

AMNESTY INTERNATIONAL

PRESS RELEASE

AI Index: EUR 45/018/2006 (Public)
News Service No: 264
12 October 2006

UK: Court of Appeal misses opportunity on UK residents held at Guantánamo

Amnesty International is disappointed at today's ruling of the Court of Appeal of England and Wales that the UK government is not obliged to intervene on behalf of UK residents held at Guantánamo Bay.

"The Court of Appeal has missed an opportunity to send a clear message to the UK government that it must fulfil its responsibilities towards all Guantánamo detainees, regardless of whether they are UK citizens or residents," said Nicola Duckworth, Amnesty International's Europe and Central Asia Director.

The Court's decision concerns a judicial review of the refusal of the UK government to petition the US authorities for the release of three Guantánamo detainees: Bisher Al-Rawi, an Iraqi national and long-term UK resident, Jamil Al-Banna, a Jordanian national with refugee status in the UK, and Omar Deghayes, a Libyan national with refugee status in the UK. So far, the UK authorities have agreed to petition their US counterparts to seek the release and return to the UK only of Bisher Al-Rawi.

Amani Deghayes, sister of Omar Deghayes, told Amnesty International:

"This is yet another painful day for us. Instead of standing up for my brother, the government is pretending he's nothing to do with them - an illogical and inhumane attitude."

"Omar has already been held for over four years without charge or trial - a complete travesty of justice. We've always said that we're not looking for special favours for my brother - just for his fundamental human rights to be respected."

The UK government has obligations under domestic and international law to make representations on behalf of all UK residents still held at Guantánamo Bay to ensure that their human rights are upheld. In the knowledge that the human rights of all of those held at Guantánamo Bay have been violated, and continue to be violated to date, Amnesty International considers that there exists an additional obligation on the UK authorities to demand that all UK residents be immediately returned to the UK. Upon return, they should be either released or, should there be a reasonable suspicion that they have committed a crime, they should be promptly charged with a recognizably criminal offence and tried, within reasonable time, in fair proceedings.

"The failure of the UK authorities to make representations on behalf of all UK residents held at Guantánamo Bay is inconsistent with the strong condemnation by a number of government members of the detention centre for its human rights abuses," Nicola Duckworth said.

"Today's ruling of the Court of Appeal does not absolve the UK authorities from their obligation to ensure that a full independent and impartial investigation is held into the UK's involvement in the cases of Bisher Al-Rawi and Jamil El-Banna," Nicola Duckworth said.

It has been alleged that the UK was involved in the arrest of both men in the Gambia and their eventual rendition to US custody. The investigation must establish whether UK security services were complicit in their detention and subsequent human rights violations.

Public Document

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