



FRAMEWORK

END ILLEGAL US DETENTIONS

Closing Guantánamo throws up huge challenges for the international community.* However, it is a US prison and ultimately the US government is responsible for finding a solution that complies with international law and does not lead to further human rights violations.

AMNESTY INTERNATIONAL CALLS ON THE US AUTHORITIES TO:

- Close the detention facility at Guantánamo Bay.
- End immediately and permanently the US secret detention programme, and close any secret detention facilities, wherever they are based.
- Release immediately all detainees held in the “war on terror”, including those held at Guantánamo, unless they are to be charged and given a fair trial.
- Announce that they will not resort to secret detention, unlawful transfer of detainees between countries (rendition) or enforced disappearance in counter-terrorism operations.
- Pledge not to forcibly send released detainees to any country where they may face serious human rights abuses.
- Establish a fair and transparent process to assess the case of each detainee to be released in order to establish whether they can return safely to their country of origin or whether another solution should be found.
- Charge those to be prosecuted with recognizably criminal offences and provide them with a fair trial before an independent and impartial tribunal, such as a US federal court. There should be no recourse to the death penalty.
- Make inadmissible in any proceedings any information obtained under torture or other cruel, inhuman or degrading treatment or punishment, except in cases against those responsible for such treatment.

“NO ONE’S COMFORTABLE WITH THE SITUATION IN GUANTÁNAMO, BUT IF WE REALLY WANT TO REDUCE THE NUMBERS TO SEND PEOPLE BACK, PROGRESS CANNOT BE MADE BY JUST SIMPLY SAYING GUANTÁNAMO SHOULD BE CLOSED. WE HAVE TO HAVE PRACTICAL SUGGESTIONS, PRACTICAL WAYS TO MOVE FORWARD.

John Bellinger III, Department of State Legal Adviser, 20 October 2006

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- Ensure that all US officials desist from further undermining the presumption of innocence in relation to the Guantánamo detainees and others captured in the context of the “war on terror”.
- Repeal or substantially amend the Military Commissions Act 2006 in line with international law as it does not guarantee fair trial rights, denies habeas corpus rights and entrenches impunity for human rights violations.
- Invite the five UN experts previously denied unconditional access – four Special Rapporteurs and the chairperson of the Working Group on Arbitrary Detention – to visit without restrictions Guantánamo and other US-run detention centres. The experts’ ability to talk privately with detainees should also not be restricted.
- Offer such access to international human rights organizations, including Amnesty International.
- Provide prompt and adequate reparation, including restitution, rehabilitation and fair and adequate financial compensation, to released detainees.

* Countries other than the USA can play a part in providing lasting protection for Guantánamo the detainees (see Amnesty International, *Illegal US detentions: Recommendations to other governments*, AI Index: AMR 51/181/2007).

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Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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