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EU to assist in ending Guantánamo detentions, USA must now play its part

Amnesty International today welcomed the agreement reached by European Union member states on practical steps that could facilitate the safe release of Guantánamo detainees, and called on the US government to also accept detainees into the USA that it does not intend to prosecute and who cannot be released to their home countries.

"The EU and national governments have laid the groundwork, but the USA cannot expect of others more than it is willing to do itself. The US authorities have not made any public commitment to accept into the USA any of those who will not be charged but cannot be returned to their home countries," said Daniel Gorevan of Amnesty International's Counter Terror with Justice Campaign.

The US administration is currently arguing in the Supreme Court, in *Kiyemba v. Obama*, that the US courts should not be authorized to order the release of detainees into the USA, claiming that it could undermine efforts to find them homes in other countries. It does not, however, deny that the administration could immediately decide to bring some or all of the released detainees to the US mainland.

"Other governments have repeatedly told the US authorities that they are willing to help close Guantánamo, but the USA must also accept some of the detainees who are to be released," said Daniel Gorevan. "Now is the time for action. This EU agreement creates an opportunity that the USA and European governments must take."

Background

Amnesty International is calling for those detainees who will not be charged but cannot be returned to their home country as they are at risk of torture or other human rights violations to be offered the option of being released into the USA. At the same time, Amnesty International has called on other governments to help bring these unlawful detentions to an immediate end, and facilitate the speedy closure of the detention facilities at Guantánamo.

At today's Justice and Home Affairs (JHA) council meeting EU member states reached agreement on a mechanism for information-sharing and cooperation between European governments on protection for Guantánamo detainees. The agreement confirms that governments can accept detainees who have been cleared for release following a process of information sharing with the other Member States and Schengen associated countries.