

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AMR 51/003/2005 (Public)
News Service No: 003
7 January 2005

Embargo Date: 7 January 2005 00:01 GMT

USA: Guantánamo detentions enter fourth year as torture allegations mount

The international community must redouble its efforts to persuade the USA to end the human rights scandal at the Guantánamo Bay prison camp, Amnesty International said today on the eve of the third anniversary of detentions at the US naval base in Cuba.

"Over the past three years, Guantánamo has become an icon of lawlessness", Amnesty International said. "In its more than 1,000 days of executive detentions, it has become a symbol of a government's attempt to put itself above the law. The example it sets is dangerous to us all."

Full judicial review of detention, and access to lawyers and independent human rights monitors, are basic safeguards against torture and ill-treatment, arbitrary detention, and "disappearance". Evidence that Guantánamo detainees have been tortured and ill-treated continues to mount, with FBI agents now added to the list of those making such allegations. Yesterday, the military announced that it will carry out an internal investigation into these latest allegations.

"Another internal review is not enough," Amnesty International said. "A comprehensive independent commission of inquiry into all aspects of the USA's 'war on terror' detention and interrogation policies and practices is long overdue. No agency should be exempt from scrutiny and no individual exempt from prosecution if the evidence supports it."

The administration of President George W. Bush has sanctioned detention conditions and interrogation techniques in Guantánamo that violate international standards. Previous military reviews and inquiries, let alone the administration itself, have yet to denounce such treatment.

Interrogation techniques authorized for use in Guantánamo have included stress positions, isolation, hooding, sensory deprivation, and the use of dogs. Among the abuses reported by FBI agents are the cruel and prolonged use of shackling, and the use of loud music and strobe lights. They have also reported witnessing the use of dogs to intimidate detainees in Guantánamo. Yet military officials, including those involved in earlier investigations, have previously given assurances that no dogs have been used in this way in the naval base. A full independent commission of inquiry, as called for by Amnesty International since last May, is clearly required.

President Bush has made it a mantra of his time in office that the USA is committed to the rule of

law and the "non-negotiable demands of human dignity." The USA's own National Security Strategy and National Strategy for Combating Terrorism stress that respect for such standards must be central to the pursuit of security. The administration's policy in Guantánamo is now the most notorious symbol of its failure to live up to its promises.

"The administration's words alone, that it will remain wedded to human rights and the rule of law even as it wages its 'war on terror', are no longer to be believed", Amnesty International said. "It must show such commitment by its actions and change course fully in line with international law and standards."

Six months after the US Supreme Court ruled that the federal courts have jurisdiction to hear appeals from the detainees, the administration is trying to keep any review of the lawfulness of individual detentions as far from a judicial process as possible. It has argued in federal court that administrative review by so-called Combatant Status Review Tribunals -- panels of military officers that may rely on secret or coerced evidence to label as "enemy combatants" detainees who have no access to legal counsel -- is more than enough due process.

More than 500 detainees of many nationalities remain detained without charge or trial in Guantánamo. Four have been charged for trial by military commission, trials which would violate international law and standards. Commission proceedings have been suspended since November following a ruling by a federal judge. The administration has appealed the ruling, intent on continuing with the military commissions, bodies which entirely lack independence from the executive.

"Along with the individual detainees and their families, the rule of law is falling victim to this disdain for the judiciary", Amnesty International said. "The example being set by Guantánamo is of a world where basic human rights are negotiable, and where arbitrary detention and selective second-class justice become acceptable in the name of security."

Amnesty International reiterates its call for the Guantánamo detainees to be brought to fair trial or released -- with proposed trials by military commission terminated once and for all. All allegations of torture or ill-treatment in Guantánamo or elsewhere must be independently investigated, and anyone responsible for torture or ill-treatment brought to justice. All secret and incommunicado detention must be ended immediately, as must secret transfers of detainees between countries.

For more information on Guantánamo, please see:

Guantánamo -- An icon of lawlessness
<http://web.amnesty.org/library/Index/ENGAMR510022005>

Guantánamo Bay -- a human rights scandal:
<http://web.amnesty.org/pages/guantanamobay-index-eng>

Guantánamo -- The struggle for our children: <http://news.amnesty.org/index/ENGAMR510012005>

USA: Human dignity denied -- Torture and accountability in the 'war on terror'
<http://web.amnesty.org/library/Index/ENGAMR511452004>

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413

5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

For latest human rights news view <http://news.amnesty.org>