

“TERRORISTS ARE COWARDS. TORTURERS ARE, TOO.”

Former Gitmo prosecutor Morris Davis makes, in really powerful fashion, a point I've been contemplating: how does Hillary Clinton get off criticizing the torture of Syrian teenager Hamza Ali al-Khateeb or Pakistani journalist Syed Saleem Shahzad when we have done nothing to hold those who tortured Mohammed al-Qahtani accountable? (h/t Michelle Shephard)

In the fall of 2005, when I was chief prosecutor for the military commissions at Guantanamo Bay, Cuba, I sat down for a lengthy discussion with a veteran member of the prosecution team, a Marine Corps officer with an extensive background in criminal prosecution. We discussed a case that caused him concern, one he said he was not comfortable prosecuting. After describing some of the specifics of the detainee's treatment at Guantanamo, which was documented in official records, the prosecutor said: "Sir, they fucked with him and they fucked with him until now he's as crazy as a shit-house rat." In an interview with Bob Woodward published in the Washington Post in January 2009, Susan Crawford, the Bush administration official who supervised the military commissions, explained why she refused to send the same case to trial when it reached her desk in the spring of 2008. "We tortured Qahtani," she said, "His treatment met the legal definition of torture."

The alleged torture of Hamza Ali al-Khateeb, Syed Saleem Shahzad, and Mohammed al Qahtani by government agents that signed the Convention Against Torture begs the question, is a law that

is ignored worth the paper it is written on?

If we want to criticize others for their crimes, Davis argues, then we need to practice what we preach.

Who decides which obligations are truly obligatory and which means go too far to ever justify the ends? Chemical weapons may have been a fast and convenient way to defeat the Taliban and al Qaeda in the rugged Tora Bora region in late 2001 and may have killed Bin Laden a decade earlier, but is effectiveness, or that it might work, or that others do it justification to violate the Chemical Weapons Convention prohibitions and commit a war crime? If the standard is the United States decides ad hoc which commitments it will honor and which it will not then it should be honest and repudiate those it considers non-binding and the sense to stop the hypocritical criticism of others that fail to live up to its "do as we say, not as we do" example. On the other hand, if the United States means what it says about the rule of law, it has to demonstrate that it practices what it purports to preach.

And he ends by calling on decent people to reclaim our national moral compass.

Do decent human beings have the temerity to stand up and insist the law be enforced? Does the United States have the integrity to lead by example, or has the government engaging in torture become as accepted as government official lying when the truth is inconvenient? We need to find our moral compass.

Go read it.