



Statement on the 20th Anniversary of Muslim Detention in *Guantánamo Bay*

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2022 marks the 20th anniversary of the arrival of the first Muslim detainees at Guantánamo Bay Detention Camp in January 2002. According to the American Civil Liberties Union, it has now become the longest-standing war prison in United States (US) history. Based on reports and testimonies about the cruel, inhumane, and illegal detentions, facility conditions, and treatment of detainees, *the Lemkin Institute for Genocide Prevention condemns these conditions and supports the demands to permanently close Guantánamo Bay*. Such inhumane treatment should never be state sponsored policy.

The willingness to create a space in which fundamental and internationally recognized human rights are disregarded for a specific class of people is a red flag for further and more egregious violations of human rights. The capacious categories used in creating such spaces, in this case “terrorist,” are radicalizers that stretch social, political, and legal norms far beyond democratic practice and good governance. Spaces of exception, like Guantánamo, are known breeding grounds for genocidal ideology and practice. Their normalization within a democratic order is a threat to the principle of constitutionalism and sets the stage for future disaster.

Despite its history dating back to the 1903 Platt Amendment to the Cuban Constitution, Guantánamo Bay became infamous following the 9/11 attacks. Since 2002, 780 Muslim men and boys have been detained by American military forces at Guantánamo, with nearly all 779 having been detained without an official charge or trial. Extremely concerning is that 22 of these detainees were minors under the age of eighteen. 731 of the detainees have been transferred to their home countries for release or further detainment and 9 have died while in custody. Today, 39 men are still being indefinitely detained in Guantánamo. 27 of these men (69%) have never been officially charged with a crime. 14 of these men (36%) have been cleared for transfer or release, with some having been cleared for years, but are still being detained.

This detention is in direct violation of international human rights law (including the American Covenant on Human Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, amongst others) and the Due Process Clause of the Fifth and Fourteen amendments of the U.S. Constitution. Amnesty International makes it clear, and the Lemkin Institute is in full agreement, that the precedent that Guantánamo sets is dangerous as it disregards the due process of law and provides impunity to those committing some of the most grievous violations of human rights.

Also, just as troubling, many of the current detainees are torture survivors as well as survivors of enforced disappearance by the Central Intelligence Agency (CIA) before being detained in Guantánamo. Physical, psychological, and sexual abuse has been a common practice in Guantánamo. All detainees, past and present, are survivors of these abuses. Furthermore, all detainees have been exposed to physical and psychological trauma that comes from prolonged and indefinite detention. The trauma that has resulted from these abuses are further exacerbated by the inhumane living conditions. These conditions have included small, cold, and filthy concrete cells. Subjection to such conditions has resulted in 23 suicide attempts and six deaths from suicide. Today, Guantánamo is severely unequipped to provide the most basic humane living conditions. It is also unable to properly care for and treat detainees with failing health.

Four American Presidents (George W. Bush, Barack Obama, Donald Trump, and Joe Biden) representing both political parties have overseen the facility. Two (Obama and Biden) have promised to close Guantánamo. Still, it remains open. Instead of honoring calls and promises to close Guantánamo, the U.S. federal government is allocating a further \$4 million (USD) to build a new court room on the base. In addition, Guantánamo has become even less transparent to the public, restricting what is shown to the public, through censorship of journalists and defendants and now, through the exclusion of future trial spectators, including journalists. *The Lemkin Institute strongly supports calls for the current President of the United States, Joseph Biden, and Vice President of the United States, Kamala Harris, to honor their promise to permanently close Guantánamo Bay Detention Camp and to end indefinite military detention and the unconstitutional military commissions system.* This includes transferring detainees who have not been charged for release and ordering government agencies to seek closure in military commission cases. The Institute also calls on the U.S. Congress to support these calls for closure.