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Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://phr.org/our-work/resources/justice-at-guantnamo-requires-charge-or-release-of-detainees/>

Public Facing Advocacy Writing

Sarah Dougherty, JD, MPH on May23,2014

Today's [Global Day of Action to Close Guantnamo](#) marks another 365 days of detention that have passed since [President Barack Obama renewed his promise](#) to close the notorious prison. Of the 154 remaining detainees, nearly half were cleared for release back in 2010. President Obama has the power to end their unlawful detention and should ensure their immediate return home or their transfer to safe third countries.

Around the world, Guantnamo symbolizes the worst excesses of the U.S.-led war on terror. [Detainees have suffered torture and abuse](#) at the hands of U.S. military and medical personnel, including brutal interrogations, solitary confinement, force-feeding, and the withholding of medical care. As [Physicians for Human Rights \(PHR\) has documented](#), these practices inflict lasting physical and psychological harm on detainees, in violation of the Geneva Conventions.

The situation at Guantnamo is so dire that detainees continue resorting to [hunger strikes](#). The underlying cause is a general feeling of desperation and hopelessness the detainees endure as a result of their indefinite detention, as Brigadier General Stephen Xenakis (ret.), a physician and advisor to PHR, [stated during his testimony](#) before the Senate Judiciary Committee last year. More than 100 detainees participated in the [most recent wave of hunger strikes](#) in July 2013 46 of whom were force-fed while strapped in restraint chairs.

Force-feeding is a grave violation of medical ethics and has been [unequivocally prohibited by the World Medical Association](#). When groups like PHR cast a spotlight on these abuses and increased pressure on the U.S. government, the Obama administration responded not by correcting the harm, but instead took steps to hide information from the public. In December 2013, the government stopped disclosing figures on the number of hunger strikers and those being force-fed. In the meantime the practice continues unabated. Last week [a federal judge issued an emergency order](#) to temporarily stop the force-feeding of one detainee, referring to the procedure as agony.

Last years National Defense Authorization Act (NDAA) eased restrictions on the transfer of detainees to other countries, although it still bans transfers to the United States for any reason. The NDAA also included waiver provisions allowing the president to make transfers to other countries. In the past year, however, only 12 detainees have been released. Congress must allow detainees to be transferred to the United States for prosecution, and President Obama must take full advantage of his transfer authority and increase the pace of transfers to other safe countries.

Holding [detainees indefinitely](#) whether at Guantnamo or in any other facility violates the Constitution and international law and undermines U.S. national security interests. In [President Obamas own words](#), GTMO has become a symbol around the world for an America that flouts the rule of law. We must end indefinite detention entirely not simply shift Guantnamos tortured legacy elsewhere. Justice requires that all detainees be charged or released.

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