

PUBLIC

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Further information on UA 356/03 (AMR 51/147/2003, 04 December 2003) -- Fear of forcible return / Fear of torture / Fear of execution

**USA Uighurs held in Guantánamo Bay
 Detainees from the Russian Federation held in Guantánamo Bay**

In an interview on Spanish television on 11 February 2004, US Secretary of State Colin Powell said that the imminent repatriation of a Spanish national held in US military custody in Guantánamo Bay, Cuba, was “the first of a number of turnovers that will be happening in the near future”. While Amnesty International has been calling for, and would welcome, releases of detainees from the Guantánamo base, it remains concerned that some detainees may face serious human rights abuses, including torture and execution, if returned to their countries.

Spanish national Hamed Abderrahman Ahmed is due to arrive in Spain in the custody of Spanish police on 13 February. He has been held in Guantánamo for the past two years without access to a lawyer, relatives or to any court. Secretary Powell indicated that an important part of the agreement to return him to Spain was that the Spanish government would prosecute him. Amnesty International believes that if he is suspected of a crime, he should be charged with a recognizably criminal offence and tried in accordance with international fair trial standards, or else released. Any statements extracted from him or any other detainee – in Guantánamo or elsewhere – as a result of torture or ill-treatment or in conditions where they were not informed of their rights or had no access to legal advice should not be used in any trial proceedings. The International Committee of the Red Cross has said that it has “observed a worrying deterioration in the psychological health of a large number of [the detainees]” because of their indefinite detention. According to the Pentagon, there have been 34 suicide attempts.

In his interview, Secretary Powell said of the Guantánamo detainees: “As we conclude our inquiries and as we finish the interrogation of these individuals, we want to turn them back over to their home countries. And you will see more of this happening in the near future.” He acknowledged the international concern generated by the Guantánamo situation, and said “that is why we are now moving quickly to resolve as many cases as we can... there are a number of them that we have now concluded our inquiry, concluded our investigation, and we want to send them back to their countries for whatever action their countries wish to take or just to release them.”

US officials were reported on 12 February as saying that eight people from the Russian Federation held in Guantánamo Bay would be among those soon repatriated for continued detention. Earlier in the month, the Russian Deputy Foreign Minister was reported as saying that he expected the detainees to be returned for trial in the near future, and that only the “technical” details of the transfers remained to be sorted out. Amnesty International is concerned that if returned to Russia, the detainees could face human rights violations, including torture and ill-treatment and incarceration in conditions amounting to cruel, inhuman and degrading treatment. Other detainees may also be facing possible human rights violations if returned to their country. Such countries include Saudi Arabia.

Amnesty International has not received any information indicating that the ethnic Uighurs referred to in the original Urgent Action have been returned to China. Amnesty International remains concerned that any Uighurs suspected of “separatist” or “terrorist” activities would be at risk of serious human rights violations, including unfair trials, torture or execution if forcibly returned to China.

Senior US officials, including the President, Vice-President and Secretary of Defence, have repeatedly labelled the Guantánamo detainees as “terrorists” and “killers”. In the context of possible return to their countries, such comments can only have heightened the danger faced by some of the detainees.

BACKGROUND INFORMATION

More than 650 people remain detained without charge or trial or access to any legal process in Guantánamo Bay. On 12 February, senior Pentagon officials reportedly said that while 100 to 300 prisoners could eventually be repatriated, many others might be kept in Guantánamo for years, perhaps indefinitely. United Press International recently released a survey it had conducted from press reports of the numbers, by nationality, held in the base: Saudi Arabia (160); Yemen (85); Pakistan (82); Afghanistan (80); Egypt (30); Jordan (30); Morocco (18); Algeria (19); China (at least 12); Kuwait (12); Tajikistan (11); Turkey (11); United Kingdom (9); Tunisia (8); Russia (8); Bahrain (7); France (7); Kazakhstan (5); Australia (2); Canada (2); Georgia (2); Sudan (2); Syria (2); Uzbekistan (2); Bangladesh (1); Belgium (1); Denmark (1); Germany (1); Iraq (1); Kenya (1); Libya (1); Mauritania (1); Qatar (1); Spain (1); Sweden (1). Amnesty International also knows of a Guantánamo detainee who is national of the Maldives and one who is a UK resident of Ugandan nationality, and there have been reports of Iran and Azerbaijan nationals among the detainees. According to the Pentagon, prior to the latest development on the Spanish national, 87 detainees have been released from Guantánamo so far. The majority were nationals of Pakistan and Afghanistan returned to their countries without charge or compensation. In addition, four Saudi nationals have been returned to continued detention in Saudi Arabia. Despite Secretary of State Powell’s assurances in his Spanish television interview that the USA is “operating fully in accordance with international law”, the legal black hole of Guantánamo flouts international legal norms. Amnesty International continues to call on the USA to end the legal limbo of all the Guantánamo detainees and for none of them to be brought to trial by the military commissions proposed by President Bush (see update to UA 199/03, AMR 51/028/2004, 11 February 2004, <http://web.amnesty.org/library/Index/ENGAMR510282004>).

FURTHER RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- welcoming indications that more prisoners will be released from Guantánamo Bay;
- urging the USA adhere to its international obligations not to forcibly return anyone to any country where they may face serious human rights violations, including indefinite detention without charge or trial, unfair trial, torture or execution; you may refer to Russia, China and Saudi Arabia;
- expressing concern that US officials may have increased the risks having repeatedly labelled the detainees in Guantánamo as “terrorists” in contravention of their right to the presumption of innocence;
- calling for an end to the legal limbo of all the Guantánamo detainees.

APPEALS TO:

The Honorable Colin Powell, Secretary of State
Department of State, 2201 C Street, NW, Washington DC 20520, USA

Fax: + 1 202 261 8577

Salutation: Dear Secretary of State

The Honorable Donald Rumsfeld, Secretary of Defense, The Pentagon, Washington DC 20301, USA

Fax: + 1 703 697 8339

Salutation: Dear Secretary Rumsfeld

COPIES TO:

Lorne Craner, Assistant Secretary of State, Department of State, Bureau of Democracy, Human Rights and Labor, 2201 C Street, NW, Room 7802, Washington, DC 20520, USA

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and to diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 26 March 2004.