

<b>WEB UPDATES – TACTICAL CAMPAIGN AGAINST TORTURE</b>	
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<b>Title</b>
Guantánamo Bay -- a human rights scandal

<p>In January 2002, the US authorities transferred the first "war on terror" detainees – hooded and shackled – to the US Naval Base in Guantánamo Bay, Cuba. Despite a major international outcry and expert condemnation, hundreds of people of around 30 nationalities remain there.</p> <p>Denied their rights under international law and held in conditions which may amount to cruel, inhuman or degrading treatment, the detainees face severe psychological distress. Three have died at the camp, after apparently committing suicide. Others have gone on prolonged hunger strikes, being kept alive only through painful force feeding measures.</p> <p>As more evidence surfaces that the abuse of Guantánamo detainees has been widespread, condemnation at home and abroad increases. Amnesty International was one of the first voices to call for the camp to be closed, and many other organizations, institutions and individuals have since expressed their outrage at its existence. Even President George W. Bush has said that he would like to close Guantánamo. He should do it as a matter of urgency.</p> <p><b>Secret detention and enforced disappearance</b></p> <p>Many of those held in Guantánamo were captured during the international conflict in Afghanistan. Others were picked up outside any zones of armed conflict in countries as diverse as Gambia, Bosnia, Egypt, Indonesia and Thailand.</p> <p>In early September 2006, US authorities transferred to Guantánamo 14 men who had been held in secret CIA custody. President George W. Bush finally admitted that, in the “war on terror”, the USA has been resorting to secret detentions and enforced disappearance, which is a crime under international law.</p> <p><b>Inhuman and illegal detention</b></p> <p>Released detainees and others still in the camp have alleged that they have been subjected to torture and other cruel, inhuman and degrading treatment while detained by US authorities at Guantánamo or elsewhere.</p> <p>Some of the detainees are still held in maximum security blocks, sometimes for up to 24 hours a day and with very little out-of-cell exercise time. The detainees have also been subjected to repeated interrogations sometimes for hours at a time and without the presence of a lawyer, raising fears that statements may have been extracted under coercion. The International Committee of the Red Cross (ICRC) is still the only non-governmental organization allowed access to the detainees.</p> <p>With the prospect of indefinite detention without a fair trial in such conditions, the potential psychological impact upon those held and their loved ones is a major concern. The camp is</p>
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condemning thousands of people across the world to a life of suffering, torment and stigmatisation.

### **Presumption of guilt**

None of the Guantánamo detainees have been convicted of any criminal charge. Hundreds of them have been released from the base without charge or any form of compensation for the many years they were illegally detained at Guantánamo.

Yet the US authorities still label those held as “enemy combatants”, “terrorists”, or “the worst of the worst”, flouting their right to be presumed innocent and illegally justifying the denial of many of their most basic human rights.

None of the Guantánamo detainees have been granted prisoner of war status or brought before a “competent tribunal” to determine his status, as required by international law. The US government refuses to clarify their legal status.

### **Military commissions**

In November 2001, President Bush signed a Military Order establishing trials by military commission which had the power to hand down death sentences and against whose decision there was no right of appeal to any court.

On 29 June 2006, the US Supreme Court ruled that US President George W. Bush had overstepped his authority in ordering Military Commissions trials, and maintained that the proposed commissions violated US law and the Geneva conventions.

The decision was based on the case of Salim Ahmed Hamdan, a 36-year-old Yemeni national who has spent four years in the US detention centre.

The ruling was a victory for the rule of law and human rights and Amnesty International called on the US government to use it as a springboard for bringing all its “war on terror” detention policies into full compliance of US and international law.

Instead, on 29 September 2006 the US Congress gave its stamp of approval to human rights violations committed by the USA by passing the Military Commissions Act, a new legislation to try foreign nationals held in Guantánamo.

### **More of the same: from bad executive policy to bad domestic law**

The Military Commissions Act leaves the USA squarely on the wrong side of international law,

The Act is discriminatory because it provides for trials of the "enemy" in front of military commissions using lower standards of evidence than apply to US personnel. It also grants the US President the power to hand down death sentences. Whether charged for trial or not, those detained by the USA as "enemy combatants" will not be able to challenge the lawfulness or conditions of their detention in *habeas corpus* appeals.

Amnesty International is campaigning for repeal of this act

### **Releases with protection**

Amnesty International calls for and welcomes releases of detainees from the base, if they are not to be charged and brought to fair trial. But they must not be returned to any country where they would be at risk of torture, execution or other serious human rights abuses. All transfers should be with the informed consent of the individuals concerned.

In the cases of serious concerns about the fate of released detainees, the US authorities should intensify efforts to find a country where released detainees can live without risk of further

human rights violations, in cooperation with the UN refugee agency (UNCHR). Third countries should consider accepting detainees who voluntarily seek resettlement, especially countries of former habitual residence or where detainees had close family or other ties.

#### Quote

Remember, these are – the ones in Guantánamo Bay are killers. They don't share the same values we share

President Bush, 20 March 2002.

“The United States Government should close the Guantánamo Bay detention facilities without further delay”, UN report on Guantánamo Bay (February 2006).

#### Key documents to link

Public statement: Rubber stamping violations in the ‘war on terror’: Congress fails human rights AMR 51/155/2006

Report: Justice at last or more of the same? Detentions and trials after Hamdan v. Rumsfeld AMR 51/146/2006

Report: A framework for closing Guantánamo Bay detention centre AMR/51/097/2006

Report: Guantánamo and Beyond: the continuing pursuit of unchecked executive power AMR 51/063/2005

All AI documents on Guantánamo Bay <http://web.amnesty.org/pages/guantanamobay-library-eng>