

Durbin Introduces Amendment to End ‘Legacy of Cruelty’ by Closing Guantánamo

"It's time at long last to face reality and... close the detention facility at Guantánamo. Let's put this dark chapter behind us once and for all."

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Recounting some of the “atrocities committed shamefully in the name of our nation” during the ongoing so-called War on Terror, Sen. Dick Durbin on Tuesday said he has introduced an amendment to the National Defense Authorization Act that would close the U.S. military prison at Guantánamo Bay, Cuba “once and for all.”

“Since the first group of detainees was brought to Guantánamo in January of 2002, four different presidents have presided over the facility,” Durbin (D-Ill.)—a longtime proponent of closing the prison—said during a speech on the Senate floor.

“In that time the Iraq War has begun and ended, the war in Afghanistan—our nation’s longest war—has come to a close,” he continued. “A generation of conflict has come and gone yet the Guantánamo detention facility is still open and every day that it remains open is an affront to our system of justice and the rule of law.”

“In the wake of 9/11 the [George W.] Bush administration tossed aside our constitutional principles as well as the Geneva Conventions,” Durbin contended, calling Gitmo a place “where due process goes to die.”

“Military officials, national security experts, and leaders on both sides of the aisle have demanded its closure for years,” he said. “The facility was virtually designed to be a legal black hole where detainees could be held incommunicado beyond the reach of law and subjected to unspeakable torture and abuse.”

Durbin brought up the [testimony](#) last month of Majid Khan, a Pakistani man and former al-Qaeda operative imprisoned at Guantánamo since 2006. Prior to that, he was held at a Central Intelligence Agency (CIA) black site in Afghanistan called the “Salt Pit,” where prisoner Gul Rahman was [tortured to death](#) in 2002.

Khan told the jury of U.S. officers during his Gitmo military commission trial that he was raped by CIA medics, subjected to the interrupted drowning torture commonly called waterboarding, hung naked from a ceiling beam, and chained to the floors for days on end.

“These high-ranking military leaders did something unheard of,” said Durbin. “Seven of the eight jurors signed a handwritten letter demanding clemency for Majid Khan,” who was subsequently sentenced to 26 years in prison in a formality due to a superseding plea deal with the U.S. government that grants his release next February.

“Stories about the torture of prisoners have only galvanized American enemies” and have “diminished our international standing,” Durbin argued. “How can we claim credibility as a nation, how can we hold authoritarian dictators accountable, if they can point to our own legacy of cruelty?”

As a former prisoner of the US [#Guantanamo](#) and a survivor of 3 yrs of [#torture](#) and imprisonment without trial I encourage everyone to listen to this. Once you have, please read our open NYRB letter to Joe Biden on how to [#closeGuantanamo](#) <https://t.co/1zI7Z4Xz78> <https://t.co/uWpWkS4Vdz>

— Moazzam Begg (@Moazzam_Begg) [November 30, 2021](#)

“This subversion of justice has harmed detainees, it has undermined our moral standing, and it has failed to deliver justice which it promised,” the senator continued. “For two decades the families of Americans who died on 9/11 have waited for the alleged co-conspirators who are being detained in Guantánamo to be brought to justice... but the case still hasn’t come to trial.”

Meanwhile, he added, “Guantánamo has become a symbol for human rights abuse [and] lawlessness.”

Durbin also lamented that “we spend more than \$500 million a year to keep Guantánamo open” to detain just 39 prisoners, 13 of whom have been approved for transfer.

“That works out to nearly \$14 million a year for each prisoner,” he noted. “That’s enough money to expand Medicaid coverage to 1.5 million Americans for 10 years.”

“Guantánamo does not reflect who we are or who we should be,” Durbin said. “Indefinite detention without charge or trial is antithetical to American values and yet more than two-thirds of the people detained at Guantánamo today have never been charged with a crime. How can that be any form of justice?”

“We must accelerate the timeline to finally close Guantánamo,” he argued. “America’s failures in Guantánamo must not be passed on to another administration or to another Congress. Can this Senate summon the courage to finally close this detention facility? I’d like to test it on the floor of the Senate.”

Thank you [@SenatorDurbin](#) for your words: “Close the detention facility in Guantanamo. Let’s put this dark chapter behind us once and for all.”

<https://t.co/MHwN0rndkV>

— Center for Victims of Torture (@CVTorg) [November 30, 2021](#)

Durbin called on President Joe Biden—who has [signaled](#) his intention to close Gitmo—to appoint a special envoy on detainee transfers and to pursue a “swift resolution to the remaining cases” in civilian courts.

“The use of torture and military commissions that deny due process have hindered our ability to bring terrorists to justice,” he said. “Our federal courts have proven more than capable of handling even the most serious and complex terrorism cases.”

Durbin quoted the late Maj. Ian Fishback, who [exposed](#) murder, torture, and other crimes committed by U.S. forces against prisoners in Afghanistan and Iraq: “If we abandon our ideals in the face of adversity and aggression then those ideals were never really in our possession.”

“The families who lost loved ones on [9/11] deserve better. America deserves better,” Durbin insisted. “It’s time at long last to face reality and... close the detention facility at Guantánamo. Let’s put this dark chapter behind us once and for all.”

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