

# Center For Constitutional Rights

## Criminal Justice Issues and Prisoners' Rights

**<https://ccrjustice.org/home/blog/2021/01/26/news-biden-must-take-swift-action-close-infamous-guant-namo-bay-prison>**

## Public Facing Advocacy Writing

The CCR blog

### **Biden News: Biden must take swift action to close the infamous Guantnamo Bay prison**

Today marks the beginning of the 20th shameful year of Muslim men being unlawfully imprisoned at Guantnamo. Even in a national landscape of brutal and extreme incarceration, the detentions of the men at Guantnamo all of whom face life imprisonment without charge or fair trial are unprecedented and largely invisible.

For the 40 Muslim men who remain trapped there, including our six clients one of whom has been cleared for release for years, another of whom the United States openly acknowledged it tortured, and yet another who cut his wrists out of desperation about his fate Guantnamo is an active site of trauma and despair. Despite all that our clients have endured, they dare to hope for a life beyond Guantnamo, and we must fight for that.

As the country transitions to a new administration, it is more vital than ever that closing Guantnamo once again becomes a policy priority. President-elect Biden can and must take immediate action on the prison: to appoint senior officials to carry out the mandate of closure; release the men the government has not charged by now, starting with the six men already cleared for transfer; abandon the military commissions system; and bring existing cases of men who have been charged to federal court. Biden must reaffirm his commitment to the prisons closure and take the necessary action to accomplish it before we have to mark the 20th anniversary next year. Read our [four-step plan](#) explaining what actions President-elect Biden should take in his first days to close the prison.

We will keep shining a light on the ongoing injustice until the prison is closed and our clients are free. Today, from 5:00 to 6:30 p.m. EST, we invite you to join us and [Justice for Muslims Collective](#), [Amnesty International USA](#), and [Witness Against Torture](#) for [Rights or Rightlessness? The Lives of Men Imprisoned at Guantnamo](#), a virtual conversation on Guantnamo and those impacted by its harm, and a broader history of U.S. detention camps and the carceral state.

For more information about our work to close Guantnamo, visit [our Guantnamo page](#).

### **We condemn white supremacist violence and its enablers--from rioters, to police, to the White House**

The violent right-wing insurrection in Washington on Wednesday and all that led up to it and surrounded it was about one thing and one thing only white supremacy.

The armed white supremacist rioters smashing windows, ransacking offices, and carrying the Confederate flag into the Capitol because their candidates lost. The white supremacist police who put their politics, their allegiances, and their hypocrisy on full display. The white supremacist members of Congress who either stood by their attempts to overturn a democratic election or suddenly made shocked statements about the behavior of their supporters. And the white supremacist president, Donald Trump, who lied about the election he lost, lied some more, goaded his supporters to violence, and called them very special once the destruction was done.

Continue reading [on our website](#).

### **Immigrant rights advocates ask court to block Trump administration attempt to thwart court order**

Immigrant rights advocates moved for a temporary restraining order to block the Trump administrations latest attempt to circumvent an earlier court order prohibiting the government from applying an asylum ban to people who had to wait in Mexico because U.S. Customs and Border artificially limited the number of asylum seekers it would allow to enter the United States at ports of entry along the U.S.-Mexico border.

The Asylum Ban rule being pushed through in the final days of the Trump administration can have life or death consequences for affected refugees. The thousands of individuals subject to the Asylum Ban face a much higher burden to gain protection in the United States, and in most cases remain permanently separated from family members still living in perilous circumstances in their home countries. We will continue to fight to ensure that refugees who have already suffered from application of the administrations metering policy are not also prejudiced by this illegal asylum ban, said Erika Pinheiro, litigation and policy director of Al Otro Lado.

Learn more [on our website](#).

### **We're asking the Supreme Court to once again take on the issue of Guantnamo**

On December 28, we filed a petition for certiorari asking the Supreme Court to review the case of [Abdul Razak Ali](#), who has been held for 18 years without charge at Guantnamo. The legal question the petition asks the court to resolve is whether the Constitutions due

process clause applies at the prison. The clause mandates that the government must use fair procedures "due process" if it deprives a person of life, liberty, or property.

Whether the due process clause reaches Guantanamo has been an open, unresolved question since the Center for Constitutional Rights sued on behalf of Haitian political refugees from the coup against Jean-Bertrand Aristide in 1991; our landmark Supreme Court victory in 2008 only enshrined the right to access the courts.

If it applies at Guantanamo, many of the legal rules currently allowing the courts to permit indefinite detention based on weak, untestable evidence would be overturned. We also believe due process requires that the courts force the government to prove that our clients might pose a specific danger if released.

The government's position that due process does not apply at all at the prison would not just cement in place rules that make it impossible for the government to lose habeas cases. It might also predetermine many legal challenges to the fundamental fairness of the military commissions process, and to the acceptability of many prison conditions that we believe are tantamount to torture, including involuntary force-feeding and prolonged solitary confinement.

For more information on this case, head to [the case page on our website](#).

[View the discussion thread](#).

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