

DC COURT: NATIONAL SECURITY REQUIRES DISMISSAL OF SUIT BROUGHT BY FAMILIES OF MEN “SUICIDED” AT GITMO

Given that our President now holds that he has the authority to assassinate US Citizens with no due process—and he doesn’t have to explain that authority to any court—it should be no surprise that the DC District Court has upheld its earlier decision dismissing the suit of a filed by the families of a bunch of men “suicided” at Gitmo. (I’m already 3 hours into my 15 hour transit from Holland to Holland, so I’m going to just quote from CCR’s press release; here’s one of Scott Horton’s articles on this to remind you of the background and the new evidence the plaintiffs submitted.)

Today, the United States District Court for the District of Columbia affirmed its decision to dismiss *Al-Zahrani v. Rumsfeld*, a civil lawsuit brought by the Center for Constitutional Rights (CCR) and co-counsel concerning the deaths of three Guantánamo prisoners in June 2006, despite newly-available evidence from soldiers stationed at the base at the time of the deaths that strongly suggest the men were killed at a black site at Guantánamo and a government cover-up of the true cause and circumstances of the deaths. The government reported the deaths as suicides. “No one can compensate me for the loss of my son; no one can bring him back to me,” said Talal Al-Zahrani, father of Yasser Al-Zahrani. “But the court’s refusal to hear my son’s case is devastating and deepens my family’s pain. The courts

should be investigating my son's death and holding those responsible accountable. President Obama should be defending human rights and the democratic values the U.S. preaches to the world, rather than going to court to defend the lies and gruesome crimes of the Bush administration."

The case, filed on behalf of the families of two of the deceased, Yasser Al-Zahrani of Saudi Arabia and Salah Ali Abdullah Ahmed Al-Salami of Yemen, charged the government and 24 federal officials with responsibility for the men's abuse, wrongful detention and ultimate deaths. Earlier this year, the court granted the defendants' motion to dismiss the case, holding that national security considerations prevented the court from hearing the families' claims. Following the dismissal, the families filed a motion for reconsideration on the basis of the evidence from the soldiers, as reported by Scott Horton in Harper's Magazine in January 2010, arguing that the new facts compelled the court to reopen the case.

While noting that "'it is, as plaintiffs argue, 'disturb[ing]' that defendants allegedly 'fought to keep secret virtually all information concerning the cause and circumstances of Al-Zahrani and Al-Salami's deaths' and that 'details of an elaborate, high-level cover-up of likely homicide at a 'black site' at Guantanamo' are now emerging,'" the court's decision today held that national security considerations still bar it from considering the families' claims, and that the defendants' alleged involvement in the murder of Al-Zahrani and Al-Salami was still within the scope of their employment.

Obama, of course, would say that he had to

support this cover up to protect the spooks in the field.

But consider the change we've made? The last Administration conducted cover-ups by claiming that it was in the job description of top employees to out CIA spies. Now, the President conducts cover-ups in the name of protecting CIA spies by holding that murder is within the job description of spooks and soldiers. Hope! Change!

(Thanks for all the advice on Scotch the other night—I hope to put that advice to good use.)