

USA: Treatment of prisoners in Afghanistan and Guantánamo Bay undermines human rights.

Amnesty International memorandum to the US government

Despite repeated statements since 11 September that it remains committed to international law and standards, the US Government is failing to match its actions to this rhetoric following the attacks on New York and Washington last year, Amnesty International said today.

The organization released today the text of a memorandum sent to the US Government detailing some of the organization's concerns under international law and standards relating to detainees in US custody in Afghanistan and Guantánamo Bay.

"The US government must ensure that all its actions in relation to those in its custody in Afghanistan and Guantánamo Bay comply with international law and standards," Amnesty International said. "This is crucial if justice is to be done and seen to be done, and if respect for the rule of law and human rights is not to be undermined."

Amnesty International is also renewing its request for access to the detainees held in Camp X-Ray in Guantánamo Bay, who are due to be transferred later this month to a new facility under construction at the naval base. The organization has had no reply to its initial request made on 22 January.

As the memorandum details, the USA has denied or threatens to deny the internationally recognized rights of people taken into its custody in Afghanistan and elsewhere, some 300 of whom have been transferred to Camp X-Ray in Guantánamo Bay. Among other things, Amnesty International is concerned that the US Government has:

transferred and held people in conditions that may amount to cruel, inhuman or degrading treatment, and that violate other minimum standards relating to detention;

refused to grant people in its custody access to legal counsel, despite ongoing interrogations which may lead to prosecutions;

refused to grant people in its custody access to the courts to challenge the lawfulness of their detention;

refused to disclose full information about the circumstances of many of the arrests, including whether they occurred in Afghanistan, Pakistan, or elsewhere;

undermined human rights protections in cases of people taken into custody outside Afghanistan and transferred to Guantánamo Bay. For example, six Algerian nationals were seized in Bosnia–Herzegovina and transferred to Camp X–Ray, in apparent violation of Bosnian and international law;

undermined the presumption of innocence through a pattern of public commentary on the presumed guilt of the Guantánamo detainees;

threatened to apply a second–class justice system by selecting foreign nationals for trial before military commissions B executive bodies lacking clear independence from the executive and with the power to hand down death sentences, and without the right of appeal to an independent and impartial court;

raised the prospect of indefinite detention without charge or trial, or continued detention after acquittal by military commission, or repatriation that may threaten the principle of non–refoulement;

failed to show that it conducted an impartial and thorough investigation into allegations of human rights violations against Afghan villagers detained by US soldiers in Afghanistan.

The US government has refused to grant any of the detainees in Afghanistan or Guantánamo Bay prisoner of war status, or to bring any disputed cases before a competent tribunal as required under the Geneva Conventions.

"The USA's pick and choose approach to the Geneva Conventions is unacceptable, as is its failure to respect fundamental international human rights standards," Amnesty International said.

The organization is making numerous recommendations to the US government in the memorandum, and is separately seeking further information on cases raised in it.

*****The memorandum is available on the web at:***

<http://web.amnesty.org/ai.nsf/recent/AMR510532002>

***** Amnesty International has already issued two reports on the arrests of thousands of non-US nationals inside the USA in post-11 September sweeps, which also found a failure on the part of the US authorities to live up to international human rights standards. Please see <http://web.amnesty.org/ai.nsf/Index/AMR510442002>***

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