

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AMR 51/030/2007 (Public)
News Service No: 035
20 February 2007

Guantánamo: Amnesty International regrets Court of Appeals decision on Military Commissions Act

Amnesty International deeply regrets today's decision by the US Court of Appeals that the federal courts lack jurisdiction to hear any habeas corpus appeals from Guantánamo detainees. In a divided opinion, the Court held that the Military Commissions Act, signed into law by President Bush in October last year, has retroactively stripped the courts of jurisdiction to hear all such petitions.

"The right of all detainees to challenge the lawfulness of their detention is among the most fundamental principles of international law. That any legislature or any judge anywhere should countenance such stripping of this basic protection against arbitrary detention, secret custody, torture and other ill-treatment is shocking and must be challenged," said Rob Freer, US Researcher at Amnesty International.

Nearly 400 detainees are still held in Guantánamo. Some have been held for more than five years. None has had the lawfulness of his indefinite detention judicially reviewed. Detainees have been subjected to serious human rights violations, including enforced disappearance, secret detention and rendition, torture or other cruel, inhuman or degrading treatment or punishment.

"One only has to imagine what would happen if another government captured a US citizen and held him indefinitely for years on end while denying him this basic right to challenge his detention. The US government should now turn its imagination to fully restoring an indispensable rule of law principle," said Rob Freer.

International human rights law applies in times of war and peace, and a country's human rights treaty obligations apply to its conduct inside and outside its territory, as the UN expert bodies, the Human Rights Committee and the Committee against Torture, told the USA last year.

All those held in Guantánamo are unlawfully detained, and should either be charged with recognizably criminal offences and brought to trial in full accordance with international fair trial standards, or released with full protections against further violations. The Guantánamo detention camp should be shut down.

Amnesty International will continue to work for the repeal of the Military Commissions Act, or its substantial amendment, in conformity with international law.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

For latest human rights news view <http://news.amnesty.org>