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UNITED STATES OF AMERICA (USA)

GUANTÁNAMO, A SYMPTOM OF DOUBLE STANDARDS ON HUMAN RIGHTS

On 1 January 2017, the USA took a three-year seat on the UN Human Rights Council, after being voted onto this key UN human rights body by the General Assembly late last year. In its election “manifesto” in support of its candidacy, the USA promised to champion the rights contained in the Universal Declaration of Human Rights, to abide by its human rights treaty obligations, and to engage meaningfully with UN treaty monitoring bodies.

Ten days later – 11 January 2017 – sees the 15th anniversary of detentions at the US naval base at Guantánamo Bay in Cuba, detentions that are entirely antithetical to the Universal Declaration, and indeed the USA’s human rights obligations, and the recommendations of UN treaty monitoring bodies of those obligations. However, when it comes to its human rights obligations, the USA all too often takes a pick and choose approach, and at Guantánamo it chose to ignore them from the outset.

Throughout these 15 years, the USA has proclaimed itself to be a global human rights champion. It did so even as it resorted to torture and enforced disappearance – at Guantánamo and elsewhere. It has continued to do so even as it has refused to bring the perpetrators of these crimes under international law to justice, and even as it blocks redress for human rights violations and keeps secret the full truth about them.

The creation of the Guantánamo detention camp, its operation, and the failure to close it, stem from the failure of the US government – all three branches of it – to address the detentions as a human rights law issue. Instead the US authorities have applied a “law of war” framework underpinned by an ill-conceived congressional resolution passed in the wake of the 11 September 2001 attacks.

On the eve of the 15th anniversary, there are 55 people still held at Guantánamo, 45 of them detained without charge or trial. The 10 others have faced or are facing military commission proceedings that do not meet international fair trial standards binding on the USA. Six are currently facing the possibility of the death penalty after such unlawful trials.

The Guantánamo naval base is about to get a new Commander-in-Chief. President-elect Trump indicated before the election that he would keep the detention facility there open and “load it up with some bad dudes”.

About half of the detainees still at Guantánamo were, before being transferred to the base, held in the secret detention programme operated by the Central Intelligence Agency (CIA). Guantánamo itself was used as a CIA “black site” during 2003 and 2004. Enforced disappearance and other forms of torture and other cruel, inhuman or degrading treatment were integral to the CIA programme. Impunity in relation to this programme continues.

Amnesty International continues to call on President Obama, even in the short time left before he leaves office, to meet the promise he made to end the detentions at Guantánamo, and to do so in line with the USA’s human rights obligations. Nearly seven years has passed since his original deadline for closure. Although his administration has blamed Congress for blocking closure, under international law domestic legislation or politics are not legitimate excuses for a country’s failure to meet its treaty obligations.

It is unlikely that the USA would accept such excuses for human rights violations if offered by other governments. The rest of the world should not accept them from the USA.

For further information, see **USA: Broken promises: Failure to close Guantánamo is part of a deeper human rights deficit**, 10 January 2017, available at <https://www.amnesty.org/en/documents/amr51/5433/2017/en/>