

Web Action WA 17/05; AI Index AMR 51/116/2005 (earlier referred to as ACT 40/009/2005)

Start date: 25/07/05

USA: Oppose plans to resume military commissions

Military commissions will not deliver fair trials.

Ask the US Ambassador in your country to oppose plans to resume military commissions for Guantánamo detainees.

[link to <http://web.amnesty.org/pages/usa-250705-action-eng>],

On 15 July 2005, the US Court of Appeal for the District of Columbia (DC) held that President Bush was authorised to establish military commissions and overturned an earlier ruling by a lower court suspending those trials.

This new decision may be appealed. However the US Department of Defence has announced that trials before military commissions will proceed as soon as possible.

Military commissions will not deliver fair trials

While attacks on civilians by armed groups must always be condemned, Amnesty International believes that the 'war on terror' does not justify a lower standard of justice for those suspected of terrorism-related offences. The route to security is through the observation of human rights and the rule of law. This cannot be achieved through the military commissions.

Amnesty International's concerns with the military commissions include:

- They are not independent of the executive branch of the US Administration. Those tried in them can only appeal decisions to the person who referred them there in the first place: the US President. A crucial guarantee of a fair trial is that decisions will not be made by political institutions, but by competent independent and impartial tribunals. This lies at the heart of due process of law.
- Lack of proper rules of evidence mean that hearsay evidence and evidence obtained by torture or other ill-treatment can be used against those charged. An interrogator could testify to a confession made by an unknown detainee who may have been tortured. It is difficult to defend yourself against such allegations if you cannot test the original confession or how it was obtained.

Take Action!

Please write to the US Ambassador in your country or, if you are in the United States, to President George W Bush.

Sample letter

Dear Ambassador/Dear Mr President,

Re: Decision to resume military commissions

I am writing to you to call upon the US government not to restart the process of trial by military commission, and for the Presidential Order of 2001 that created the Commissions to be revoked. If there is no evidence against detainees they should be released. If there is evidence against them then they should be charged and tried, not by military commissions but in accordance with internationally accepted standards of fairness, in an independent court that does not impose the death penalty. In any trial, no statement or information obtained as a result of torture or other cruel, inhuman or degrading treatment is admitted as evidence against any defendant or detainee.

All allegations of torture and other cruel inhuman or degrading treatment at US run places of detention including Guantánamo Bay must be subject to prompt, thorough, independent and impartial investigation, by admitting experts of the United Nations, including the Special Rapporteur on torture and by supporting the establishment of an independent Commission of Inquiry into the detention and interrogation policies and practices in the US “war on terror”.

Yours sincerely

Target details

If you live in the United States:

The Honourable George W. Bush

The President of the United States

1600 Pennsylvania Avenue NW

Washington DC 20500

E-mail: president@whitehouse.gov

Salutation: Dear Mr. President

If you live outside the USA, please write to the US Ambassador in your country

Select your country from the following list. A USA Department of State webpage will open, showing the address of the US Embassy in your country and the Ambassador's name immediately below.

Image caption and copyright information



Most detainees held in Guantánamo bay are held in indefinite detention, without charge or trial. The few who have been charged face trials before military commissions.

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Further information on military commissions

[USA: Military commissions should not be resumed](#) (in English) [link to AMR 51/113/2005]

[Guantánamo and Beyond: the continuing pursuit of executive power](#) (in English) [link to AMR 51/063/2005]