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## **Human Rights groups call on European governments to offer humanitarian protection to Guantánamo detainees**

(Berlin, November 10, 2008) -- Five leading human rights groups today call on European governments to provide humanitarian protection to Guantánamo detainees who will not be charged with any crime but cannot be returned to their countries of origin for fear of torture or other serious human rights violations. European governments should agree to accept them into their countries and ensure they are provided with adequate support.

Amnesty International, the Center for Constitutional Rights, Human Rights Watch, Reprieve and the International Federation for Human Rights urge governments to work with the new US administration to take this important step in order to facilitate the closure of the detention facility at Guantánamo.

“We must find a solution to the 50 men imprisoned at Guantánamo simply because they have nowhere to go,” said Emi MacLean, Staff Attorney at the Center for Constitutional Rights. “The US government has twice previously tried to send our client, Abdul Ra’ouf Al Qassim to Libya even though it is undisputed that he would likely be tortured, or disappeared into Libyan jails, if returned. His survival depends on the simple humanitarian gesture of another country opening their doors to him.”

“Everyone appears to rightly agree that Guantánamo must be closed, and President-elect Obama has said that he will close it,” said Daniel Gorevan, Counter Terror with Justice Campaign Manager at Amnesty International. “Clearly, other governments can help make this happen by offering protection to individuals who cannot be released to their own countries. This would have a double effect: helping to end the ordeal of an individual unlawfully held in violation of his human rights, and helping end the international human rights scandal that is Guantánamo.”

“This is a key opportunity for both sides of the Atlantic to move beyond the misguided acts of the ‘war on terror’: rendition, secret detention, and torture,” said Cori Crider, Staff Attorney at Reprieve. “President-elect Obama says he will close Guantánamo -- the question is when and how. One of Reprieve’s clients was sent back to Tunisia, drugged, hit, and threatened with the rape of his wife and daughter. Another is fighting, even now, to stay in Guantánamo because Tunisia threatened him with ‘water torture in the barrel.’ The US still asserts total authority to send him back. Europe can send a powerful message by reaching out to Obama and providing a safe alternative for these few people.”

“President-elect Obama has committed to closing Guantánamo, but he is going to need Europe’s help,” said Joanne Mariner, Terrorism and Counterterrorism Director at Human Rights Watch. “European governments could provide much-needed assistance by agreeing to take in some of the detainees who cannot be sent back home.”

“FIDH and CCR mobilised 77 members of the European Parliament who issued a joint call to EU member States to offer relocation for Guantanamo detainees. As an important strategic partner of the US, the EU should help the Administration relocate these men,” said Souhayr Belhassen, FIDH President.

## **Background**

It is the primary responsibility of the United States to find solutions for all those held at Guantánamo, as it was the USA that brought them to the detention facility and is holding them there unlawfully. If the USA is not planning to charge and try them in ordinary US courts, and cannot release them to their own countries safely, it should immediately offer them an opportunity to be released into the USA.

It is also clear, however, that governments in Europe and elsewhere can and should play a vital role in providing such individuals with humanitarian protection in the form of a safe place to get on with their lives after years of suffering. The involvement of European governments will be instrumental in reaching a solution to this problem -- a solution that is critical to the international aim of closing Guantánamo.

Around 50 of the detainees currently held in Guantánamo cannot lawfully be sent back to their countries of origin because they would face a real risk of human rights violations such as torture or other ill-treatment. They come from countries including China, Libya, Russia, Tunisia, and Uzbekistan.

The human rights groups made their call after a two-day closed strategic workshop in Berlin, convened by the NGOs with other international actors active on the issue of humanitarian protection.

## **Statements of Support from International Actors**

“We are at a critical juncture. It is now possible to anticipate the closing of Guantanamo, the end to the US practice of executive detention, and the re-affirmation of fundamental human rights principles, including the prohibition of torture in all circumstances. But European engagement and support will be essential to get there. One step that European governments should take is to accept into their borders the small number of men at Guantanamo who cannot be repatriated safely. Guantanamo cannot be closed until these men have a country which will accept them, and where their lives and liberty are not in jeopardy.”

Manfred Nowak, UN Special Rapporteur on Torture

“I urge European governments to open their doors to a small number of men who fear persecution or torture if transferred to their home countries. Such assistance is both the right thing to do, and of critical importance in our attempts to push for the immediate closure of Guantanamo Bay.”

Thomas Hammerberg, Human Rights Commissioner of the Council of Europe

“The efforts must be renewed now with European governments and the U.S. government working to close Guantanamo and offer protection to those unable to be returned safely to their own countries. The efforts of human rights NGOs are coming at the best moment, in order to use the next months in the most positive way.”

Anne-Marie Lizin, Special Representative on Guantanamo for the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE), and Vice-President of the Parliamentary Assembly of the OSCE.