



**United States Civil Society Consultation – Convention Against Torture
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Statement of Baher Azmy, Center for Constitutional Rights

In my limited time, I wish to talk about Guantanamo and about Yemen. I have been working on issues related to Guantanamo since I first visited Murat, chained to the floor in a cell in Camp Echo in 2004.

Guantanamo has always been a prison for Muslim men and boys, but it has increasingly become a prison for Yemeni men. More than half of the remaining 148 prisoners are from Yemen, and three-quarters of the men currently approved for transfer are from Yemen. Yet not a single Yemeni detainee has been transferred to any country since July 2010.

As such, the continuing detention of Yemeni prisoners appears as classic arbitrary detention, which violates U.S. law as well as international humanitarian law and human rights law, and which causes severe pain and suffering that amounts to torture or other cruel, inhuman and degrading treatment.

It is not a legitimate excuse to say that Yemen is too unstable to accept *any* of its citizens back – regardless of individualized circumstances. Our **cleared client Fahd Ghazy** comes from a rural farming village, Beyt Ghazy, where dates and olives grow, and has a stable family and home awaiting him. Our cleared client **Tariq Ba Odah**, a long-term hunger striker, has withered to 100 pounds yet all he thinks of is to return home to care for his elderly mother. **Ghaleb al Bihani** was recently cleared by a PRB and is eager to be resettled to a third country. Resettlement remains an opportunity for dozens of detainees.

It is also no excuse for the government to blame the U.S. Congress for enacting legislation that makes it more difficult to transfer detainees. Congress has twice changed the law at the request of President Obama, but the rate of transfers has not increased in any meaningful way. Only 23 detainees have left Guantánamo alive since January 2011. So far in 2014, apart from five detainees exchanged for a U.S. soldier held prisoner by the Taliban, only two detainees have left Guantánamo. None was Yemeni.

The problem with Guantanamo is indefinite detention, not the location of the detention, and thus, would not be solved by any proposals to transfer detainees to the U.S in an effort to close the prison. Instead, the U.S. should transfer detainees home or resettle them in third countries rather than expend its time, energy and political capital on the fraught process of bringing detainees to the U.S.

This Administration has two years to make President's Obama's promise to close Guantanamo a reality.