

AI Index: PRE 01/225/2011
26 April 2011

Leaked Guantánamo files highlight need for fair trials and accountability

Amnesty International today renewed its call on US authorities to release or give fair trials to remaining Guantánamo Bay detainees, after leaked files revealed fresh details about those held at the detention centre.

"The files confirm what we have been saying all along about Guantanamo Bay - that many were detained for spurious reasons and held for years without access to the US legal system," said Susan Lee, Americas director at Amnesty International.

"The authorities must either try those that remain there - in US civilian courts rather than military commissions - or set them free."

A dossier of classified files, containing case information of men held at the camp, was published in the media over the weekend.

The vast majority of the nearly 800 men who have been held at Guantánamo have been released without charge. To date only five have been convicted by the military commission system and one has been tried by civilian court.

None of those released without charge are known to have been provided with compensation or any other form of remedy by the US authorities.

"Of hundreds of detainees who have been held unlawfully for years, fewer than 50 are likely to be charged eventually - yet the US government hasn't provided remedy to anyone. There has been no accountability on the part of the US authorities for the abuses committed against these men," said Susan Lee.

Guantánamo currently holds 172 detainees, although the US authorities are only planning to try a small number.

"Most detainees continue to languish there indefinitely, and even those who are tried will be done so in military commissions that do not meet international standards of fair trial, and must be scrapped," said Susan Lee.

"Conditions at Guantánamo may have improved in recent years but this is far from over. It remains an embarrassment for the US government, which must ensure detainees have access to effective remedy, which comprises truth, justice and reparation.

The Guantanamo Review Task Force established under President Barack Obama in 2009 recommended that 36 of those still held should be prosecuted by the USA.

It advised that 48 others should continue to be held without charge or trial, with the remainder transferred to countries other than the USA.

About half of the detainees still at Guantánamo are Yemeni nationals, of which 36 were approved for repatriation by the review task force with another 30 designated for possible future transfer, dependent on security conditions in Yemen.

However, transfers to Yemen from Guantánamo were suspended in December 2009, with the exception of Mohammed al-Odaini's repatriation in June 2010.