



January 30, 2009

Dear President Obama,

As heads of four prominent civil liberties and human rights organizations, we greatly appreciate your decisive action in restoring U.S. commitment to the rule of law and respect for human rights by issuing executive orders to close Guantánamo, suspend the military commissions, prohibit CIA prisons, and enforce the ban on torture. We eagerly await your continued actions to renew American justice.

Today, we write to request full access to the Guantánamo Bay detention camps so that we may independently review and report on the conditions of confinement there and make concrete recommendations for change. In August 2004, our four organizations were granted observer status to observe the military commissions, but for years the Bush administration has denied our organizations' repeated requests for full access to the detention camps. We have only been offered the VIP tour to observe a model Guantánamo detention camp, which was far from adequate access.

Section 6 of your January 22, 2009 executive order, "Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities," addresses the issue of conditions of confinement and orders Secretary of Defense Gates to "immediately undertake a review of the conditions of detention at Guantánamo to ensure full compliance with [Common Article 3 of the Geneva Conventions]."

Our presence can assist this effort. We will provide an outside assessment of current conditions and, as improvements are made, credibly, independently, and publicly report them to the world. Such access and reporting would further the objectives of the current Department of Defense (DoD) review and amplify the international benefits of improving conditions at the camps. Our presence itself will be welcomed as another break from the prior administration's policies on detainees, and set an example of transparency that will help advance human rights worldwide.

We ask you to reconsider our organizations' request for full access to the Guantánamo Bay detention camps and honor it in light of the current DoD review. According to your executive order, the DoD review "shall be completed within 30 days and any necessary corrections shall be implemented immediately thereafter." We ask that, if granted full access, our independent review should take place within the next few weeks, to allow time for us to finalize our report and recommendations before the completion of the DoD's review.

The Bush administration's past policy of secrecy regarding detention conditions at Guantánamo makes it critically important for your administration to open Guantánamo to independent review as part of a new government policy of transparency. Full and independent review of conditions of confinement by human rights organizations is urgently needed because of the secrecy regarding detention conditions at Guantánamo Bay as a whole. The ACLU and other organizations continue to struggle for production of materials requested pursuant to the Freedom of Information Act (FOIA) regarding Guantánamo Bay. The Bush administration denied full access to several UN independent human rights experts who insisted on confidential interviews with the detainees as dictated by UN protocol for such visits.¹

While the International Committee of the Red Cross (ICRC) has had access to Guantánamo detainees, its access has been restricted in the past and the extent of its current access is unclear to us. A leaked version of the Camp Delta Standard Operation Procedures (SOP) from March 2003 revealed that the ICRC was denied access to various groups of detainees at the camp, and a leaked version of the SOP manual from 2004 revealed continued restrictions on ICRC access.

Regardless of the ICRC's present level of access, its role is distinct from that of our organizations. While the ICRC plays an important role in visiting prisoners under the Geneva Conventions, the ICRC maintains full confidentiality in order to preserve the exclusively humanitarian nature of its work. The role of our human rights organizations in reviewing and reporting on conditions at Guantánamo would be distinct and equally important.

Granting human rights organizations full and unfettered access to a detention facility where torture and abuse have occurred will send a powerful message to the world regarding your administration's commitment to transparency and openness, consistent with your January 21, 2009 FOIA directive, which noted, "A democracy requires accountability, and accountability requires transparency." Opening Guantánamo to full review by human rights organizations would help to restore American legitimacy and

¹ The UN independent human rights experts denied full access to Guantánamo included the Special Rapporteur on Torture, Special Rapporteur on the Independence of Judges and Lawyers, Special Rapporteur on the Right to Health, Special Rapporteur on Freedom of Religion or Belief, and the Chairperson-Rapporteur of the Working Group on Arbitrary Detention.

standing in the world, and place pressure on other governments to open their detention centers for independent inspections.

Furthermore, independent review of conditions of confinement by human rights organizations will assist your administration in revising its policies and improving detention conditions in the camps. If granted full access, our independent human rights delegation would include experts on detention conditions and medical professionals, and would offer your administration concrete recommendations on how to improve conditions of confinement in order to comply with relevant national and international standards and guidelines on persons in detention.

We hope that you will act quickly on this matter in the interest of transparency and the protection of human rights.

Sincerely,

Anthony D. Romero, Executive Director, American Civil Liberties Union

Larry Cox, Executive Director, Amnesty International USA

Elisa Massimino, Executive Director, Human Rights First

Kenneth Roth, Executive Director, Human Rights Watch

cc:

Secretary of Defense Robert Gates

White House Counsel Gregory B. Craig