

Amnesty International deeply regrets that the US House of Representatives, by 253 votes to 168, yesterday passed an administration-backed version of the Military Commissions Act of 2006.

Last week, the organization had called for the bill to be rejected in its entirety.

(<http://web.amnesty.org/library/Index/ENGAMR511482006>).

The legislation now goes to the Senate. Amnesty International reiterates its call for the bill to be rejected.

Among other things, the legislation would:

- Permit the executive to convene military commissions to try “alien unlawful enemy combatants”, broadly defined, in trials that would provide foreign nationals with a lower standard of justice than US citizens accused of the same crimes. This would violate the prohibition on the discriminatory application of fair trial rights.
- Permit unfair trial procedures, such as the use of coerced evidence in military commission trials.
- Give the military commissions the power to hand down death sentences.
- Endorse executive power to determine who is or is not an “enemy combatant”, and endorse the Combatant Status Review Tribunal (CSRT), the wholly inadequate administrative procedure that has been employed in Guantánamo to review individual detentions.
- Prohibit any person from invoking the Geneva Conventions or their protocols as a source of rights in any action in any US court.
- Strip the US courts of jurisdiction to hear or consider *habeas corpus* appeals challenging the lawfulness or conditions of detention of anyone held in US custody as an “enemy combatant”. Judicial review of cases would be severely limited. The law would apply retroactively, and thus could result in more than 200 pending appeals filed on behalf of Guantánamo detainees being thrown out of court.
- Narrow the scope of the War Crimes Act by not expressly criminalizing acts that constitute “outrages upon personal dignity, particularly humiliating and degrading treatment” banned under international law. The President would be given the power to interpret “the meaning and application” of the Geneva Conventions.
- Endorse the administration’s “war paradigm” – under which the USA has selectively applied the laws of war and rejected international human rights law. The legislation would backdate the “war on terror” to before the 11 September 2001 in order to be able to try individuals in front of military commissions for “war crimes” committed before that date.