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## **USA: Time to end ten years of injustice. Oral statement to the UN Human Rights Council 20th Session (18 June – 6 July 2012)**

### Item 4 (Human rights situations that require the Council's attention) General Debate

Madam President,

Amnesty International welcomes the vigour and dynamism with which the United States of America has re-engaged with the Human Rights Council.<sup>1</sup> However, our organization has no expectation that the USA will raise certain serious human rights issues for which it is responsible. Amongst the foremost of them is its system of indefinite military detention without charge or fair trial as continues today at the detention facility at Guantánamo Bay in Cuba. Detentions at the US Naval Base there are now over five months into their 11<sup>th</sup> year.<sup>2</sup> Each day that passes without resolution of these detentions in line with international human rights principles is to further perpetuate long festering unlawfulness and injustice.

Although the US administration blames Congress for the failure to close the Guantánamo detention facility -- and Congress has indeed tried to place a variety of obstacles in the way of closure -- there is a near-consensus between these two branches of government that the USA is engaged in a self-defined global "war", and that human rights obligations are simply inapplicable to many of the key US policies and practices in that "war".

A seemingly permanent system of indefinite military detention without charge or trial is just one of the many purposes for which the USA has used this doctrine of global and open-ended war, and Guantánamo is just one place where such a regime has been applied.

The global war doctrine has also been used by the current US administration to revive military commissions for trials of some Guantánamo detainees. These tribunals still fall short of international fair trial standards for such criminal proceedings.

Clearly there are detainees still held at Guantánamo who should be prosecuted in relation to acts that are fundamentally incompatible with respect for human rights, such as the 11 September 2001 attacks, which Amnesty International has repeatedly condemned as crimes against humanity. However, the failure of the US authorities to turn to the fully functioning civilian

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<sup>1</sup> This oral statement is based on Amnesty International's written statement submitted to the 19<sup>th</sup> session of the Human Rights Council: "The 10th anniversary of "law of war" detentions at Guantánamo: US failure to address as an ongoing human rights issue and to ensure accountability and remedy for past abuses in the counter-terrorism context" UN index: A/HRC/19/NGO/16 of 15 February 2012 and AI Index: AMR/51/011/2012 available at <http://www.amnesty.org/en/library/info/AMR51/011/2012/en>

<sup>2</sup> It is nearly six years since five UN Special Procedures addressed the Council jointly to call for all detainees at the Guantánamo detention facility to be expeditiously brought to fair trials or released, and for the detention facilities to be closed without further delay. E/CN.4/2006/120 of 27 February 2006.

judicial system has not only deprived detainees at Guantánamo of their fair trial rights, it has so far deprived the victims of the 11 September attacks and other such crimes of their rights to see those responsible brought to justice and the truth firmly established through prompt, proper and public trials.

These and other continuing failures in the domain of counter-terrorism are not only undermining the USA's impact as a serious and potentially powerful advocate for human rights. They are also providing other governments with political cover for their gross human rights violations perpetrated in the name of countering terrorism.

Recalling the recent appeal by former US President Jimmy Carter,<sup>3</sup> Amnesty International urges the friends of the USA to join us in using the Human Rights Council diligently to encourage the US government to remove this stain on the USA's human rights record by completely disavowing its reliance on its amorphous and corrosive doctrine of global war to fight terrorism; by closing the detention facility at Guantánamo and ending and outlawing the human-rights-violating practices Guantánamo has come to symbolize; by bringing those responsible for the 11 September attacks to justice in fair and public trials before its ordinary courts, not ad hoc military commissions; and by ensuring accountability and redress for all human rights violations for which it has been responsible during the past decade. Amnesty International urges the USA to inform this Council regularly of its steps to close the Guantánamo facility and end the human-rights-violating practices it has come to symbolize.

Thank you Madam President.

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<sup>3</sup> Jimmy Carter, "A cruel and unusual record," International Herald Tribune, Monday, 25 June 2012, p. 6.