

By Molly Enking

From [Smithsonian Magazine](#) | Original Article

## **An open letter calls for the reversal of a ruling giving the government ownership of work made in the prison**

In an [open letter](#), eight former and current detainees at [Guantánamo Bay](#) are asking President Biden to free their

[art](#)

. They hope to reverse a Trump-era

[regulation](#)

that says artwork made in the prison is the property of the United States government—and that it can be held in Guantánamo or destroyed as officials sees fit.

The letter, first reported by [Hyperallergic](#)'s Jasmine Liu, is signed by six former detainees and two who have been cleared for release, as well as prominent artists and activists.

“Art from Guantánamo became part of our lives and of who we are. It was born from the ordeal we lived through,” they write. “Our artworks are parts of ourselves. We are still not free while parts of us are still imprisoned at Guantánamo.”

Detainees have been making art at Guantánamo for a long time, sometimes starting “almost as soon as they arrive,” according to [Art From Guantánamo Bay](#), which houses photos of the artwork and information on past and present exhibitions. In the years before the prisoners had access to proper materials, they made art using the objects at hand: They carved patterns into [Styrofoam cups](#), painted with tea powder and soap, and used toilet paper or the walls as canvases.

In 2010, after the Obama administration's promises to [close the camp](#) didn't come to fruition,

detainees and their lawyers were able to negotiate small improvements in their living conditions, including access to an art class.

“Because of this change in rules, we now had real paper, pens, and paints—colors we hadn’t seen for years,” write the detainees.



*Untitled (Ship in a Storm)* by Sabri Al Qurashi, 2010

Courtesy of the artist

With access to materials, detainees were able to create striking pieces—including still lifes of everyday objects in the prison (like an inmate’s [shoe](#)), intricate [sculptures](#) and [protest art](#). Many painted [nature](#), inspired by their memories or old copies of *National Geographic* that were available in the camp. They affixed these brightly colored scenes to their cell walls, imitating windows.

“You have to understand that what we got wasn’t just paper, pens and paints,” the letter continues. “These were our tools to connect to our memories, to our previous lives, to nature, to the world, to our families. ... We painted our hope, fear, dreams and our freedom. Our art helped us survive.”



*Untitled (Table Set for Tea) by Ahmed Rabbani, 2016*

*Courtesy of the artist*

In 2017, some of the works made their way to New York City for an [exhibition](#) at the [John Jay College of Criminal Justice](#)

, which garnered a

[lot](#)  
[of](#)  
[media](#)  
[attention](#)

. Titled “

[Ode to the Sea: Art from Guantánamo](#)

,” the show displayed paintings and sculptures by current and former inmates at Guantánamo.

Shortly after, the Department of Defense announced that no more art would be [allowed to leave](#) the

detention camp. Inmates were also informed that their work could be incinerated if they were ever released, according to the

[Miami Herald](#)

’s Carol Rosenberg.

“Items produced by detainees at Guantánamo Bay remain the property of the U.S. government,” Pentagon spokesperson Ben Sakrisson told the [New York Times](#)’ Jacey Fortin in 2017.



*Untitled (Mosque Complex 1) by Abud Abdualmalik, 2015*

*Courtesy of the artist*

Legally, whether the art belongs to the government is debatable, [Erin Thompson](#), an art historian and curator of the 2017 exhibition, tells

*Smithsonian*

magazine. She says that inmates who have been convicted of crimes and are serving sentences in federal prisons can make, keep and sell their art, with some restrictions—and that the detainees of Guantánamo, who have never been sentenced, should be afforded the same rights.

“The men who are asking for their art have been cleared for release without ever having been charged with a crime,” she says. “They are not convicts who have served their time. They are victims of unjustified indefinite detention.”

[Moath Al-Alwi](#), who was cleared for release in January 2022, told his lawyer that his artwork’s release was more important than his own, “because as far as I am concerned, I’m done, my life and my dreams are shattered. But if my artwork is released, it will be the sole witness for posterity,” as quoted by Thompson in the [Nation](#).





~~Art titled 'High Over My Wall' by Abdul Raheem, 2016, is one of the artworks that the artist, who is a detainee at Guantanamo Bay, has submitted to the U.S. military for review.~~