

STATEMENT BY ATTORNEYS FOR THE PRISONERS ON THE  
TENTH ANNIVERSARY OF THE OPENING OF PRISON CAMPS AT  
GUANTÁNAMO BAY, CUBA

This statement is made by over 100 lawyers who have represented or currently represent men imprisoned at Guantánamo Bay in federal habeas corpus proceedings. We are solo practitioners, partners and associates in law firms, federal public defenders and former prosecutors, law professors and human rights activists who practice in nearly every area of the law. We hail from nearly every state in the Union. We stand here together on this, the tenth anniversary of the opening of the prison at Guantánamo, to call on our government to provide meaningful justice for the 171 men still held there.

Ten years ago, the first men and boys were shipped secretly from different parts of the world to Guantánamo, and ultimately the number grew to nearly 800. The government called these individuals “enemy combatants,” a term without legal meaning, in order to evade established rules of international law, to impose indefinite imprisonment without any legal process whatsoever and to employ unlawful interrogation techniques and even torture. It tried to make the prison camp a “legal black hole” where the sanitizing light of due process and the rule of law would not penetrate. It said that all the Guantánamo prisoners were “terrorists” and even “the worst of the worst,” in order to justify their unjust incarceration.

As attorneys for the prisoners, we have worked hard to show that these government claims are wrong. We have litigated dozens of cases, filed thousands of legal briefs, fought all the way to the U.S. Supreme Court — three times so far — to establish that these men cannot be indefinitely imprisoned without due process of law and that this prison is not outside the law. We continue to fight for these fundamental principles enshrined by the U.S. Constitution and international human rights law.

These same principles animate our demands now. Every one of the 171 men remaining at Guantánamo deserves the due process of law. First, every one whom the government still holds captive should be charged criminally, and provided a fair trial, or released. The Constitution, as well as international human rights law, require no less. Second, over half of these men were cleared for repatriation to their home countries, some years ago, and they should be repatriated or resettled promptly. No law, no logic, can allow a government to continue to imprison individuals whom that government itself has said pose no threat.

We have shown why these men are not “the worst of the worst.” In court filings and in news articles, the evidence shows that many of them were sold for bounties, or falsely accused by those who were being tortured, or simply captured in the fog of war because they were at the wrong place at the wrong time. The fact that 600 of the nearly 800 men once imprisoned at Guantánamo were unilaterally released by the government proves that the rhetoric was false, base fear mongering. In any case, the important point is this — a court should determine each man’s guilt or innocence after a fair criminal trial, and a decade is too long to wait for such a trial.

We have learned and wish to remind the world of the human dignity of our clients, based on countless hours we have spent in conversation with them. They are not nameless, faceless “terrorists.” They are fathers, brothers, and sons to family members who have not seen them in a decade, and they feel the deepest pain from missing their loved ones back home. They have endured an unthinkable ordeal including, in a great many cases, torture and other cruel, inhuman and degrading treatment. They have also endured prolonged isolation and other brutal conditions of imprisonment, causing many to deteriorate physically and psychologically. In addition, they face the most profound uncertainty about their futures and experience the daily grinding weight

of the hopelessness that pervades Guantánamo. Yet they manage to preserve their humanity and dignity against all odds, in the most surprising and inspiring ways. We ask the world to remember our clients on this day and the remaining days of their imprisonment.

As Americans we know that the rule of law is one of the greatest accomplishments of our nation. We call on the government to respect the rule of law and end our disastrous and shameful legacy in Guantánamo Bay. We call on President Obama and our government to promptly repatriate or resettle the prisoners who have already been approved for release, and to provide prompt and fair criminal trials for those whom the government still holds. Our fundamental Constitutional principles require no less. Ten years is too long. We hope that this tenth anniversary of the Guantánamo Bay prison will be its last.

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