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Rights Group Criticizes Administration for Mishandling of Civilian Trial Issue

Today, the **Center for Constitutional Rights (CCR)**, which represents Guantanamo detainees and coordinates the work of hundreds of pro bono attorneys on legal cases and resettlement efforts, issued the following statement:

In the last two days, the U.S. Congress voted to block the use of any funds to pay for civilian trials of Guantanamo detainees in the U.S., and the government released unsubstantiated statistics on what it persists in calling recidivism or re-engagement of former detainees, shooting itself in the foot, through political miscalculation and propaganda, in its efforts to close the prison. CCR criticizes the vague and unsubstantiated claims and misinformation in the National Intelligence Director's release of figures regarding the supposed "recidivism" of former Guantanamo detainees. The director's summary report, which is the latest in a line of reports that have been repeatedly discredited for using dubious classifications to produce unreliable statistics, makes unsupported assessments of the future risk of recidivism in the event further detainees are released. It also persists in using the language of "re-engagement" to describe individuals, despite the fact that the majority of them should never have been detained in the first place and were known early on by the government to be innocent. It is not possible to return to the battlefield if you were never there in the first place. If the underlying basis for most detentions was suspect, the claims of re-engagement are more so and only serve to whitewash the original situation. Colonel Lawrence Wilkerson, a senior State Department official who served in the Bush administration between 2002-2005, recently stated in a federal court declaration in support of a former detainee's claims of wrongful detention that the Bush administration knew early on that the majority of the men at Guantanamo were wrongfully detained, but did not release them because of political concerns that doing so could harm the government's push for war. The latest report only summarizes its figures without actually naming any alleged recidivists or including any information that would enable meaningful scrutiny. Earlier reports that did identify individuals by name revealed, for example, that former detainee Moazzem Begg had been classified as a "recidivist" because he participated in a documentary about Guantanamo. As we now know from cables released by WikiLeaks, Mr. Begg has been privately championed by the State Department for his lack of animosity towards the United States since his release and for his valuable work assisting with the resettlement of other detainees.

An August 2010 U.S. Department of Justice letter responding to a Freedom of Information Act

request reveals that criteria for identifying recidivism are arbitrary and can change at any time: “DIA [United States Defense Intelligence Agency] does not endeavor to create any sort of firm guidelines for identifying a detainee as having returned to the fight.”

In the absence of specific and concrete information, which has been called for each time new reports have been released, the latest findings can simply not be assessed or trusted. They only serve to thwart the release of men whom the courts or the government have determined should not be detained and to fuel unfounded generalizations about detainees, the vast majority of whom have been successfully repatriated and resettled.

CCR has led the legal battle over Guantanamo for the last eight years – sending the first ever habeas attorney to the base and sending the first attorney to meet with an individual transferred from CIA “ghost detention” to Guantanamo. CCR has been responsible for organizing and coordinating more than 500 pro bono lawyers across the country to represent the men at Guantanamo, ensuring that nearly all have the option of legal representation. In addition, CCR has been working to resettle the approximately 30 men who remain at Guantánamo because they cannot return to their country of origin for fear of persecution and torture.