



# Closing Guantánamo 101

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## Why do we need to close the prison at Guantánamo Bay?

We often hear of the many reasons for closing the prison at Guantánamo Bay: it has served as a recruiting tool for our enemies and rallying cry for our adversaries; it has harmed our ability to be a respected global leader; it has impaired cooperation with key allies in the fight against terrorism; and it has created tension in our relations with traditional allies. All of these are true, and it is necessary to close Guantánamo to improve America's position in each of these areas. But the most compelling reason is that in a country literally founded on an unwavering respect for the rule of law and a rejection of arbitrary executive detention, closing Guantánamo is plainly the right thing to do.

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## How can we close the prison at Guantánamo Bay?

### STEP ONE: ANNOUNCE A TIMETABLE FOR CLOSING THE PRISON

The new president must first change the dynamic at Guantánamo by announcing a hard 18-month timetable to close the prison, and make the prison as transparent as possible for the remainder of its existence. These are meaningful actions that will signal a real change from the Bush administration's policies, while allowing appropriate time to work through all the challenges of getting the Guantánamo population down to zero.

### STEP TWO: ARRANGE FOR TRIALS IN FEDERAL OR MILITARY COURTS

Bring a small number of detainees into the United States to stand trial in regular federal or military courts. Scrapping the flawed Military Commissions and rejecting any effort to establish National Security Courts in favor of established U.S. courts will get trials moving faster and is a major step toward restoring confidence in the legitimacy of America's actions.

### STEP THREE: FIND HOMES FOR DETAINEES WHO CAN'T RETURN TO THEIR OWN COUNTRIES

Create a resettlement and rehabilitation program in partnership with allied countries and international organizations to find homes for detainees who can't be returned to their home countries and to smooth the reintegration of detainees into society. This program should be based on similar programs currently used by the U.S. military in Iraq and the Saudi Arabian government to assist in the transition of militants from detention to release.

### STEP FOUR: TRANSFER DETAINEES WHO WILL STAND TRIAL INTO THE UNITED STATES

After U.S. courts demonstrate their effectiveness and legitimacy, transfer those remaining detainees selected to stand trial into the United States. These detainees should be held at either the U.S. Penitentiary Administrative Maximum Facility, also known as the "Supermax," at Florence, Colorado, or at the U.S. Military Detention Barracks at Ft. Leavenworth, Kansas, depending on whether they are slated for trial in federal or military courts.

### STEP FIVE: MOVE DETAINEES CAPTURED IN AFGHANISTAN BACK TO AFGHANISTAN

Some detainees will remain at Guantánamo who are not candidates for trial, but who were captured during military operations in Afghanistan and may represent a threat to coalition forces still fighting in that country if they are released. Transfer this group back to Afghanistan and hold them in a NATO-controlled detention program along with prisoners captured by coalition forces during ongoing military operations.

### STEP SIX: RELEASE ANY REMAINING DETAINEES

Problems could arise in one or more of the first five steps, and the Obama administration should be prepared for the only two choices available for any remaining detainees: create a preventive detention regime and hold them indefinitely in the United States, or release them. Choosing preventive detention would mean falling at the last hurdle. Any move to release even what is likely to be only a handful of detainees carries some genuine security threat and will be politically difficult, but it is an acceptable level of risk when measured against the significant strategic gains of the permanent closure of Guantánamo.