

AMNESTY INTERNATIONAL

Public Statement

AI Index: AMR 51/089/2003 (Public)
News Service No: 141
13 June 2003

USA: Should demonstrate its commitment to Inter-American human rights body

The USA could begin to demonstrate its stated support for the Inter-American Commission on Human Rights by complying with its recommendations in death penalty cases and on the question of the Guantánamo detainees, Amnesty International said today.

The US State Department yesterday expressed its disappointment that the General Assembly of the Organization of American States did not vote the US candidate on to the seven-member Inter-American Commission on Human Rights. State Department spokesman Richard Boucher added that the United States nevertheless remains "very strong" in its support for the Commission, and added "we'll look for every other opportunity to advance human rights and to work with the Commission."

"There is no need for the US Government to look far to find ways," Amnesty International said.

In July 2002, the Inter-American Commission on Human Rights reiterated its request that the US Government "take the urgent measures necessary to have the legal status of the detainees at Guantánamo Bay determined by a competent tribunal", adding that "it is not sufficient for a detaining power to simply assert its view as to the status of a detainee to the exclusion of any proper or effectual procedure for verifying that status."

Almost a year later, more than 650 foreign nationals remain detained without charge or trial at the US Naval Base in Guantánamo Bay. None has had access to the courts, to lawyers, or to relatives. None has had their case brought before a "competent tribunal" as required under the Geneva Conventions. Some have been held in this legal limbo since January 2002.

"The US Government could also comply with the Commission's requests and recommendations in death penalty cases", Amnesty International added.

In 2001, the Inter-American Commission called on the US Government not to execute federal death row prisoner Juan Raul Garza on the grounds that his trial had been unfair. The Commission said that the execution would constitute "a grave and irreparable" violation of the USA's international obligations. President Bush refused clemency and Juan Raul Garza was executed in June 2001.

In October 2002, the IACHR found that the USA was violating a fundamental principle of international law by sentencing to death and executing child offenders, people who were under 18 at the time of their alleged crimes. The USA is almost the only country in the world continuing this practice today. It has executed one child offender since the IACHR's finding, and another 80 await execution.

In several other death penalty cases, the Inter-American Commission has issued "precautionary measures" calling for a stay of execution while it considers the merits of the petition. The US has routinely ignored these appeals and the prisoners have been executed. For example, Anthony Green was executed in South Carolina in August 2002 before the Commission could consider his claim of racial discrimination.

Background

The Inter-American Commission on Human Rights (IACHR) is one of two bodies in the Inter-American system for the promotion and protection of human rights. The other is the Inter-American Court of Human Rights.

The IACHR is an autonomous organ of the Organization of American States (OAS). Its mandate is found in the OAS Charter and the American Convention on Human Rights. The IACHR represents all of the member States of the OAS. It has seven members who act independently, without representing any particular country. The members of the IACHR are elected by the General Assembly of the OAS.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

For latest human rights news view <http://news.amnesty.org>