

April 11, 2013

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington DC, 20500

Re: Concern about hunger strike and stalled efforts to close the detention facility at Guantánamo

Dear President Obama,

We, the undersigned human rights and civil liberties organizations, are writing to urge you to take immediate steps to end indefinite detention without charge and begin closing the prison at Guantánamo Bay. If ever there were a moment to act upon the promise you made over four years ago to shutter the prison, it is now. For several weeks, major news outlets, attorneys for the prisoners, and even military officials have been reporting that there is a large hunger strike occurring among the men detained at Guantánamo. The current situation is the predictable result of continuing to hold prisoners indefinitely without charge for more than 11 years. Therefore, we urge you to begin working to transfer the remaining detained men to their home countries or other countries for resettlement, or to charge them in a court that comports with fair trial standards. We also urge you to appoint an individual within your administration to lead the transfer effort.

Media reports describe an increasingly desperate situation at Guantánamo. Attorneys for the detained men are reporting that some of them are in critical condition. According to the World Medical Association, irreversible cognitive impairment and physiological damage may begin to occur by the fortieth day of a hunger strike, after which the possibility of death becomes an imminent risk. Military officials also acknowledge that the situation is escalating. While they continue to cite lower numbers of hunger strikers than reported by lawyers who have met with or spoken to their clients detained at Guantánamo, their current tally is more than a four-fold increase over the first government tally released on March 11, 2013.

The unfolding crisis at Guantánamo cannot be divorced from the fact that the vast majority of the 166 remaining prisoners have now been held for more than 11 years without charge and still do not know their fate. More than half of them – 86 men – were approved for transfer over three years ago by the Guantánamo Review Task Force that you established, yet transfers have all but ceased. General John Kelly of the U.S. Southern Command has himself acknowledged the psychological impact of indefinite detention at Guantánamo. At a House Armed Services Committee hearing on March 20, 2013, he stated that the prisoners have been “devastated” by what they perceive as your decision to “back off” of the promise you made in January 2009 to close the detention facility.

We urge you to order the relevant authorities to take swift measures to humanely and lawfully address the immediate causes of the hunger strike in a manner consistent with international standards of medical ethics before irreparable harm occurs to the prisoners. Moreover, we urge you to take steps to address the root of the problem by fulfilling your promise to close Guantánamo without further delay. To that end, we ask that you:

- 1) Direct Secretary of Defense Charles Hagel to use his authority to issue the certifications or national security waivers required by the National Defense Authorization Act (NDAA 2013) to effect transfers from Guantánamo.
- 2) Appoint an individual within your Administration to lead the effort to close Guantánamo.

The United Nations High Commissioner for Human Rights, Navi Pillay, again stated that the continued operation of Guantánamo Bay remains a “clear breach of international law,” and reiterated that it should be closed. While we stand ready to support the Administration’s efforts to close Guantánamo Bay in a manner consistent with its international legal obligations, this problem demands your presidential leadership. We urge you to act now.

Sincerely,

Center for Constitutional Rights
American Civil Liberties Union
Amnesty International
Asian American Legal Defense and Education Fund
Bill of Rights Defense Committee
Center for Justice & Accountability
Center for Justice and International Law
Center for Victims of Torture
Council on American-Islamic Relations
Defending Dissent Foundation
Human Rights Advocates
Human Rights First
Human Rights Watch
International Center for Advocates Against Discrimination
International Federation for Human Rights
International Justice Network
National Lawyers Guild
National Religious Campaign Against Torture
Physicians for Human Rights
Reprieve
The Constitution Project
Torture Abolition and Survivors Support Coalition International
United States Human Rights Network
Urban Justice Center
Witness Against Torture