

WITNESS AGAINST TORTURE
a campaign to shut down Guantánamo

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Ms. Portia Roberson
Director of the Office of Public Liaison
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

September 7, 2010

Dear Director Roberson,

On June 15 of this summer, a group of human rights and anti-torture activists met with you to discuss our frustration with the continued operation of the detention facility at Guantánamo, with detention policies under the Obama administration more broadly, and with the apparent lack of willingness of the Department of Justice to pursue a comprehensive inquiry into possible crimes under the Bush administration. We also outlined “recommended steps” that the DoJ and the administration might take to begin to set right the enormous harm of past and current policies.

The meeting provided a face-to-face opportunity not only to engage questions of policy and law but also to communicate the depth of our abhorrence of torture and our insistence that the Obama administration make good on its pledge to bring American conduct in line with its values and laws. We appreciate the time and attention you gave to our concerns. It was an important and emotional meeting for us.

At the meeting, you kindly offered to facilitate continued dialogue between our coalition of organizations and individuals, and the Department of Justice. You initially indicated that we would hear from you before the July 4th holiday about next steps. We are writing now to formally request a second meeting with representatives from the Department to further discuss the issues we raised with you. Specifically, we would like to meet with officials at the DoJ who: a) have had a hand in developing and implementing DoJ policies as they pertain to Guantánamo, detentions elsewhere, the prosecution of “terror suspects,” and issues of accountability; b) have some power to shape current and future policies and; c) can provide a credible perspective on the intentions of DoJ going forward. We would also appreciate knowing if any of our recommendations were taken under consideration by the Department. Ideally, such a meeting would take place early this fall. We are happy to meet again at the DoJ offices in Washington.

Our desire for such a meeting reflects the urgency we continue to feel. Since our meeting in June, there has been little encouraging news, save the re-settlement, or promised resettlement, of a tiny handful of the men at Guantánamo. To the contrary, there have been a number of alarming developments. Among them:

- *The New York Times* reported in its June 26 article “Closing Guantánamo Fades as a Priority” that the Obama administration has essentially abandoned its efforts to close the detention facility anytime soon. The administration’s reported inertia, cynicism, and political fear with respect to Guantánamo leads us to wonder if the will exists within it to close Guantánamo at *any* point in the future.

- despite the outcry of both domestic and international human rights organizations and legal observers, the United States has gone ahead with the prosecution by Military Commission of Omar Khadr for alleged conduct while he was a “child soldier.”

- men detained at Guantánamo continue to win their habeas cases but remain incarcerated. Without a mechanism for the speedy release of those whom Federal Judges rule are detained in error, the habeas right becomes all but meaningless, negating the victory for the rule of law, the Constitution, and the rights of the accused that the 2007 Boumediene decision represents.

- Fahad Hashmi, whose father was present at our meeting and pleaded for the humane treatment of his son, has since been transferred from the Metropolitan Correctional Center in New York City to the federal high security prison in Florence, Colorado. He remains under the severe isolation of SAMs. The Florence facility is the most draconian prison in the federal system, and has been criticized by Human Rights Watch, Amnesty International, and the European Court of Human Rights, among others, for the severe isolation that the prisoners there endure.

These developments reconfirm what we see as a distressing pattern in which the Obama administration and its relevant departments have sustained and more deeply institutionalized the unjust and illegal policies and practices of the Bush era. Indeed, on July 29, the American Civil Liberties Union issued a scathing critique of the Obama administration, documenting just this pattern.

President Obama came into office making the promise that government would be transparent, accountable, and receptive to the citizen voice. Consistent with this promise, we seek some account of the dramatic turn of the administration’s policies away from the early rhetoric; answers from the Department of Justice as to why it has failed to enforce laws banning torture; and an opportunity to express again our insistence that respect for law and American traditions of honor, decency, and fairness guide its conduct.

Please let us know the earliest that you could arrange such a meeting. We can, at reasonably short notice, gather in Washington, D.C.

And please let us know if there are any materials we can provide you in advance of a meeting. We are attaching for your office our letter just prior to the June 15, 2010 meeting, which outlines our core concerns.

Gratefully,

Richard Sroczyński
Helen Schietinger
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Bill Quiqley
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Nancy Talanian
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