



# Guantanamo Bay Detention Center FACT SHEET

Twelve years after it opened, the detention center at Guantanamo Bay remains a symbol of our nation’s use of torture, and a prison where over 100 prisoners continue to be detained without charge, trial, or, seemingly, prospect of release. Guantanamo Bay is costly (more than \$2 million per year per prisoner), harmful, and counterproductive to our interests. It is time to close Guantanamo. It is wrong to continue the indefinite detention without trial of these prisoners, many of whom have been held for years despite having already been cleared by our own government for transfer or release.

The situation at Guantanamo is dire. In February 2013, desperate and feeling a growing sense of hopelessness, detainees began a prolonged hunger strike to protest their continued detention without charge or trial. Over the course of the hunger strike, over 100 detainees participated and over forty were force-fed. Although the number of hunger strikers has declined from its peak, many Guantanamo detainees continue to refuse food and are instead force-fed as a means of protesting their continued detention.

## *History of the Guantanamo Bay Detention Center*

Guantanamo Bay opened on January 11<sup>th</sup>, 2002, to hold the detainees from the post-9/11 “War on Terror.” The Bush administration argued that federal courts had no jurisdiction over foreigners captured abroad and held in Cuba. By labeling them “unlawful combatants” rather than prisoners of war, they sought to deny the basic rights guaranteed POWs by the Geneva Conventions. The Supreme Court repeatedly found that key pieces of the Bush Administration’s detention policy were in violation of the U.S. Constitution.

On January 22nd, 2009, President Obama announced that he would close the Guantanamo Bay Detention Center. He issued an executive order mandating that executive branch agencies act to close Guantanamo within one year, saying it was time to “restore the standards of due process and the core constitutional values that have made this country great, even in the midst of war, even in dealing with terrorism.”

Unfortunately, the Administration did not follow through on the President's commitment to close Guantanamo within a year, and Congress quickly abandoned the effort - passing legislation that

## **GUANTANAMO BY THE NUMBERS**

**779** - Total number of detainees who have been held at the Guantanamo Bay facility.

**600** - Of the 779 detainees, somewhat over 600 have been released, most without having ever been charged, many after being detained for years.

**149** - Total number of detainees remaining at Guantanamo.

**78** - Number of the 149 detainees that the U.S. has approved for transfer to home or third countries but remain at Guantanamo.

**26** – Minimum number of prisoners who were tortured in CIA-run facilities before being transferred to Guantanamo.

**21** - Number of children who have been imprisoned at Guantanamo.

**9** - Number of Guantanamo detainees who died while in custody, 7 by suspected suicide.

**7** - Number of those convicted in the military commissions after trial or plea bargain.

placed unreasonable restrictions on transferring detainees out of Guantanamo (even detainees our own government said it had no reason to continue holding). Despite his promise to close Guantanamo, the President repeatedly signed legislation including restrictions of this sort into law.

### ***Current Situation***

In 2013, Congress passed and the President signed new legislation easing the restrictions on transferring cleared detainees (detainees our government says it has no reason to continue holding) out of Guantanamo. Additionally, the President and Congress put in place a system of Periodic Review Boards to determine whether additional detainees can be cleared for transfer or release. The President now has the authority he needs to dramatically reduce the prisoner population in Guantanamo.

### ***Can President Obama Close Guantanamo?***

Yes. Though Congress has restricted transfers out of Guantanamo, President Obama does have the ability to avert a growing human rights crisis and close Guantanamo. The FY 2014 National Defense Authorization Act (NDAA) specifically allows the President to transfer detainees out of Guantanamo if the Secretary of Defense determines that doing so is in the interest of U.S. national security and that measures will be taken to substantially mitigate any risks they may pose. Further, the Secretary of Defense has the authority to transfer or release detainees when a periodic review board has certified that they do not pose any threat to our national security.

The President needs to immediately:

1. Direct Secretary of Defense Hagel to expeditiously transfer all cleared detainees out of Guantanamo.
2. Work with the Yemeni government, a strong ally in the U.S. fight against al-Qaieda affiliates, to provide assistance, security measures, and rehabilitation programs that would allow us to more safely transfer Yemeni prisoners back to their country.
3. Speed up the pace of the Periodic Review Boards so that more detainees are identified as eligible for transfer.
4. Support efforts in Congress to ease the remaining restrictions on detainee transfers.

**For more information on Guantanamo  
and action alerts for Congress to close the detention center  
go to [www.nrcat.org/CloseGitmo](http://www.nrcat.org/CloseGitmo)**