

PUBLIC

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1 March 2004

Further information on UA 356/03 (AMR 51/147/2003, 04 December 2003) and follow-up (AMR 51/029/2004, 13 February 2004) -- 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**

On 1 March, the US Department of Defense announced that seven Russian detainees had been transferred from US military custody in Guantánamo Bay, Cuba, to continued detention in Russia. The announcement said that "the decision to transfer these detainees was made after extensive discussions between our two governments."

While Amnesty International has been calling for, and welcomes, 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. The organization does not know what, if any, assurances the US authorities obtained from their Russian counterparts with a view to ensuring that the human rights of the detainees would be fully respected after their transfer. It remains concerned that the detainees are at risk of facing human rights violations, including torture, ill-treatment and incarceration in conditions amounting to cruel, inhuman and degrading treatment.

In the US State Department's most recent report on human rights in other countries, issued on 25 February, the entry on Russia includes the following: "There were credible reports that law enforcement personnel frequently engaged in torture, violence, and other brutal or humiliating treatment and often did so with impunity... Prison conditions continued to be extremely harsh and frequently life-threatening. Arbitrary arrest and lengthy pretrial detention, while significantly reduced by a new Code of Criminal Procedure, remained problems, as did police corruption."

Amnesty International has not received any information indicating that the ethnic Uighurs referred to in the original Urgent Action have been returned to China. It 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. On 13 February, the US authorities said that no Uighurs had yet been returned.

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

According to the Pentagon on 1 March, to date 88 prisoners have been released from Guantánamo Bay and 12 others transferred for continued detention in their countries of origin. In addition to the seven people from the Russian Federation, four Saudi detainees were transferred for continued detention in Saudi Arabia, and one Spanish national transferred to Spain for possible prosecution there (see previous update). Another man, Yaser Esam Hamdi, was also transferred from Guantánamo to military custody on the US mainland in April 2002 after it was discovered he had US citizenship.

Approximately 640 people of around 40 nationalities remain detained without charge or trial or access to any legal process in Guantánamo Bay. On 12 February, 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, of which 5 are to be released within weeks); Tunisia (8); Russia (8 – seven now transferred); Bahrain (7); France (7); Kazakhstan (5); Australia (2); Canada (2); Georgia (2); Sudan (2); Syria (2); Uzbekistan (2); Bangladesh (1); Belgium (1); Denmark (1 – since released); Germany (1); Iraq (1); Kenya (1); Libya (1); Mauritania (1); Qatar (1); Spain (1 – since released); 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. Amnesty International continues to call on the USA to end the legal limbo of all the Guantánamo detainees and for none to be brought to trial by military commission (see update to UA 199/03, AMR 51/028/2004, 11 February, <http://web.amnesty.org/library/Index/ENGAMR510282004>). See *Despite releases, Guantánamo remains an affront to the rule of law*, 27 February, <http://web.amnesty.org/library/Index/ENGAMR510412004>.

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

- noting that seven detainees have been transferred from Guantánamo to continued detention in Russia;

In appeals to the USA:

- noting that the transfers followed “extensive discussions” between the US and Russian governments, but asking for information about what guarantees were obtained by the USA that the returned detainees would be treated in full accordance with international standards;
- noting the US State Department’s report on human rights in Russia, and asking what measures the US Government will take to monitor the treatment of the Russian detainees;
- urging the USA to 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 (using the example of Uighurs facing possible return to China);
- expressing concern that US officials may have increased the risks faced by returned prisoners, 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.

In appeals to Russia:

- seeking assurances that the returned prisoners will be treated in full accordance with international law and standards for the treatment of detainees;
- calling for the detainees to be released if they are not to be charged with recognizably criminal offences and brought to trial in line with international standards for fair trial.

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

Procurator General of the Russian Federation
Vladimir Ustinov

General Procuracy of the Russian Federation
ul. Bolshaia Dmitrovka 15d, Moscow 103793,
Russian Federation

Fax: +7 095 292 8848

Salutation: Dear Procurator General

COPIES TO: diplomatic representatives of USA and Russia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 April 2004.