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Ghailani verdict underlines need for fair trials for all Guantánamo detainees

The USA must ensure all remaining Guantánamo detainees are brought to trial in federal court – not in military commissions – or are immediately released, Amnesty International said today following the conviction of Ahmed Ghailani in a New York court.

Ghailani, 36, is the first and only Guantánamo detainee to be transferred to the US mainland for prosecution in a US civilian court. He was yesterday convicted for involvement in the bombings of two US embassies in east Africa in 1998 in which 224 people were killed.

“We cannot talk about justice, for both detainees and the survivors of the attacks of which some are accused, without fair criminal trials. The Guantánamo shadow over the Obama administration can begin to be lifted only if all those detained there receive fair trials in civilian courts or are immediately released,” said Rob Freer of Amnesty International.

The jury found Ghailani guilty of conspiracy to damage or destroy US property with explosives. The jury acquitted him of the other charges against him, but he still faces a minimum of twenty years in prison, and the possibility of a life prison sentence.

“US politicians who are opposed to trials in federal courts for Guantánamo detainees have chosen to ignore the conviction and are arguing that Ahmed Ghailani’s acquittal on the other charges demonstrates that civilian criminal trials are inappropriate,” said Rob Freer.

“If the only procedure that critics of ordinary criminal trials would accept is one that guarantees convictions regardless of the evidence, then what has been demonstrated is a gross failure on their part to commit to the most basic principles of fairness.”

US Attorney General Eric Holder announced over a year ago that five detainees would be brought to New York to be prosecuted in federal court in relation to the attacks in the USA on 11 September 2001. The five men remain in Guantánamo without charge or trial, along with more than 150 others, as political opposition to criminal trials in federal courts for Guantánamo detainees has continued.

Amnesty International previously welcomed the USA administration’s decision to bring Ahmed Ghailani to trial in a federal court rather than a military commission and for not seeking the death penalty against him.

However, no one has yet been held to account for the unlawful treatment – including the crime under international law of enforced disappearance during his two years in secret CIA custody – inflicted on Ahmed Ghailani prior to his transfer to New York.