

WEB UPDATES – TACTICAL CAMPAIGN AGAINST TORTURE

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Title

Guantánamo detainees: More than four years without justice

Feature

Four and a half years ago, the USA transferred the first “war on terror” detainees – hooded and shackled - to its detention facility at Guantánamo Bay Naval Base, Cuba. Approximately 750 people have been held at the facility. Today, more than 400 people from over 30 countries remain held without charge or trial in the base.

The US administration chose Guantánamo as the location for this detention facility in an attempt to keep the detainees out of the reach of the US courts. Although the US Supreme Court ruled in June 2004 that the federal courts did have jurisdiction to consider appeals from those held in Guantánamo, the administration continued to block the detainees from having their cases judicially reviewed.

The distress caused to detainees and their families by the indefinite detention regime at Guantánamo has long been cause for concern. In mid-2003, the International Committee of the Red Cross, the only international organization with access to the detainees, expressed their concern about the deteriorating psychological health of a large number of detainees in the base.

Numerous detainees have attempted suicide. Others have in desperation embarked on hunger strikes, being kept alive, sometimes against their will, through painful force feeding procedures. In June 2006, three detainees were found dead in their cells; they had apparently hanged themselves.

The totality of the detention regime in Guantánamo – harsh, indefinite, isolating and punitive – can in itself amount to cruel, inhuman or degrading treatment in violation of international law. Military investigations into allegations of direct torture and ill-treatment of detainees in the base have been inadequate.

If this human rights scandal was being perpetrated by another government, would the USA not be among the first to demand an end to it?

Amnesty International has been calling for the closure of the detention facility for more than a year. In May 2006, the United Nations Committee Against Torture made this same call, noting that indefinite detention without charge violated the USA’s treaty obligations.

After the apparent suicides in June, five UN experts reiterated their call for closure of the Guantánamo detention facility. President George W. Bush has now said that he would like to close it. He should do it as a matter of urgency.

On 29 June 2006, the US Supreme Court ruled that the military commissions established by President Bush to try “war on terror” detainees violated international and domestic law.

President Bush must finally drop the military commission trials and not to seek to resurrect them by other means or in other forms.

Guantánamo detainees must either be charged without further delay with recognizable criminal offences and brought to fair trial in full compliance with international law and standards, or released with full protections.

Take action!

Write to US President George W. Bush welcoming his comments suggesting that he wants to close down the Guantánamo Bay detention facility, and urging him to see this through as a matter of urgency. Call on him to ensure that all detainees are either released with full protections or charged and brought to full and fair trial in the US courts.

Letter web action

Dear Mr President,

It is more than four and a half years since the first detainees were transferred to the detention camp at the US Naval Base in Guantánamo Bay, Cuba. More than 400 detainees remain held there indefinitely, causing serious distress to them and their families, and serious damage to the reputation of your country.

I welcome your recent remarks indicating that you are prepared to close the Guantánamo detention facility. I call on you to bring this about as a matter of urgency, and to ensure that all those held in Guantánamo are immediately released if they are not to be charged and brought to trial in full compliance with international standards for fair trial. I urge you to abandon once and for all the military commissions following the *Hamdan v. Rumsfeld* ruling by the US Supreme Court.

I also urge you to ensure that the case of each detainee to be released is individually assessed to ensure that he is not transferred to a country where he may face further human rights violations.

I urge you to ensure that the closure of the detention facility at least follows the standards outlined in the *Framework for Closing Guantánamo* sent to you by Amnesty International in June 2006. In this regard, I urge you to ensure that the closure of the facility does not lead to the transfer of human rights violations elsewhere, and that all those in US custody, wherever they are held, have their human rights fully respected.

I recall your repeated assertions that the USA administration remains committed to the "non-negotiable demands of human dignity", including the rule of law. I urge you to make these words a reality for all those in US custody and their families.

Yours sincerely,

Links to documents

- Memorandum to close Guantanamo
- Press release suicides
- Military commissions closed action
