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Former chief prosecutor at Guantanamo appeals for prison's closure

Claire Schaeffer-Duffy | May. 2, 2013 NCR Today

"The patriotic thing, the American thing, the human thing to do here is to close Guantanamo," writes U.S. Air Force veteran Col. Morris Davis, who on Wednesday posted an online petition [1] that calls for closing the military detention facility.

Davis was chief prosecutor for the terrorism trials at Guantanamo Bay for more than two years and personally charged Osama bin Laden's driver, Salim Hamdan; Australian David Hicks; and Canadian Omar Khadr. All three were convicted then later released from Guantanamo. Yet 160 detainees, half of whom have been cleared for release by an interagency government task force, have not been charged, much less convicted, and remain in the prison with no prospect of a trial or transfer.

"There is something fundamentally wrong with a system where not being charged with a war crime keeps you locked away indefinitely and a war crime conviction is your ticket home," Davis writes in the petition.

Of the 166 detainees remaining in Guantanamo, 100 are participating in a hunger strike that began in early February. Twenty-one are being force-fed, and five have been hospitalized. Earlier this week, President Barack Obama, who promised to and tried to close the prison early in his first term, said he was ready [2] to "re-engage Congress" on the issue.

But Laura Pitter, a counterterrorism adviser at Human Rights Watch, argues in *Foreign Policy* [3] that there are steps the president can take now, without waiting for Congress, to end the unlawful practice of indefinite detention and to facilitate the transfer of men cleared for release.

The CloseGitmo petition (full disclosure: I am a signatory) makes its own recommendations. It asks Secretary of Defense Charles Hagel to issue national security waivers, required by the National Defense Authorization Act, to effect a transfer from Guantanamo. It also asks the president to appoint an individual to oversee the prison's closure and specifically calls for the immediate release of Shaker Aamer and Djamel Ameziane, detainees cleared for release in 2007 and 2008, respectively.

The CloseGitmo petition has already received more than 100,000 signatures.

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