

Younous Chekkouri: Held in Guantanamo for 13 Years without Trial: Senator Feinstein Defends the Empire Against “Freeing the Innocent”

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US goes on punishing Younous Chekkouri for, well, nothing really....

What do you say about the blameless man who was held at the Guantanamo concentration camp for 13 years, without trial, without charges against him, without credible evidence that he had done anything remotely deserving of 13 years of torture and isolation, with no hope of anything remotely like justice?

If you happened to be US senator Dianne Feinstein, you might write [a chilly op-ed piece for The New York Times](#), calling for the umpteenth time since 2007 for closing the festering moral abscess you previously supported. In your op-ed you won't mention those eight years of failure to close the human rights crime scene in Cuba because, after all, you never tried very hard to get it closed. You just tried hard to get on the record appearing to try to get it closed. In [2008, you even sounded critical of Guantanamo](#), without actually challenging any of its underlying assumptions:

Cruel, inhuman and degrading treatment of prisoners under American control violates our nation's laws and values....

It damages America's reputation in the world and serves as a recruitment tool for our enemies....

Perhaps most importantly, it has also limited our ability to obtain reliable and usable intelligence to help combat the war on terror, prevent additional threats and bring to justice those who have sought to harm our country.



Senator Dianne Feinstein. (photo: Jonathan Ernst/Reuters)

So now, in late 2015, do you stand up for the freedom of a former Guantanamo prisoner jailed in Morocco, after US promises of freedom were betrayed weeks ago? Not even close – instead you write this torpid op-ed in which you fester first over the way jihadists use Guantanamo as a recruiting tool (and why wouldn't they? Even you sort of admit that our torture camp is “a violation of the rule of law” – and has been since the beginning, when you supported it). Then you fret over the expense of running a lawless prison camp (you don't call it “lawless”) and you never, never mention any victim by name or acknowledge the ghastly injustices they have suffered. You certainly show no concern for Younous Chekkouri

and his continued abuse with US complicity. Instead you only note, appallingly casually, that:

During the Bush administration, 779 people were brought to Guantánamo, all without charge. Over time we've learned that many were simply at the wrong place at the wrong time and shouldn't have been detained in the first place. [emphasis added]

Feinstein, as a 1% rich California Democrat, has neatly portrayed herself as an ugly example of the worst of America's callous disregard for the humanity of others. Feinstein has expressed the icy, imperial view with the familiar moral numbness, the hardened indifference that has characterized US national behavior in its extreme form since 2001. Anyone with an open mind, paying the slightest attention to the emergence of the Guantanamo gulag, learned quickly at the start that the place was a moral black hole and a vicious judicial sham. Guantanamo was created precisely to allow the US to operate outside the law, as literally an outlaw nation. The US was paying bonuses for prisoners, any prisoners, regardless of evidence, regardless of the credibility of the accuser, regardless of any rational process in the midst of the nation's narcissistic post-911 panic.

For all her lack of humanity, Senator Feinstein is hardly the worst of Congress

Feinstein does not acknowledge her role in the crime of Guantanamo, nor does she acknowledge directly that it is a crime at all. Her appeal is to others in Congress who continue to insist that the US continue committing Guantanamo crimes in perpetuity. In this context, her suggestion that Congress allow the US to set free the 53 Guantanamo hostages already cleared for release is an almost radical idea. Yes, she almost calls outright for the US to free the innocent. But not quite. Her Guantanamo "solution" reads like an Andy Borowitz column, except the senator is serious:

In particular, we need a proposal for bringing detainees to the United States and holding them securely for as long as necessary.

That's exactly the problem with Guantanamo! "Detainees" are extra-legal prisoners, they are hostages, they can be held indefinitely, without charges, without evidence of wrongdoing, with no more against them than "simply being at the wrong place at the wrong time" (a rather apt description of Feinstein as a senator). This solution is a corrupt manipulation that does nothing to restore the rule of international law, the principle of due process of law, or any of the other affronts to justice the US continues to make with impunity.

This is not an extreme rendition of Feinstein's argument. She reiterated the lawlessness she endorses in even clearer terms a few paragraphs later, leaving it up to the US to decide what to do about people against whom there is no evidence:

Third, for those relatively few detainees who can't be tried because of a lack of evidence but still need to be held until the end of hostilities, bringing them to the United States presents a more cost-effective option. [emphasis added]

So who decides that these people “need to be held”? And more important, who decided that we have reached “the end of hostilities”? Feinstein assumes the US is engaged in endless war, and expresses no objection to that. She wants to close Guantanamo as prison real estate. That’s all. She has no problem with continuing the lawless behavior Guantanamo represents as long as it’s more out of sight. Hers is the consensus view in national politics. Like her equally shabby peers, she’s a politician, she’s concerned only about looking good, she doesn’t care about doing good.

US bought Chekkouri as a hostage, paid good money for him

“779 people were brought to Guantanamo, all without charge,” writes Feinstein with the all-too-common official attitude: “stuff happens.” In a just world, stuff would be happening to the moral outlaws who perpetrated and still maintain the blatant criminal enterprise that Guantanamo has been from the start. If Feinstein had any compassion, she could highlight [the Younous Chekkouri case as an example of the moral chaos](#) created by US Guantanamo policy. Secret military files titled [“Gitmo Files” published by Wikileaks, including Chekkouri’s case](#), have been available since April 2011.

In October 2005, officials at Guantanamo acknowledged in writing that Chekkouri was a relief worker who had done relief work and had no identifiable connection with any terrorist group (reiterating similar circumstantial, non-substantive findings in November 2004). Some of the assumed facts had been gathered by torturing Chekkouri and others. Nevertheless, these officials used [conclusory inferences unsupported by any evidence](#) as the basis for continuing to hold Chekkouri. The officials promised “a meaningful opportunity to be heard.” The 16-page, declassified transcript of an undated status review hearing (#002562) portrays the tribunal as merely reiterating the conclusory inferences without presenting supporting evidence. The transcript portrays Chekkouri as open, direct, responsive to all questions, and denying any terrorist activity or connection (except for fellow prisoners). After several similar hearings, Chekkouri was “recommended for further detention” in an official assessment in November 2008 that includes much more information (true or false) than was addressed in the available records of the “meaningful opportunities to be heard.”

Younous Abdurrahman Chekkouri, now 47, is represented by [the UK human rights organization Reprieve](#), which says about its work: “We help people who suffer extreme human rights abuses at the hands of the world’s most powerful governments.” Reprieve is still pushing Chekkouri’s case because he is still not free, even though he has been released from Guantanamo [13 years after he was kidnapped](#):

Younous was doing charity work in Afghanistan and starting a business when he was rounded up with other Arabs and taken to a prison in Kandahar.

He was sold to US forces for a bounty and then taken to Guantánamo Bay. He was held without charge for 14 years before finally being released to his native Morocco in September 2015.

Now the US is tolerating a substitute “Morocc-antanamo” holding Chekkouri

In 2011, attorneys for Chekkouri challenged the supposed evidence against him in a habeas corpus hearing. The [US government’s case fell apart](#) and Chekkouri was eventually reclassified as suitable for transfer. In September 2015, [the US transferred Chekkouri from Guantanamo to Morocco](#), where he was born in 1968. The Moroccans took Chekkouri into

custody immediately and he remains in custody, under threat of a Moroccan trial based on the discredited US evidence. US officials have told Reprieve that they released Chekkouri into Moroccan custody on the understanding that he would not face charges and that he would be held no more than 72 hours for any reason. The Moroccan government says there was no such understanding. Attorney Cori Crider, who represents Chekkouri and is a director at Reprieve, said on November 5:

Someone is just not telling the truth here. Either US State Department officials misled me and my client about Morocco's intentions when my client was in Guantánamo, or Moroccan officials have been making diplomatic promises freely and breaking them just as fast. Which is it? And if the State Department did tell Mr. Chekkouri the truth and the promises have been broken, why isn't this being made a major issue in US-Moroccan relations now?

Attorney Crider also wrote to [US attorney general Loretta Lynch](#), who was then visiting Morocco, [asking her to "urgently intervene"](#) to persuade Moroccan authorities to honor the assurances made by the US in order to get Chekkouri to agree to go to Morocco. So far, Attorney General Lynch is not known to have acted to honor her government's promises. US ambassador to Morocco Dwight Bush has refused to offer any assistance. Officials at the US State Department have apparently done nothing for Chekkouri, even though they had assured him he would be held no more than 72 hours and he has in fact been imprisoned since September 15 in Morocco, where his next hearing is scheduled for December 3.

This is all of a piece of official US bad faith on Guantanamo. Let Morocco look bad doing American dirty work (like exporting prisoners for torture). The US can claim clean hands and no responsibility, and it's all a degenerate lie in service of Dick Cheney's version of American exceptionalism.

And Dianne Feinstein, along with most of the rest of Congress, is part of the corrupt charade. With all the moral fervor of a profitable plantation owner trying to weasel her way onto the right side of history, Feinstein calls for closing Guantanamo, sooner or later, some day, like the President says he wants, and "Congress should be working with him to finally shut it down." Sure, the President ordered Guantanamo closed his first day in office, then dithered fecklessly from January 2009 till now, while Congress was led by fear-mongering torture-tolerating toadies who were determined to punish someone, anyone, regardless of guilt, so long as the person was some third world color. Feinstein speaks no truth to that power, she does not acknowledge that Guantanamo is an American outrage that is entirely of America's making, entirely of America's perpetuation, and entirely to America's shame, were America capable of feeling shame any more.

By any reasonable standard, Guantanamo and the rest of the US secret torture and incarceration network represent a [continuing, collective crime against humanity](#). Meanwhile, at Guantanamo, the [US is again inflicting genital searches on prisoners](#) before they can meet with their attorneys, sometimes keeping such simple due process from going forward. In all fairness, America is not at all exceptional in such crimes.

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