

CLOSE GUANTÁNAMO

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USA

Framework for closure

“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 Advisor, interview with the BBC, 20 October 2006

Amnesty International was among the first to call for the closure of the Guantánamo detention camp, a place that has become an icon of lawlessness in the “war on terror”. The responsibility for finding a solution for the Guantánamo detainees that complies with international law rests with the USA. Amnesty international makes the following recommendations to the US government regarding the closure of Guantánamo:

- ③ Guantánamo detainees should be released immediately unless they are to be charged and given a fair trial.
- ③ Released detainees should not be forcibly sent to any country where they may face serious human rights abuses.
- ③ There must be 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.
- ③ Those to be tried must be charged with recognizably criminal offences and given a fair trial before an independent and impartial tribunal, such as a US federal court. There should be no recourse to the death penalty.
- ③ No evidence obtained under torture or other cruel, inhuman or degrading treatment or punishment should be admissible.
- ③ All US officials should desist from further undermining the presumption of innocence in relation to the Guantánamo detainees.
- ③ The Military Commissions Act 2006 should be repealed or substantially amended as it does not guarantee these fair trial rights, denies habeas corpus rights and entrenches impunity for human rights violations.
- ③ The US authorities should invite the five UN experts – four Special Rapporteurs and the Chairperson of the Working Group on Arbitrary Detention – to visit Guantánamo without the restrictions that led them to turn down the USA’s previous invitation. There should be no restrictions on the experts’ ability to talk privately with detainees.

- ③ International human rights organizations, including Amnesty International, should also be given such access.
- ③ The USA must provide prompt and adequate reparation, including restitution, rehabilitation and fair and adequate financial compensation, to released detainees.

The full version of AI's Framework for Closure can be found at:
web.amnesty.org/library/Index/ENGAMR511462006

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