

Guantanamo Bay Detention Center

FACT SHEET



Now in its 20th year of operation, the detention center at Guantanamo Bay remains a symbol of our nation's use of torture, and a place where even now, some two decades after they were first captured, most of the remaining prisoners have never been charged or tried for any crime. The prison at Guantanamo Bay costs more than \$13 million per prisoner per year to operate, and is both immoral and counterproductive to our national interests. Former President Bush and former President Obama both agreed that the prison at Guantanamo should be closed. Today, though, it remains open, and the

prisoners there are increasingly losing hope of ever leaving.

History of the Guantanamo Bay Detention Center

The detention center at Guantanamo Bay opened on January 11th, 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.

Because many detainees were tortured at Guantanamo and almost all of the people held there were imprisoned without trial, Guantanamo quickly became an internationally recognized symbol of torture and abuse. As a result, not only did the treatment of people held at Guantanamo violate basic morality, Guantanamo was also a recruiting tool for terrorist organizations. By 2008, Guantanamo had become such a practical problem for the U.S. that by the end of his presidency, President Bush publicly called for it to be closed.

On January 22nd, 2009, two days after he took office, 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, President Obama did not act quickly

GUANTANAMO BY THE NUMBERS **(As of January 4, 2022)**

780 – Total number of detainees who have been held at the Guantanamo Bay facility.

741 – Of the 780 detainees, 741 have been released, most without having ever been charged, many after being detained for years.

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.

\$13 million – Cost to house one detainee for a year in Guantanamo.

13 – Number of prisoners who continue to be held in Guantanamo despite having been cleared for release by our government.

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to follow through on his executive order, and his political opponents took the opportunity to politicize the issue. Within less than a year, Congress passed legislation (legislation that President Obama signed because it was packaged with other programs that he supported) that placed unreasonable restrictions on transferring any detainees out of Guantanamo (even those detainees our own government said it had no reason to continue holding). By the end of his presidency, President Obama had managed to transfer a significant number of prisoners out of Guantanamo, however 41 prisoners still remained there when President Obama left office.

President Trump took office having vowed during the 2016 campaign to “load up” Guantanamo with “bad dudes.” Fortunately, during his four years of office, he not only did not “load” Guantanamo up, he did not transfer a single prisoner there. In fact, he is reported to have complained about how expensive it is to hold prisoners in Guantanamo and about how the military commissions system has failed to even begin trial for the alleged 9/11 conspirators (now almost 20 years after the 9/11 attacks).

Ultimately, President Trump transferred 1 detainee out, and cleared 1 other detainee to leave Guantanamo (but did not transfer him).



Current Situation

When President Biden took office, he was left with 40 detainees in Guantanamo, 6 of whom were cleared to leave. 1 person has been transferred out. The Biden Administration has since cleared 8 additional detainees to leave – meaning that 13 are now cleared to be transferred out as soon as the Biden Administration finds a country to accept them.

What Can We Do?

President Biden says he supports closing Guantanamo – and he has the power to do so. The first step is for him to negotiate with foreign countries to accept the 13 detainees who are already cleared for transfer. That would leave 26 detainees in Guantanamo. Many of those detainees also pose no real security threat and can be cleared to leave. Additionally, in some cases, it may be possible to negotiate a plea deal with certain detainees that would allow them to be released back to their home countries or another country, or result in them serving a prison sentence in another country (with the agreement of U.S. government, the host government, and the detainee himself). Finally, a few detainees will need to be brought to the U.S. for trial in federal courts. In the past, Congress tried to strip the executive branch of the power to take that step – although it is unclear whether or not they had the constitutional authority to do so. At this point, though President Biden’s party controls Congress, so they can help him close Guantanamo by unambiguously providing him with the authority to transfer a small number of detainees to the U.S. for trial.

You can help by:

- Organizing a rally, vigil, prayer service, or other event against Guantanamo on or near Jan. 11.
- Wearing an orange ribbon or pin (contact NRCAT for pins) in solidarity with those in Guantanamo.
- Writing a letter-to-the-editor of your local newspaper calling for Guantanamo to be closed.
- Arranging a local showing of the film *The Mauritanian* (<https://www.nrcat.org/TheMauritanian>)
- Writing or calling your Members of Congress to oppose indefinite detention and Guantanamo.
- Writing to President Biden and asking him to close Guantanamo and end indefinite detention.

**For more information and resources,
go to www.nrcat.org/CloseGitmo**