

From Center for Constitutional Rights

Shortly after taking office President Obama signed an executive order promising to close Guantánamo within a year. Not only has he broken his promise by indefinitely delaying the closure of this notorious prison, but he has extended the worst aspects of the Guantánamo system by continuing indefinite detentions without charge or trial, employing illegitimate military commissions, and blocking accountability for torture. As representatives of the U.S. anti-war movement and people of conscience we demand the immediate and just closure of Guantánamo and secret detention sites operated by the CIA and the U.S. military's Joint Special Operations Command (JSOC). We also express our opposition to egregious conditions of confinement in prisons and detention centers inside the United States.

The shameful story of Guantánamo remains the story of the U.S. government rounding up close to 800 boys and men, labeling them "the worst of the worst," and trying to throw them into an island-prison beyond the rule-of-law and without any rights to challenge their detention or abuse. The vast majority of these individuals should never have been picked up in the first place; they were simply in the wrong place at the wrong time, and many of them were fleeing U.S. bombs in Afghanistan when they were captured. Only 1 in 20 was captured by the U.S. military; most were captured by local civilians and authorities and sold to the United States in exchange for substantial bounty. Colonel Lawrence Wilkerson, a senior State Department official between 2002-2005, has recently declared that the Bush administration knew that the majority of the men at Guantánamo were innocent, but did not release them because that could have harmed the government's push for war.

We make the following demands of the U.S. government as it continues to violate ethical and legal standards at great expense to our collective safety and to justice. We commit to building pressure to ensure that they are met, and invite like-minded allies across the world to join us. We demand that the U.S. government:

- Recommit to rapidly closing Guantánamo and publically admit that the men taken there were not "the worst of the worst." It is now well known that the majority should never have been captured in the first place and are victims of U.S. detention policies. If President Obama were to exercise leadership and acknowledge this, it would help address the wrong done to the men at Guantánamo, and help create the political atmosphere necessary to close the prison and deliver justice to those wrongfully detained.
- Charge or release the men at Guantánamo and abandon the power to hold any of them in indefinite detention. The Obama administration has declared that it will hold nearly 50 men

indefinitely without charge or trial, claiming that they are too dangerous to release but “un-prosecutable” because officials fear trials could compromise intelligence-gathering and because detainees could challenge evidence obtained through coercion. What the Obama administration continues to obscure is that evidence obtained through torture or coercion is both illegal and unreliable, and has no place in a court of law. Federal judges have ruled in 38 out of 53 habeas cases over the last two years that the government had no evidence to justify the detention of men at Guantánamo. All the men should be released or charged in federal courts.

- Stop punishing Yemeni men cleared for repatriation on the basis of their nationality. The Obama administration must lift its indefinite suspension of repatriations of Yemeni men based on their nationality, and allow those who have won their habeas cases or been cleared by the U.S. government’s own extensive Detainee Task Force Review to go home. The men must be evaluated on an individual basis and on what they have done, not based on their nationality or unsubstantiated conjectures about what they might do in the future.

- Ensure accountability for crimes committed. The Obama administration must hold high-level U.S. officials accountable for well-documented and grave human rights abuses at Guantánamo, including torture. Despite the fact that the prosecution of officials responsible for serious human rights abuses is required under both domestic and international law, President Obama has repeatedly indicated his reluctance to pursue prosecutions for these crimes, saying that he prefers to look forward rather than backward. The Attorney General must appoint an independent prosecutor with a full mandate to investigate and prosecute those responsible for torture and other war crimes, as far up the chain of command as the facts lead. We demand real accountability through prosecutions precisely because we are looking forward and are determined to secure a future in which the United States does not torture.

- Investigate the cases of the men who died at Guantánamo, including the three death cases in 2006. The Obama administration has so far not only failed to conduct a real investigation of the deaths at Guantánamo, but has blocked investigations in the courts. As it stands, a man can be killed at Guantánamo without anyone being able to raise the issue in court, and without any independent investigation taking place. We believe that the courts should be investigating these deaths and holding those responsible accountable for them. President Obama should be defending human rights and democratic values rather than going to court to defend the potential lies and crimes of the Bush administration.

- Announce an end to involuntary repatriations. There are men at Guantánamo who fear returning to their countries of origin, and who should not be repatriated against their will. The Obama administration has already forcibly repatriated an Algerian man with credible fears of persecution, and this cruel policy — which violates U.S. and international law — must end.

- Ensure the wellbeing of the men after they are released. The U.S. government cannot hold men without charge in egregious conditions for years, subject them to harm including torture, and then simply toss them out into far corners of the world. Many of these men are victims of U.S. government policies, and the government must help them rebuild their lives by establishing a reparations fund and helping them reunite with their families.

- Lift the ban on resettling the men into the United States. The U.S. government should offer to resettle men who have won their habeas cases or been cleared for transfer in the United States. After having wrongfully detained these men for nearly 8 years, the least the U.S. government must do is to offer them a home. Offering to resettle some of the men held at

Guantánamo would also encourage more countries to make similar offers to more of the men still detained.

- Grant family visits: The United States should immediately grant the families of all men detained the right to visit them. Family visits are commonly granted to prisoners of all kinds, and those at Guantánamo should be no exception.

*We also urge the international community to help provide homes for the men still in detention at Guantánamo, and to protect their wellbeing once resettled.* Many of the men resettled have not been granted permission to work, to travel, or to reunite with their families after years of separation and pain.

We invite people of conscience all over the world to work with us to make sure Guantánamo is closed with justice, and recommit to advocating towards this end.