

**WA 05/04 USA (Guantanamo Bay) // 7 January 2004 AMR 51/004/2004**

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**1. Title**

USA: “Double jeopardy” for some Guantánamo detainees

**2. Extract**

Held for as long as two years in a legal black hole without explanation or access to lawyers and families, some Guantánamo detainees may now face an even worse fate: torture or execution in their home countries.

**2. Summary**

Held in isolating conditions, the detainees held in Guantánamo Bay have not been allowed to see lawyers or relatives, or to have access to any court. Now, even if eventually released with no charge, some may face further injustice: indefinite untried detention, torture or execution in their home country.

Many detainees in Guantánamo come from countries which the US government itself has condemned for serious human rights violations. Labelled “terrorists” and “killers” by senior US officials, what fate awaits released Guantánamo detainees? For some, a return to their homes to attempt to rebuild their lives. For others, perhaps further detention and violations at the hands of their own governments.

A number of Saudi nationals have already been returned to their home country, where they may face torture or grossly unfair trials. The US authorities may be preparing to release more than 100 detainees from the base, including unknown numbers of ethnic Uighurs facing possible return to China.

Guantánamo detainees must be released unless charged with recognizable criminal offences and brought to fair trial. They must also be protected from further human rights abuses.

**3. Recommended Action**

Write to President George Bush today to seek justice for the Guantánamo detainees. You may wish to use the letter below as a guide.

**4. Sample Letter**

Dear Mr President,

It is now two years since the first prisoners were transferred to Guantánamo Bay. This prolonged indefinite detention violates a fundamental legal principle that anyone must be allowed to challenge the lawfulness of their detention. You have repeatedly promised that the USA will stand firm for the “non-negotiable demands of human dignity”, including the rule of law. For many, these words have rung hollow as the lack of legal process for the Guantánamo detainees continues.

I call on you to ensure that all those held in Guantánamo are released if they are not to be charged and brought to fair trial. I do not believe that trials by the military commissions envisaged in your Military Order would meet international standards.

I am also concerned for the fate of those detainees who might, if returned to their countries, risk serious human rights violations, including ethnic Uighurs facing possible return to China. I fear this risk has been increased by public statements by you and other senior US officials, labelling those held as “terrorists” and “killers”.

I urge you to ensure that no-one is forcibly returned to a country where they would face serious human rights violations.

Yours sincerely,

**5. Target Contact Details**

George W. Bush

The President

The White House

1600 Pennsylvania Avenue

Washington DC 20500

USA

Fax: +1 203 456 2461

Email: [president@whitehouse.gov](mailto:president@whitehouse.gov)\*

Salutation: Dear Mr President

\* Please note that this address has been responding erratically and is occasionally unavailable.

Please let us know if you will be taking this action by sending an email to [cc.appeals@amnesty.org](mailto:cc.appeals@amnesty.org).