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News Flash

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USA: It is time for the legal limbo to end

The possibility of the US administration suspending legal proceedings against UK nationals held in Guantánamo Bay raises more questions than it answers, Amnesty International said today, while reiterating its absolute opposition to the USA's proposals for trials by military commissions.

"Suspending legal proceedings against people whose legal rights have already been suspended for over a year would leave a continuing legal limbo," Amnesty International said.

On 3 July 2003, the Pentagon announced that President Bush had named six foreign nationals - currently in US custody - as the first people to be subject to the Military Order he signed in November 2001 providing for indefinite detention without charge or trial of people suspected of involvement in "international terrorism" or trial by military commissions. These executive bodies will have the power to hand down death sentences against which there would be no right of appeal to any court. It emerged that two of the named prisoners were UK nationals, Moazzam Begg and Feroz Abbasi, causing huge concern in the United Kingdom.

No charges have yet been levelled against any of the six detainees, and no military commissions appointed.

"We call on the US government not just to suspend its plans for military commissions, but to rule out such unfair trials altogether, once and for all," Amnesty International said. "We stress that such proceedings should not just be ruled out in the case of UK nationals, but for any of the hundreds of foreign nationals held in US custody in Guantánamo Bay, in Bagram Air Base, and in undisclosed locations around the world."

Amnesty International repeated its call for all those held in US custody to be given access to legal counsel and to be able to challenge the lawfulness of their detention in a court of law. If suspected of crimes, they should be charged with recognizably criminal offences and brought to trial within a reasonable time, in proceedings which fully meet international standards for fair trial and without recourse to the death penalty, or else they should be released.

Yesterday, President Bush said of the Guantánamo detainees that "the only thing I know for certain is that these are bad people".

"By once again showing utter disregard for the presumption of innocence, President Bush has shown why justice will neither be done nor be seen to be done if the trials by military commissions go ahead," Amnesty International stressed, pointing out that the executive, led by President Bush, completely controls the commissions and takes the final decision on any verdicts handed down, including on whether a condemned defendant lives or dies.

"It is time for this legal limbo to end, and for the USA to admit it took a wrong turning with the November 2001 Military Order," Amnesty International continued. "International security is best served by full adherence to international law and respect for fundamental human rights standards".

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