

# United States Senate

WASHINGTON, DC 20510

February 8, 2024

President Joseph R. Biden, Jr.  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear President Biden:

Many of us wrote to you early in your presidency to applaud your pledge to “put universal rights and strengthening democracy at the center of our efforts to meet the challenges of the 21st century.”<sup>1</sup> We noted that a critical step toward doing so is closing the detention facility at U.S. Naval Station Guantánamo Bay, Cuba. We support your renewed commitment before the United Nations Human Rights Committee this fall to ending indefinite detention at Guantánamo.

We remain concerned that this detention facility, which has long been a symbol of lawlessness and human rights abuses, continues to harm U.S. national security by weakening our standing in the world, serving as a propaganda tool for America’s enemies, and hindering counterterrorism cooperation with allies. At a time of mounting threats from China and Russia, we cannot afford such a weakening of our security. Moreover, in addition to the \$540 million in wasted taxpayer dollars each year, the prison comes at the price of justice for the victims of 9/11 and their families, who are still—more than two decades after 9/11—waiting for trials to begin.

January 11 marked the 22<sup>nd</sup> anniversary of Guantánamo’s opening. Nearly 100 human rights, immigrants’ rights, racial justice, and anti-Muslim discrimination organizations wrote to you ahead of this anniversary expressing “deep concern about how little progress your administration has made over the last year towards responsibly closing the Guantánamo detention center.”<sup>2</sup> We share this concern. There are now only 30 men remaining in detention at Guantánamo—more than half of whom have not been charged with any crime and have been approved by our national security leadership for transfer out of Guantánamo. Some of these men have been approved for transfer for years, and at least one has been approved for transfer for more than a decade, yet these 16 men have continued to languish in indefinite detention.

We understand that much of the delay in transferring these men has been caused by unstable conditions in their countries of nationality. We applaud the extremely difficult and time-consuming diplomatic efforts of your administration to locate suitable transfer countries for these men. Any potential risks associated with such transfers must be balanced against the certain and immeasurable damage caused to our security, our standing in the world, and the rule of law each day that Guantánamo remains open.

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<sup>1</sup> Letter from Senator Richard Durbin, et al., to President Joseph Biden (April 16, 2021), <https://www.durbin.senate.gov/imo/media/doc/Senate%20Letter%20to%20Biden%20on%20Guantanamo%204-16-21%20-%20FINAL.pdf>

<sup>2</sup> Sacha Pfeiffer, et al., *Guantánamo Bay is still open. This week, pressure ramped up to close it*, NPR, (Jan. 11, 2024), <https://www.npr.org/2024/01/11/1223926279/guantanamo-bay-joe-biden-cuba-september-11>

Continuing to imprison men who have never been charged with a crime and who have been approved for release is inconsistent with American values. No country can hold people for decades without charge or trial and claim to be dedicated to the rule of law.

With just a year left in your first term, now is the time for our nation to summon the courage of its convictions and follow-through on our longstanding commitment to human rights and the rule of law. After years of holding people in indefinite detention without charge or trial; a history of torture and cruel, inhuman, and degrading treatment; and multiple attempts at a thoroughly failed and discredited military commission process, it is past time to close Guantánamo's detention facility. We urge you to act swiftly to do so.

Sincerely,



Richard J. Durbin  
United States Senator



Benjamin L. Cardin  
United States Senator



Christopher A. Coons  
United States Senator



Mazie K. Hirono  
United States Senator



Cory A. Booker  
United States Senator



Alex Padilla  
United States Senator



Peter Welch  
United States Senator



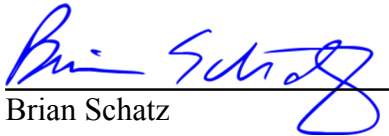
Elizabeth Warren  
United States Senator



Gary C. Peters  
United States Senator



Jeffrey A. Merkley  
United States Senator



Brian Schatz  
United States Senator



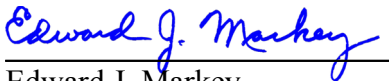
Chris Van Hollen  
United States Senator



Thomas R. Carper  
United States Senator



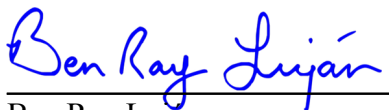
Bernard Sanders  
United States Senator



Edward J. Markey  
United States Senator



Tina Smith  
United States Senator



Ben Ray Lujan  
United States Senator