

Resolution: Closing Guantanamo and Justice for Detainees

Location: Berkeley, CA

Approved: 10/25

WHEREAS, according to the Berkeley Municipal Code, Section 3.68.010 (E), Peace & Justice Commission - Findings: "Peace is inseparable from justice"; and

WHEREAS, according to BMC 3.68.010 (L): "The residents of Berkeley have welcomed to our City those who have been forced into exile, and who have come fleeing torture and death,..." that was affirmed by the Berkeley City Council in Resolution No. 44,784-N.S., 1971, declaring Berkeley a City of Refuge, and later reaffirmed in Resolution No. 52,596-N.S., 1986, relative to Central American refugees; and

WHEREAS, on January 11, 2002, the US Government brought the first of nearly 800 detainees to a prison at Guantánamo Bay Naval Base in Cuba (Guantánamo); and

WHEREAS, President Barack Obama stated in January 2009 that the prison at Guantánamo would be closed by January 2010; and

WHEREAS, despite U.S. Supreme Court rulings on the right to due process in *Rasul v. Bush*, No. 03-334 (2004); *Hamdan v. Rumsfeld*, No. 05-184 (2006); and *Boumediene v. Bush*, No. 06-1195 (2008), Guantánamo remains open as of October 2011, with approximately 40 cleared detainees held without an end date, among them those who could not be sent to their home countries because of post-transfer treatment concerns, or resettled in allied countries (see "Final Report Guantánamo Review Task Force January 22, 2010; Dept. of Justice, Dept. of Defense, Dept. of State, Dept. of Homeland Security, Office of the Director of National Intelligence, and Joint Chiefs of Staff"); and

WHEREAS, Guantánamo has become emblematic of the gross human rights abuses perpetrated by the U.S. Government in the name of fighting terrorism; and

WHEREAS, Guantánamo detainees have undergone a wide range of interrogation procedures that constitute torture or maltreatment, including but not limited to sensory deprivation and prolonged isolation; and

WHEREAS, Amnesty International USA states: "...the indefinite and arbitrary nature of the circumstances of their detention has led to a steep decline in the mental health of many incarcerated at Guantánamo..." (email May 12, 2011 from AI USA Chair Carole Nagengast to Peace & Justice Commissioner Rita Maran); and

WHEREAS, Congresswoman Barbara Lee writes: "Guantánamo...has led the world to question America's commitment to the rule of law, due process, and the rejection of torture as an acceptable interrogation practice..." (Letter of May 26, 2011 to Rita Maran); and

WHEREAS, Amherst, Massachusetts adopted a resolution on Nov. 4, 2009, and Leverett, Massachusetts, adopted a resolution on April 24, 2010, calling upon Congress to repeal the ban on resettlement of detainees in the U.S., and each town declared that it would subsequently welcome publicly said detainees; and

WHEREAS, in light of offers of private support from within the Berkeley community, this Resolution neither requests nor suggests financial implications of any sort for the City of Berkeley.

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NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the Berkeley City Council: 1) Supports and reaffirms President Obama's call for the closure of Guantánamo in furtherance of our country's national security interests; and 2) Reaffirms Council's moral and humanitarian concerns expressed in earlier resolutions; asserts Council's unwillingness to turn its back on cleared detainees still being held at Guantánamo; and urges that Congress remove bans on the movement of cleared Guantánamo detainees to the U.S.; and 3) Makes known that upon the lifting of Congressional bans and approval by the Department of Homeland Security, one or more cleared detainees will be offered a welcome to the Berkeley community which has offered private support.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to President Barack Obama; Attorney General Eric Holder; Senators Dianne Feinstein and Barbara Boxer; Representative Barbara Lee, 9th Congressional District; Amnesty International USA Chair Carole Nagengast; Sister Marianne Farina CSC of the Dominican School of Theology and Philosophy in Berkeley; and United Nations High Commissioner for Human Rights - Judge Navi Pillay. A record copy of said Resolution to be on file in the Office of the City Clerk.

Source URL: <https://www.nogitmos.org/berkeleyresolutionclosingguantanamo>