

Human Rights Watch

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

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Why President Biden should fulfill his pledge to close the prison at Guantanamo Bay

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Two decades ago, on Jan. 11, 2002, the US military began detaining Global War on Terror (GWOT) prisoners at Guantanamo Bay, Cuba, opening one of the longest and darkest chapters of its abusive responses to the 9/11 attacks. The US has unlawfully imprisoned hundreds of foreign Muslim men and even boys at the offshore naval outpost for months or years, nearly all without charge. President Joe Biden should not let another year pass without ending detentions at Guantanamo for good.

Disconcertingly, Biden let this tainted anniversary pass with no public statement, despite his [pledges](#) to close the Guantanamo detention center. Instead, he left it to the Pentagon to share the positive but meager news that it had [cleared five more](#) of the 39 prisoners still held at Guantanamo for transfer, which brings the number of those approved for repatriation or resettlement abroad to 18. Yet, the Pentagon set no date for the transfers. So far the Biden administration has only let one man leave Guantanamo. Some men still detained there were cleared for transfer a dozen years ago. Meanwhile, the Biden administration has [begun work](#) on a second courthouse at Guantanamo to prosecute prisoners.

SECRECY BY DESIGN

Many people in the United States may only be vaguely aware of the systematic abuses the US military has committed against the 765 men and 15 boys it has detained at Guantanamo since scooping them up abroad with the help of allies like Afghanistan and Pakistan. That's by design. Only people cleared by the Pentagon can fly to the heavily guarded base.

Nor does the US publicly broadcast the proceedings from Guantnamos [military commissions](#), fundamentally flawed courts the Pentagon created just to prosecute prisoners at the base. Even journalists need special permission to observe them, either remotely from a US military base or at Guantanamo behind soundproof glass and either way with an audio delay to censor exchanges on often insufficient [national security grounds](#). Sometimes the court even [withholds information](#) from the defense attorneys and the accused themselves.

Yet, for many around the world, Guantanamo remains one of the most enduring symbols of the abuses the US inflicted on foreign Muslim men, many of them Black or brown, in response to the 9/11 attacks. As we note in a new [Human Rights Watch report](#) for the [Costs of War Project](#) at Brown University, the continued detentions and flawed prosecutions at Guantanamo are profoundly damaging in myriad ways.

First, they violate the rights of the imprisoned. Of the [39 men still held](#) at Guantanamo, 27 have been held for a decade or more without being charged with a crime. Many [lack adequate care](#) despite ongoing trauma and medical problems from torture or other abuses inflicted in secret Central Intelligence Agency black sites or at Guantanamo itself. Nine prisoners have died at Guantanamo, two apparently from natural causes but the rest in what the military calls suicides. Some of those men did apparently take their own lives relatives and lawyers say [from despair over](#) their indefinite detention. [Allegations persist](#) that three men were tortured to death or died from neglect.

Second, Guantanamo deprives 9/11 survivors and victims family members of justice. The US has held the five suspects in the 9/11 attacks for nearly 20 years and arraigned them at Guantanamo a decade ago. Yet, their [military commission trials have not even begun](#), prolonging the anguish of the survivors and families of the dead who want justice served. As with other prosecutions at the base, pre-trial hearings are ensnared in prosecution efforts to bar evidence that the accused were [tortured by the CIA](#), and by defense accusations of [CIA interference](#) in the proceedings. Had the accused been tried in US federal courts, which have extensive experience prosecuting complex terrorism cases, their trials most likely would have ended years ago.

Guantanamo also undermines human rights and the rule of law worldwide. By indefinitely detaining foreign Muslim men without charge, and holding no top US officials accountable for the abuses that they and other prisoners endured, the US signals to the world that it is acceptable to sideline rights and humane treatment in the name of countering terrorism. This undercuts the US when it calls out other countries for secret detention, torture, and crackdowns on religious minorities and peaceful critics under the guise of security. And it undermines the very international human rights standards and institutions that the US worked so hard to create in the aftermath of World War II.

In addition to being immoral and unlawful, detaining people at Guantanamo is a strategic blunder. Islamist armed groups including the Islamic State (ISIS) and Al Qaeda [have used Guantanamo](#) as a propaganda tool to lure recruits, justify their own abhorrent acts, and fuel their narrative that the US is at war with Islam. ISIS has [clad hostages](#) from the US and other countries in orange jumpsuits like those the US forced prisoners to wear at Guantanamo before executing them and disseminating the gruesome images.

Finally, Guantanamo drains US taxpayers dollars. US taxpayers are spending at least \$540 million a year to detain people at Guantanamo. That comes to about [\\$13 million annually](#) per prisoner, compared with less than \$80,000 per prisoner in a US maximum-security prison, according to [The New York Times](#). The costs include nearly 2,000 guards and the blighted military commissions.

A HARM AMONG MANY

Guantanamo is hardly the only harm from the GWOT that then-President George W. Bush declared after 9/11 and that his three successors have perpetuated to varying degrees, most often against foreign Muslims. Not one member of the CIA has been held to account for extrajudicially transferring and unlawfully detaining at least 119 Muslim men in black sites abroad and torturing at least 39 of them. And [few members of the military](#) have been prosecuted for abuses at US-controlled bases abroad that held thousands of alleged terrorism suspects and prisoners of war.

Though its abusive detentions have dramatically decreased, the US has still sometimes unlawfully detained terrorism suspects abroad [or at sea](#) or [transferred them](#) to countries that torture. Meanwhile its [airstrikes](#) often with armed drones have killed thousands of civilians, including outside recognized battlefields.

Commendably, Biden has ordered a [review](#) of US GWOT policy with an eye to ending harm to civilians. In the meantime, he has [dramatically reduced](#) US drone strikes. But his administration's failure to hold the military accountable for a [botched drone strike](#) that killed 10 civilians in Afghanistan in August 2021, like its tepid steps on Guantanamo, does not bode well for genuine reform.

Bold steps are needed to reverse the reckless and harmful US counterterrorism course. Regarding Guantanamo, Biden should press Congress, which has been divided on closing the prison, to let his administration prosecute the men who have been charged there in US federal courts, and pursue plea bargains for them if it won't. US authorities should let the only two men convicted at Guantanamo serve the rest of their terms in the US or in other countries, provided they are not at risk of inhumane treatment. They should release the rest to safe locations. Biden should also officially apologize and provide redress to the men the US abused at Guantanamo.

Biden should act now, before Guantanamo turns 21. The longer the US waits, the wider the stain of Guantanamo will spread.

The Bush Administration and Mistreatment of Detainees

Detention Conditions and Mental Health at Guantanamo

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