

**House Majority Leader Steny H. Hoyer**  
**Opening Statement**

*Commission on Security and Cooperation in Europe*  
*U.S. Helsinki Commission*  
*“Guantanamo: Implications for U.S. Human Rights Leadership”*  
*June 21, 2007*

*As Prepared for Delivery*

Chairman Hastings, Co-Chairman Cardin, and Members of the Commission:

I first want to thank you for – at long last – holding this important hearing on the detention of enemy combatants at the U.S. Naval Base at Guantanamo Bay.

As you may know, I have urged the Commission – through multiple letters – to examine U.S. policy and conduct concerning those deemed to be enemies in the Global War on Terror. This hearing is an important step in addressing a situation that has been mishandled from the outset and which carries serious implications for our nation’s reputation throughout the world.

As the former Chairman and Co-Chairman of the Helsinki Commission, and throughout my 18 years as a Member of this body, I always believed that the Commission’s responsibility was to oversee the implementation of the Helsinki Final Act abroad and to ensure that its key principles were applied in this country as well.

Human rights champion Andrei Sakharov has observed that the Helsinki Final Act has meaning only if it is observed fully by all parties.

As Sakharov has stated: “No country should evade a discussion on its own domestic problems, nor should a country ignore violations in other participating states... the whole point of the Helsinki Accords is mutual monitoring, not mutual evasion of difficult problems.”

Indeed, Guantanamo – along with several other American detention facilities abroad – is not only a problem, but an international disgrace that every day continues to sully this great nation’s good reputation.

Today, the United States has been holding some detainees at Guantanamo for more than five years without bringing them to trial.

Many detainees have reported physical and mental abuse. Four detainees have committed suicide in the past year – acts that one State Department official coldly described as “a good PR move.”

The situation has provoked former Secretary of State Colin Powell to observe: “If it were up to me, I would close Guantanamo not tomorrow, but this afternoon... essentially, we have shaken the belief the world had in America’s justice system by keeping a place like Guantanamo open.”

I could not agree more.

The system of justice at Guantanamo – if it can be called that – is not only inconsistent with our values and inspiring outrage internationally, but also ineffective.

Of the hundreds of detainees cycling through and currently held at Guantanamo, only three have faced charges to date and only one has been convicted.

Today, less than one year after his conviction, he is serving a severely reduced nine-month sentence in an Australian prison.

As for the other two – Canadian Omar Khadr and Yemeni Salim Ahmed Hamdan – their charges were dismissed recently after an appellate court found that the U.S. government failed to establish jurisdiction.

I believe that one of the most egregious sections in the legislation Congress passed last fall is the provision that dismissed all pending habeas corpus suits by current detainees.

We must restore this fundamental right for those who have been detained.

Currently, I am working closely with key leaders in Congress – such as Chairmen Skelton and Conyers and Subcommittee Chairman Nadler – to do so.

Let me be clear: Our respect and adherence to the rule of law is not a sign of weakness. It is a source of strength.

No less a figure than Thomas Jefferson observed more than 200 years ago that the right of habeas corpus is “one of the essential principles of our government.”

Simply stated, the elimination of habeas corpus rights fails to comport with our American values and our long legal tradition.

Let me conclude by stressing that there is no doubt that our eyes were opened by the horrific attacks on September 11, 2001.

We will – and we must – prevail in the war on terror.

However, in the pursuit of those who seek to harm us, we must not sacrifice the very ideals that distinguish us from those who preach death and destruction.

Members of the Commission, the time has come to close the detention center at Guantanamo Bay and to identify a reasoned method to process the detainees held there in a manner that is consistent with our values, our laws and our history.

This does not mean that we will coddle those who are accused of participating in or planning terrorist acts.

When Saddam Hussein was taken out of a hole and captured, we afforded him his legal right to hear the evidence against him, to contest that evidence, and to be represented by counsel.

When Slobodan Milosevic was brought to justice after murdering tens of thousands and sanctioning the ethnic cleansing of more than 2 million people, he was afforded his legal rights.

And even the butchers of Berlin – who committed genocide, murdering millions of innocents – were afforded their legal rights at Nuremburg.

We are in a fight against brutal extremists who will stop at nothing to inflict pain and destruction. However, we also must be cognizant of the fact that we are in a battle for the hearts and minds of millions of people who must know that the most powerful nation on earth is committed to fairness and justice.

Our current treatment of detainees in the war on terror is not helping us win on either front.

We must change course.

I look forward to working with you and our international partners to do precisely that.

Thank you.