



CLEARED FOR RELEASE

STILL IN GUANTÁNAMO

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About a quarter of those still held at Guantánamo in late 2007 had been cleared for release or transfer from the base. Dozens of them cannot be returned to their home countries because they would be at risk of torture and other human rights violations if sent there. They are being held in indefinite detention. Not one of them has ever been charged with a crime by the US authorities, let alone convicted.



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A protest against Guantánamo outside the US Consulate in Thessaloniki, northern Greece, organized by Amnesty International

Cover: A detainee in Camp 4 at Guantánamo, October 2007

The US government has asked other countries to accept Guantánamo detainees other than their own nationals, but to date only one – Albania – has agreed to resettle any, and that was in the case of individuals who had been found not to be “enemy combatants”. The reluctance of other governments to help may be exacerbated by the scheme that clears detainees for release from the base, a scheme that leaves the “enemy combatant” label attached to those needing a new home.

Recommendations for detainees’ release from the base is made by Administrative Review Boards, panels of military officers that annually review cases of “enemy combatants” held at Guantánamo. The panels can rely on classified information that detainees cannot see, hearsay information that they cannot effectively challenge, and information coerced

under unlawful conditions, including torture or other ill-treatment. The panels can make one of only three recommendations – unconditional release to the detainee’s home or a third country; transferral to the detainee’s home or a third country with conditions attached; or continued detention in US custody.

Amnesty International considers that the absence of due process means that the men in Guantánamo are being arbitrarily detained, in violation of international human rights law. All should be allowed to challenge the lawfulness of their detention before an independent and impartial court without further delay. Anyone who remains in detention should be charged with a recognizably criminal offence and brought to trial in full accordance with international law, or released with full protection against further abuse.

MOHAMMED HUSSEIN ABDULLAH

"They took me in the middle of the night... I always wonder all the time, I keep asking myself and I keep asking them: what is my crime? What did I do? And no one answers me."

Mohammed Hussein Abdullah is a 62-year-old Somali national who left Somalia in 1967. He was granted UN refugee status in 1993 and had been living with his family in Jolazai refugee camp near Peshawar in Pakistan since 1993. He is married and has 11 children. At the time of his arrest, he was working as a teacher in the refugee camp.

Mohammed Hussein Abdullah was taken from his home by US and Pakistani forces during a raid on suspected al-Qa'ida houses in the refugee camp. He was held in Bagram, Afghanistan, before being transferred to Guantánamo. He was cleared for transfer by an Administrative Review Board in 2005 but cannot be returned to Somalia because he would be at risk of detention, torture or enforced disappearance.

ALI ABDUL RAHMAN MOHAMMED TAYEEA

"I did not want to say anything that would make me get returned back to Iraq. I am scared of returning back to Iraq."

Ali Abdul Rahman Mohammed Tayeea, an Iraqi national, was imprisoned in Iraq in 1996 for going absent without leave from the army. In 1998, after his release, he fled Iraq and lived in various countries before travelling to Afghanistan, where he worked as a driver for the Taliban. At some point, his unit surrendered to the Northern Alliance and he was taken to Qala-I Jungi Prison in Mazar-e-Sharif. He was later handed over to US forces and held in Kandahar before being transferred to Guantánamo. He was cleared for transfer from Guantánamo in 2005, but cannot be returned to Iraq for his own safety.



ABDUL RA'OUF AL-QASSIM

"He became very nervous and said I do not wish to go back to Libya under [any] conditions."

US military officer who had interviewed Abdul al-Qassim

Abdul Ra'ouf al-Qassim, a Libyan national, was cleared for transfer from Guantánamo in 2005 but would be at risk of serious human rights abuses, including torture and execution after an unfair trial, if returned to Libya.

Abdul al-Qassim served in the Libyan military for seven years. He fled his country in 1990 and went to Afghanistan. During the US-led military invasion in 2001, he and his then pregnant Afghan wife fled to Pakistan where he was arrested and handed over to US authorities and later transferred to Guantánamo. US authorities have accused him of association with an unauthorized Libyan opposition group, an allegation he denies. These allegations place him at particular risk in Libya.

A Guantánamo detainee talks to a guard, October 2007



A protest against Guantánamo organized by Amnesty International in Belfast, Northern Ireland.

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AHMED BELBACHA

“He says his cell in Guantánamo is like a grave and that although it sounds crazy he would rather stay in those conditions than go back to Algeria. The fact is that he is really, really scared about what might happen to him in Algeria.”

Ahmed Belbacha's lawyer

Ahmed Belbacha was cleared for transfer from Guantánamo in February 2007. He fears that he will be tortured or killed if he is returned to Algeria, his home country. He fled Algeria after receiving death threats and sought asylum in the UK. While his asylum application was being considered he

travelled to Pakistan where he was arrested and turned over to US forces and transferred to Guantánamo. UK authorities have stated that they will not make representations on his behalf as he was not legally resident in the UK prior to his detention. In August 2007 the US Supreme Court denied his appeal for an injunction against repatriation to Algeria. He appears to be at imminent risk of being returned.

Even though he has been cleared for transfer, Ahmed Belbacha remains in Camp 6, the harshest camp at Guantánamo where detainees are confined for at least 22 hours a day in individual steel cells with no outside windows.

ACT NOW

Please write to the appropriate authorities calling on them to take the following action:

TO THE US GOVERNMENT

Ensure that all Guantánamo detainees are given access to the courts so that they can challenge the lawfulness of their detention. Safe, fair and lawful solutions for anyone who has already been cleared for transfer or release must also be pursued. To this end, the USA should:

- Set up a fair and transparent process to assess whether each of them can be returned safely to their home country or whether another solution must be found.
- Pledge never to forcibly return a detainee to a country where they would be at risk, or seek or accept diplomatic assurances from other governments to justify returning a detainee to a country where they would be at risk.
- Offer the detainees the chance to apply for asylum in the USA.
- Charge anyone who remains in detention with a recognizably criminal offence and bring them to trial in an independent and impartial court – not a military commission – or release them with full protection against further abuse.

TO OTHER GOVERNMENTS

Give serious and continuing consideration to receiving detainees who have been cleared for release or transfer from Guantánamo but who cannot be sent safely to their home countries.

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Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.