

Guantanamo Bay Detention Center

FACT SHEET

Fourteen years after it opened, the detention center at Guantanamo Bay remains a symbol of our nation's use of torture, and a place where nearly all of the remaining prisoners continue to be detained without charge or trial. Guantanamo Bay is costly, roughly \$5 million per year per prisoner, immoral, and counterproductive to our interests. Seven years ago, when he took office, President Obama promised to close Guantanamo. This year is his final chance to do so. Guantanamo must be closed now!

The situation at Guantanamo is dire. In 2013, desperate and feeling a growing sense of hopelessness, detainees began a prolonged hunger strike to protest their continued detention without charge or trial. Over the course of the hunger strike, over 100 detainees participated and over forty were force-fed. Although the Pentagon no longer makes public the number of hunger strikers, many Guantanamo detainees continue to refuse food and are instead force-fed.

History of the Guantanamo Bay Detention Center

Guantanamo Bay opened on January 11th, 2002, to hold the detainees from the post-9/11 "War on Terror." The Bush administration argued that federal courts had no jurisdiction over foreigners captured abroad and held in Cuba. By labeling them "unlawful combatants" rather than prisoners of war, they sought to deny the basic rights guaranteed POWs by the Geneva Conventions. The Supreme Court repeatedly found that key pieces of the Bush Administration's detention policy were in violation of the U.S. Constitution.

Because many detainees were tortured at Guantanamo and almost all of the people held there were imprisoned without trial, Guantanamo quickly became an internationally recognized symbol of torture and abuse. As a result, not only did the treatment of people held at Guantanamo violate basic morality, Guantanamo was also a recruiting tool for terrorist organizations. By 2008, Guantanamo had become such a practical problem for the U.S. that by the end of his presidency, President Bush publicly called for it to be closed.

On January 22nd, 2009, two days after he took office, President Obama announced that he would close the Guantanamo Bay Detention Center. He issued an executive order mandating that executive branch agencies act to close Guantanamo within one year, saying it was time to "restore the standards of due process and the core constitutional values that have made this country great, even in the midst of war, even in dealing with terrorism."

GUANTANAMO BY THE NUMBERS **(As of February 4, 2016)**

- 780** – Total number of detainees who have been held at the Guantanamo Bay facility.
- 600** – Of the 780 detainees, over 600 have been released, most without having ever been charged, many after being detained for years.
- 30** – Over 30 of the prisoners in Guantanamo continue to be held there despite having been cleared by our government.
- 26** – Minimum number of prisoners who were tortured in CIA-run facilities before being transferred to Guantanamo.
- 21** – Number of children who have been imprisoned at Guantanamo.
- 9** – Number of Guantanamo detainees who died while in custody, 7 by suspected suicide.
- About \$5 million** – Cost to house one detainee for a year in Guantanamo.

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Unfortunately, the Administration did not act quickly to follow through on the President's executive order, and the President's political opponents took the opportunity to politicize the issue. Congress soon passed legislation that placed unreasonable restrictions on transferring any detainees out of Guantanamo (even those detainees our own government said it had no reason to continue holding). Certain Members of Congress succeeded in turning a practical, bi-partisan goal into a partisan food fight - and in doing so ensured that indefinite detention without trial would remain a part of the U.S. identity for years to come.

Since then, the Administration has slowly transferred detainees out of Guantanamo - but not at the rate it will need to if the President is to keep his promise and close the prison. Continued congressional interference and bureaucratic delays in the Department of Defense have combined to stymie the President's efforts.

Current Situation

At the end of 2015, Congress passed legislation further restricting transfers for even cleared detainees (detainees our government says it has no reason to continue holding). Despite these restrictions though, the President still has sufficient authority to close Guantanamo. Even under the new law, the cleared detainees can be transferred overseas. Other detainees can be cleared by a system of "Periodic Review Boards" that are already in place. Any detainees who cannot be cleared should be tried in fair courts.

While Congress has been unhelpful, in January 2016, the Administration took major steps toward closing Guantanamo. Thanks to Congress, Secretary of Defense Ash Carter is required to personally sign-off on each transfer. In the past this burdensome requirement has proven to be a significant source of delays. In January, however, the Department of Defense and the Administration overcame this hurdle and transferred 16 detainees.

If President Obama is going to fulfill his promise to close Guantanamo his Administration will need to rapidly review the remaining un-cleared detainees to determine which can be cleared for transfer. The Department of Defense and the rest of the Administration will then need to transfer all cleared detainees and bring any remaining detainees to trial. Closing Guantanamo will not be easy - but President Obama can do it if he devotes sufficient attention and political will to the task.

Can President Obama Close Guantanamo?

Yes. Though Congress has restricted transfers out of Guantanamo, President Obama does have the ability to avert a growing human rights crisis and close Guantanamo. The FY 2016 National Defense Authorization Act (NDAA) specifically allows the President to transfer detainees if the Secretary of Defense certifies that doing so is in the interest of U.S. national security and that measures will be taken to substantially mitigate any risks they may pose. Detainees may also be transferred as a result of trial or court order.

The President needs to immediately:

- Direct the Secretary of Defense to expeditiously transfer all remaining cleared detainees out of Guantanamo.
- Order the Secretary of Defense to increase the pace of the Periodic Review Boards. The Boards review un-cleared detainees to determine whether they can be cleared for transfer - but most detainees have never been reviewed by the Boards.
- Make clear to Congress that he will veto any legislation that would impose additional restrictions on transferring people out of Guantanamo.

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and action alerts for Congress and the President to close the detention center
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