



The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
Robert F. Kennedy Building
950 Pennsylvania Avenue
Washington, DC 20530

March 16, 2017

Re: Correcting the Record on Guantánamo

Dear Attorney General Sessions,

On behalf of Amnesty International USA's 1.2 million supporters in the United States, I am writing to you in response to numerous inaccurate assertions you made during a recent interview on the detention camp at Guantánamo Bay.¹ I urge you to publicly correct the record.²

You reportedly stated during a recent interview that Guantánamo is "just a very fine place for holding these kinds of dangerous criminals." You also expressed support for the faltering military commissions, saying, "I don't think we're better off bringing these people to federal court in New York and trying them in federal court where

¹ Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. Amnesty International is independent of any government, political ideology, economic interest or religion. The organization is funded by individual members; no funds are sought or accepted from governments for investigating and campaigning against human rights abuses. Amnesty International USA is the U.S. section of Amnesty International.

² Sessions calls Guantánamo Bay prison camp a 'very fine place,'" USA Today, March 9, 2017, <http://www.usatoday.com/story/news/politics/2017/03/09/sessions-calls-Guantánamo-bay-prison-camp-very-fine-place/98952996/>.

they get discovery rights to find out our intelligence, and get court-appointed lawyers and things of that nature.”

These statements are so wrongheaded that it is hardly conceivable that an individual at your level of office and with your responsibilities would express them. Either you are misinformed about the nature of detention and legal proceedings at Guantánamo, or you are willfully misleading the public.

First, your statements paint those in Guantánamo as a monolith, each convicted of violent crimes. In reality, Guantánamo is a system of injustice where people are held for years—even decades—without criminal charge. Of the 41 men who remain behind its walls, most – 31 of the 41 – have never been charged with a crime. Five have been unanimously cleared for transfer by the major national security agencies. In this context, your statements are effectively misinformation, which serves one purpose: To manipulate the public into supporting an unlawful and immoral institution.

Guantánamo is not a “very fine place;” it is a place where people are held, possibly until they die and with hardly any chance of ever leaving, even though they have never had a fair trial. It is a place where “guilty until proven innocent” has made its way into the law, in a total inversion of this country’s best legal traditions, its sense of fairness and justice.

One of the individuals trapped at Guantánamo is Toffiq al-Bihani, a 43-year-old man who has been held without charge for 14 years. He was held in solitary confinement for five months before being sent to a CIA “black site.” There, according to the Senate Intelligence Committee report on torture, he was subjected to 72 hours of sleep deprivation. U.S. national security officials approved him for

transfer in 2010, more than six years ago.³ He remains in Guantánamo today, years of his life passing by behind bars.

Second, you appear misinformed about the military commissions' procedures and unaware of their failings. Your concern that federal trials may provide the defendants with appointed attorneys and discovery rights is misplaced, since the military commissions system already provides them these. Either you are unaware of the actual differences between these two systems, or you are misleading the public in this regard.

We urge you to consider that under any metric, the military commissions have been a massive failure: they are expensive⁴, unfair, and incapable of securing justice. The commissions have an embarrassing track record. After all these years, only eight “convictions” have been handed down, six as a result of guilty pleas, and with four later partially or completely overturned. Perhaps the most high-profile of the military commissions cases—the trial against Khalid Sheikh Mohammed and four others alleged to have roles in the 9/11 attacks—remains stuck in the pretrial phase, with no conceivable end in sight. The 9/11 victim families continue to wait year

³ In January 2010, the Guantánamo Review Task Force recommended him for transfer to Yemen provided that certain security conditions were met, because of conditions in that country. He and other Yemeni detainees could instead be resettled in third countries.

⁴ “Flights for trial attorneys, witnesses, observers, victims’ family members, and others – which are required for all pre-trial and trial hearings – reportedly cost around \$90,000 each way due to the difficult logistics of traveling to Guantanamo and the need for special security. With the Office of Military Commissions attempting to pick up the pace of these hearings, these costs can be expected to grow significantly. Also included in the total cost for detention operations and the military commissions is \$78.6 million for the U.S. Army, including contract intelligence analysts, librarians and linguists; and \$148.8 million in U.S. Navy expenditures, including detention operations security, translation, and courtroom support services.” The Cost of the Guantanamo Bay Prison: Issue Brief, Human Rights First, January 2017, <http://www.humanrightsfirst.org/sites/default/files/cost-of-guantanamo-brief.pdf>.

after year for justice, in vain.⁵ This is not a system that can be reformed, as it is fundamentally inconsistent with the right to a fair trial.

Put simply, the proceedings are rigged. The military commissions lack independence from the political branches of government – the same branches that authorized, and failed to seek accountability for, human rights abuses against the same individuals subjected to trial by military commission. They are also discriminatory, by providing foreign nationals inferior fair trial protections than those a U.S. citizen accused of the same conduct would receive in the ordinary courts.

Make no mistake: Guantánamo is an international symbol of human rights violations. Torture and other cruel treatment were carried out at Guantánamo. Even as the camps have been developed and expanded, the fact remains that those behind their walls are being held without charge or fair trial. No amount of “upgrades” can remedy such injustice.

In short, Guantánamo is not a “very fine place.” It is a cancer upon the United States’ conscience that prevents justice and breeds international scorn. Former Presidents Bush and Obama both concluded that the detention camp must close, and worked toward that end. For the Trump administration to seek to expand detentions and unfair trials now would break from long-standing U.S. policy.

We urge you to publicly correct your previous statements and support the abolishment of the military commissions and the closure of Guantánamo.

⁵ As one 9/11 family member put it: “It’s been 15 years, and still the 9/11 ‘trial’ drags on with no resolution in sight. Still, I watch the hearings. Sometimes I am the only one in the closed-circuit viewing room. As I see proceedings in the makeshift courtroom encounter delay upon delay, inevitably returning to the legal complications posed by torture, I can’t help but wonder how different things would be if the U.S. government had done the right thing years ago.” “How American Torture Prevented 9/11 Victims from Getting Justice,” Terry Rockefeller, Newsweek, Dec. 21, 2016.

<http://www.newsweek.com/how-american-torture-prevented-911-victims-get-justice-532447>

Sincerely,

A handwritten signature in black ink that reads "Margaret Huang". The signature is fluid and cursive, with the first name "Margaret" and the last name "Huang" clearly distinguishable.

Margaret Huang
Executive Director
Amnesty International USA