

# AMNESTY INTERNATIONAL

## Public Statement

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### **USA: Detainees in Guantánamo Bay should not be beyond the protection of the law**

Amnesty International has today written to the US Government reiterating its deep concern in relation to the continuing detention without charge or trial of more than 600 non-US nationals in the United States naval base in Guantánamo Bay, Cuba.

"Some of these detainees have been in a legal black hole for almost a year", Amnesty International pointed out.

"Their conditions of detention -- held in small cells for up to 24 hours a day with no access to lawyers or family -- together with no indication as to if, or when, they will be tried or released, continue to raise urgent legal and welfare issues," the organization added.

Amnesty International calls for the voluntary repatriation of all those detained as combatants during the international armed conflict in Afghanistan, as required under the Geneva Conventions, unless they are to be charged with criminal offences or would face serious human rights abuses if returned to their country.

"Although the US Government has not granted any of the detainees prisoner of war status, it has stated that they will be treated in a manner reasonably consistent with the Geneva Conventions", Amnesty International said.

"As the international armed conflict has come to an end, the question of repatriation or fair trial, must now be tackled. This legal limbo must be ended," the international human rights organization noted.

The letter reiterates Amnesty International's call for no-one to be tried under the military commissions announced in a Military Order signed by President Bush in November 2001. There have been reports that individuals may soon be named for appearance before such commissions: executive bodies which would flout international fair trial standards, and would have the power to hand down death sentences with no right of appeal.

The organization raises the issue of people detained outside the USA and held in undisclosed locations, as well as the cases of Yaser Esam Hamdi and Jose Padilla, US nationals held as "enemy combatants" in the USA.

Amnesty International also renewed its request to visit the Guantánamo facility. Its earlier requests, made in January and April, have met with no response.

"We hope that this time we get a response, and that the response is positive", Amnesty International said, recalling Secretary of State Colin Powell's assertion in March that the "Bush administration is working in cooperation with governments, inter-governmental organizations, non-governmental groups and individuals to help bring human rights performance into compliance with international norms."

"At that time, Secretary Powell was stressing the USA's commitment to promoting human rights in other countries," Amnesty International continued stressing that "it must now apply that same scrutiny to itself, including in relation to all these detentions."

Amnesty International also recalls that in July the Council on Foreign Relations recommended that the US Government pay "special attention to relations with non-governmental organizations [and] international organizations". The US has ignored repeated calls from the Inter-American Commission on Human Rights to have a court determine the status of the Guantánamo detainees.

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