



Committee on International Justice and Peace

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June 25, 2013

The Honorable Chuck Hagel
Secretary of Defense
The Pentagon

Via Fax: 703-571-8951

Dear Secretary Hagel:

On May 23, President Obama spoke of his efforts to close Guantanamo Bay and called on Congress to lift the restrictions on detainee transfers from that facility. As Chair of the Committee on International Justice and Peace of the United States Conference of Catholic Bishops, I write to express my concern over the situation of detainees in Guantanamo Bay.

Media have reported on a hunger strike being conducted by about 100 detainees and forced feedings. It is my understanding that the hunger strike stems in large part from the fact that 86 of the 166 detainees were cleared for release three years ago and approved for transfer, but nonetheless remain confined in Guantanamo. According to the bipartisan 2013 report issued by the Constitution Project's Task Force on Detainee Treatment, many of these individuals have never been tried, despite spending up to 11 years in Guantanamo. With many now placed in solitary confinement, they are filled with despair.

The *Compendium of the Social Doctrine of the Church* asserts: "Acts of terrorism strike at the heart of human dignity...; 'there exists, therefore, a right to defend oneself from terrorism'. However, this right cannot be exercised in the absence of moral and legal norms, because the struggle against terrorists must be carried out with respect for human rights and for the principles of a State ruled by law. The identification of the guilty party must be duly proven, because criminal responsibility is always personal, and therefore cannot be extended to the religions, nations or ethnic groups to which the terrorists belong (No. 514)."

The *Compendium* states further: "The juridical principle by which punishment cannot be inflicted if a crime has not first been proven must be borne in mind. ... Likewise ruled out is 'the use of detention for the sole purpose of trying to obtain significant information for the trial.' Moreover, it must be ensured that 'trials are conducted swiftly: their excessive length is becoming intolerable for citizens and results in a real injustice' (No. 404)."

This moral teaching appears applicable to the situation in Guantanamo. Detainees have the right to a just and fair trial held in a timely manner. For at least 86 detainees "a crime has not first been proven." The indefinite detention of detainees is not only injurious to those individuals, it also wounds the moral reputation of our nation, compromises our commitment to the rule of law, and undermines our struggle against terrorism. As our Conference of Bishops stated in the wake

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of the 9/11 attacks: “We must not only act justly but be perceived as acting justly if we are to succeed in winning popular support against terrorism.”

Detainees retain basic human rights. The International Committee of the Red Cross has indicated its opposition to forced feeding. The procedure involves shackling and strapping down the detainee as a tube is inserted through the nose into the stomach. Rather than resorting to such measures, our nation should first do everything it can to address the conditions of despair that have led to this protest.

In light of these concerns, I ask you to conduct a careful review of conditions for detainees at Guantanamo and move expeditiously to work with other Administration departments to release the 86 who have already been cleared and to make good on the President’s commitment to close this facility that has become a symbol of indefinite detention without trial.

Sincerely yours,

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Most Reverend Richard E. Pates
Bishop of Des Moines
Chair, Committee on International Justice and Peace
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