunger strike protest against their unconscionable treatment.”

In a most unlikely publication, *The New Republic*, the contrast is made between how prisoners in Guantanamo (most of whom have been "cleared" for release) are treated and [how convicted war criminals are treated at The Hague](#) :

Contact with Family

- The Hague permits visits from family members, and even assists with travel expenses if the prisoner qualifies as “indigent.” Thanks to conjugal visits, Liberian warlord Charles Taylor fathered a child while imprisoned at The Hague in 2010. Prisoners can also make phone calls and send letters.

- Guantanamo: Visits and phone calls are not allowed. The International Committee of the Red Cross can deliver letters to and from family members, but communication is limited by a slow declassification process and limited visits by the ICRC to Guantánamo.

Access to Lawyers

- The Hague: Prisoners can communicate with their legal defense team in person, over the phone, or electronically. They have a computer in their cell that is linked to a computer that is only accessible by their legal counsel. Lawyers can upload relevant documents and prisoners can instantly send back comments. Though the ICC monitors other communications, conversations between prisoners and their defense team is considered privileged communication that cannot be monitored.

- Guantanamo: Prisoners can only communicate with their defense counsel in person at a nearby facility (lawyers cannot visit their clients in the highly classified Camp seven). Lawyers have to travel several hours by plane to get to Guantánamo. Although attorney-client conversations are supposed to be private, defense lawyers have identified listening devices in the meeting rooms disguised to look like smoke detectors."

The Navy nurse who reportedly refused, on grounds of conscience, to participate in force-feeding prisoners has been sent home, and is under investigation, which could result in a court martial or discipline. Kevin Gosztola concludes in [Navy Nurse Who Refused Order to Force-Fed Hunger Striking Guantanamo Prisoners May Face Discipline](#):

If the nurse does face a court-martial, not only will the military be penalizing the officer for conscientiously objecting but the military will also be actively defending the very abusive, cruel and degrading treatment, which represents some of the worst human rights violations engaged in by the United States government in recent decades.

Months of high-level wrangling involving current and former CIA leadership, the Obama administration, the US Senate, and their attorneys have produced charges of criminal activity and Constitutional crisis.

Didn't President "We don't look backward, we look forward" Obama recently say, ["we tortured some folks?"](#)

But that's so last war ago. The crime some Senators were briefly outraged about earlier this

year is the admitted hacking of Senate computers by CIA operatives, presumably to learn what the Senate report on CIA torture is going to reveal. Diane Feinstein, who was briefed very early on about the Bush regime's torture protocols, is or was outraged at the hacking, charging violations of the Constitution's separation of powers.

The years-overdue report is being delayed at least one more month by what are real, sharp differences at the top of the government over how much to reveal about the torture business. Don't expect this report to lead to criminal charges in conjunction with the outrageous crimes the U.S. government and military committed from 2001 on, including the prison deaths of at least 100; the torture and secret renditions, the disappearances and indefinite detentions. The report will reveal some information in order to cover-up, excuse, and justify those crimes, as well as ongoing and future crimes.

The implications of not sanctioning torture are historic. *The Washington Post* reported that the founder of ISIS was tortured by the US in a US prison in Iraq in 2003, and recruited for ISIS from those he was imprisoned with. The

Post

also reports that

[The Islamic State in Syria have gone on to torture people they captured](#)

, including the photographer from the United States who they recently killed gruesomely on video.

Jason Leopold of *VICE News*, writes that the Senate report [won't even name the well known architects of the CIA's torture program](#)

, two retired Air Force psychologists, Dr. Bruce Jessen and Dr. James Mitchell, whose names have been redacted. Leopold has filed court challenges of the government's failure to include facts publicly acknowledged on the torture program:

The CIA has never formally acknowledged their roles — nor has the agency ever declassified any aspect of their involvement with the program. The CIA hired Mitchell and Jessen as contractors in 2002 to train interrogators and to develop an "alternative" set of interrogation methods for Abu Zubaydah, the CIA's first high-value detainee who was captured in Faisalabad, Pakistan in March 2002. Later, Mitchell and Jessen formed a company, Mitchell Jessen and Associates, and were contracted by the CIA to continue working on the torture program. Mitchell and Jessen reportedly [personally took part](#) in the waterboarding sessions of CIA detainees.

[What about those who hired the architects?](#) See more at warcriminalwatch.org and this from John Perr:

No "patriotic official" has been indicted, no judges have been impeached and no professor has been stripped of his academic tenure—not even [the one who defined torture](#) as "equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death."

In June, [John Yoo](#) was awarded an endowed faculty chair at the UC Berkeley School of Law.

Bush appointee [Jay Bybee](#) remains on the federal bench.

Cheney's legal alchemist [David Addington](#) is now creating alternative realities at the Heritage Center.

Psychologist [James Mitchell](#) , one of the consultants who helped the Bush administration render the Geneva Conventions quaint, didn't lose his professional credentials, even after claiming, "I'm just a guy who got asked to do something for his country."

[Jose Rodriguez](#) , who as head of the CIA's clandestine service personally ordered the destruction of dozens of interrogation videotapes, is a conservative hero who has smeared the soon-to-be-released [Senate Intelligence Committee report](#) on the CIA torture program despite having never read a word of it.

Meanwhile, [Dick Cheney](#) appears regularly on your television screen to accuse President Obama of treason. As for Cheney's former Oval Office sock puppet, [George W. Bush](#) is free to paint himself in the shower and give speeches to "replenish the ol' coffers."

John Yoo deserves special attention. Ralph E. Stone describes his "torture" memos in [John Yoo and The Senate Torture Report](#):

The memos argued that criminal law doesn't prohibit torture because it doesn't apply to the military. Treaties and the War Crimes Act don't prohibit torture because they only apply to uniformed enemy soldiers. And federal statutes prohibiting torture don't prohibit torture because they don't apply to conduct on military bases.

In 2003, following the accounts of the torture and prisoner abuse at Abu Ghraib in Iraq, Yoo wrote another memo concluding "that federal laws against torture, assault and maiming would not apply to the overseas interrogation of terror suspects." This was used as justification for the abusive treatment of prisoners at the Guantánamo Bay detention camp.

People are speaking out. Law professor Francis A. Boyle has put together [the case to prosecute Yoo, Bush and Cheney for war crimes](#), and this poem:

The Nazis Had Their Law Schools Too

...What have we become?
American Law Professors for torture!
American Law Professors for Gitmo Kangaroo Courts!
American Law Professors for indefinite detention!
American Law Professors for spying!
American Law Professors for drone strikes!...

Stay tuned for action plans from World Can't Wait and War Criminals Watch.