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Mr. Barack Obama
President of the United States of America
The White House
1600 Pennsylvania Avenue NW
Washington DC
20500
United States of America

19 October 2009

Dear Sir,

Re: Call for the Immediate Closure of the Guantanamo Bay Detention Facility

The Commonwealth Lawyers Association (CLA) is an international organisation which exists to promote and maintain the rule of law throughout the Commonwealth and ensure that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. In the pursuit of these objectives, the CLA participates in a wide range of activities including advocacy, undertaking research projects, organising the biennial Commonwealth Law Conference and providing services to our members.

Since 2004, the CLA has submitted a number of amicus briefs to the United States Supreme Court on important issues in relation to the detainees at Guantanamo Bay. The CLA has also intervened in the House of Lords in the United Kingdom in relation to the use of evidence obtained by torture in cases involving terrorism. The CLA has also previously written to the former US President, George Bush, calling for the closure of the detention facility at Guantanamo Bay, as well as Stephen Harper, Prime Minister of Canada, in relation to Omar Khadr. Copies of all of the briefs and interventions are available at www.commonwealthlawyers.com.

We were extremely pleased when you promised, upon being elected as President of the United States, that the detention facility at Guantanamo Bay would be closed and we note with appreciation that you subsequently issued an Executive Order on 22nd January 2009 to close the detention facility at Guantanamo Bay. The CLA strongly supports this position.

We are concerned, however, at the apparent lack of any further progress in relation to closing the detention facility. Indeed, the fact that the high level task force mandated to investigate the closure of the facility has requested an additional 6 months before presenting its final recommendations is of real concern.

The detention facility has been in operation for 7 years and doubts still remain as to whether the process is compatible with international law, particularly in circumstances where it is capable of leading to the imposition of the death penalty. The CLA's principal concerns remain; namely, the absence of any explanation as to why it is necessary for the trials to be presided over by military rather than civilian judges and the concern that this in turn gives rise to in relation to the independence of the Commissions from the Executive; secondly, the absence of any bar on the admission of evidence obtained by torture; and thirdly the potential under the system for the admission of secret evidence and the denial of access to potentially exculpatory evidence.



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COMMONWEALTH LAWYERS ASSOCIATION

On behalf of the CLA, I urge you to take whatever steps necessary in order to ensure the closure of the detention facility at Guantanamo Bay without further delay. If the CLA can be of any assistance, please do not hesitate to contact us.

Yours sincerely

Mohamed Husain
President
Commonwealth Lawyers' Association (CLA)