

Web feature

Military Commissions Act: Justice delayed and justice denied at Guantánamo

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On 26 March, the first proceeding under the Military Commission Act (MCA) is due to take place at Guantánamo with the arraignment of Australian detainee David Hicks. Another 23 detainees of 13 nationalities have currently been identified as potential defendants for trial by military commission.

Amnesty International does not believe that trials under the MCA will meet international standards of fairness. In cases of civilians taken into custody outside a zone of armed conflict, the military commissions should not even have jurisdiction to try them.

Amnesty International is calling on the US government to abandon the military commissions and bring any detainees it charges to trial in the ordinary federal courts, without recourse to the death penalty.

In a new report *Justice delayed and justice denied?*, Amnesty International details its grave concerns about trials under the MCA. For example, information coerced by cruel, inhuman or degrading treatment will be admissible as evidence and the government may introduce evidence while keeping secret the methods used to obtain it. Some of those likely to face military commission trials were held for years in secret custody by the CIA, whose interrogation techniques remain classified as "top secret".

Amnesty International is campaigning for repeal of the MCA or its substantial amendment in line with international law. As well as providing for trials by military commission, the MCA strips the US courts of jurisdiction to consider *habeas corpus* appeals of any non-US citizen held as an "enemy combatant".

More than 350 people remain held in Guantánamo without charge or trial.

Further information:

USA: Amnesty International calls on US government to abandon military commissions
(Press Release, 22 March 2007) <http://web.amnesty.org/library/Index/ENGAMR510472007>

United States of America: Justice delayed and justice denied? Trials under the Military Commissions Act (Report, 22 March 2007)
<http://web.amnesty.org/library/Index/ENGAMR510442007>