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USA: The Guantánamo scandal continues

By dismissing Amnesty International's concerns about the hundreds of detainees held in the US Naval Base in Guantánamo Bay as "without merit", the White House is at the same time rejecting much wider international disquiet, Amnesty International said today.

"Since the transfers to Guantánamo began 17 months ago, numerous international, regional and national bodies, including governments and courts, have expressed deep concern about the situation of the detainees," Amnesty International said.

"Is that opinion all without merit?"

The UN High Commissioner for Human Rights, the UN Working Group on Arbitrary Detention, the UN Special Rapporteur on the independence of judges and lawyers, the Inter-American Commission on Human Rights, and the European Parliament, are among those who have voiced concern and called for remedies. The High Court in the United Kingdom has referred to the Guantánamo situation as "objectionable" and in "apparent contravention of fundamental principles recognized by international law". This month a US federal judge described the plight of the detainees as "deeply troubling" and "not consistent with some of the most basic values our legal system has long embodied".

"In March, Secretary of State Colin Powell said that states which show a high degree of respect for human rights are the most likely to contribute to international security," Amnesty International said.

"The administration should apply that sentiment to end the legal limbo of the Guantánamo detainees".

In a letter sent last month to Secretary of Defence Rumsfeld, Secretary of State Powell reportedly cited complaints from eight allied countries whose nationals are among the more than 650 Camp Delta detainees currently held without access to lawyers, relatives or the courts. Secretary Powell reportedly said that the situation of the detainees threatened to undermine international cooperation in the US-led "war on terror".

"We have repeatedly said that the US is violating international law and standards on this issue, including the principle that detainees should be able to challenge the lawfulness of their detention," Amnesty International said.

"We repeat our call for full and immediate remedies in the interest of justice and the rule of law".

Responding to Amnesty International's concern on Guantánamo in its annual report, White House spokesperson Ari Fleischer said yesterday: "I just dismiss that as without merit".

Continuing the pattern of official contempt for the presumption of innocence, Mr Fleischer referred to the uncharged, untried, unrepresented Guantánamo detainees as "terrorists" and "very dangerous people". Senior members of the executive, including President Bush and Secretary Rumsfeld, have made such public comments since the arrival of the first detainees in the Naval Base. Last month, following the revelation that children as young as 13 were among the detainees, a senior Pentagon spokesman said that "despite their age, these are very, very dangerous people" on a "terrorist team".

Also yesterday, the military revealed that there had been two more suicide attempts among the detainees over the past 10 days, bringing to around 27 the number of such instances.

This followed reports at the weekend of possible US plans for an execution chamber at the Guantánamo facility. While shocking, this would fit with the administration's proposal to try selected foreign nationals in front of executive military commissions with the power to hand down death sentences. Convicted prisoners would have no right of appeal to any court. No one has yet been named by President Bush to appear before the military commissions, but preparations for such trials continue and officials are being recruited.

"Indefinite detention without charge or trial, confinement to tiny cells for up to 24 hours a day, shackling during the bare minimum of exercise time granted, the cruelty of keeping relatives wondering about the plight of their loved ones, repeated interrogations without access to legal counsel, and the prospect of executions after unfair trials without the right of appeal," Amnesty International continued.

"Is it any wonder that the international community is asking serious questions about the USA's commitment to human rights?"

Amnesty International is awaiting a reply to its repeated requests for access to Guantánamo Bay. In a letter received from the Pentagon last month, the organization was denied access to the US Air Base in Bagram, Afghanistan. Disturbing allegations of ill-treatment of detainees have emerged from the interrogation section of the Bagram facility. Last week Amnesty International renewed its call for an impartial inquiry into the treatment of detainees in Bagram and for the results of the investigation into the deaths of two Afghan men in the base in December 2002 to be made public.

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