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USA: Human rights must transcend party politics

Amnesty International welcomes Bermuda's decision to accept four Guantánamo Uighurs, reiterates appeal to USA to do the right thing

15 June 2009

AI Index: AMR 51/076/2009

On 11 June 2009 four Uighur detainees held without charge or trial in the US Naval Base at Guantánamo Bay in Cuba since 2002 were transferred to Bermuda. Their transfer came more than eight months after a US federal judge ruled their detention unlawful and ordered their immediate release into the USA. The USA accepted that the detainees could not be returned to China, their country of origin, because of the risk of torture and execution that they would face there, but failed to release them into the USA as even a temporary measure while it sought a third country solution.

Amnesty International welcomes Bermuda's acceptance of these four men, as it brings an end to their unlawful detention and offers them the chance to begin to rebuild their lives. It calls on all parties with interest or influence over this situation not to jeopardize the human rights of these men or their ability to get on with their future, until now put on hold.

In a statement following the transfer, Bermudian Premier Dr Ewart Brown stated that the four men would be granted asylum in Bermuda and given the opportunity to become naturalized citizens. He said that the US Government would "bear the cost surrounding the relocation" and the Government of Bermuda would "facilitate documentation, residence and employment". He further stated:

"Those of us in leadership have a common understanding of the need to make tough decisions and to sometimes make them in spite of their unpopularity; simply because it is the right thing to do... I can say on behalf of the Government, we are confident this decision is the right one from a humanitarian perspective".

One of the men, Abdulla Abdulgadir, said after his release, "When we didn't have any country to accept us, when everybody was afraid of us...Bermuda had the courage and was brave enough to accept us."

In reaction to the transfer, the opposition United Bermuda Party (UPB) tabled a vote of no confidence against the Bermudian Premier. This vote is due to be held on 16 June. Whilst the leader of the UPB has stated that the vote is not "just about Uighurs in Bermuda", Amnesty International is concerned that the Uighurs are being used as political pawns, something that has also occurred inside the USA.

Human rights must transcend party politics. Justice for the Uighur detainees is years overdue. Their right to remedy has been denied them for too long. Bermuda has offered the beginnings of remedy for these four men. It is incumbent on all parties to ensure that neither diplomatic friction nor domestic party politics – whether in the USA, Bermuda, or elsewhere – interfere with the ability of the men to rebuild their lives peacefully and with all the support mechanisms they need to adapt to life after Guantánamo.

The UK government has also criticized Bermuda on its decision to accept the men without first consulting the UK authorities – Bermuda is an overseas territory of the UK, administered by a Governor appointed by the Queen on the recommendation of the UK government. Amnesty International understands that the Bermudian government's acceptance of the four men is currently subject to a

security assessment by UK authorities before the transfer can become permanent. Again, whatever diplomatic discussions ensue, Amnesty International urges the UK to play its part in ensuring a safe and durable future for these men.

Meanwhile, 13 other Uighurs remain in indefinite detention in Guantánamo eight months after the federal judge ordered their release into the USA. The US administration successfully appealed the order, which is now before the Supreme Court, and has continued to hold the Uighurs, arguing that it is a matter for the political branches of government to decide who should be allowed into the USA.

The Uighurs are among several dozen detainees who cannot be returned to their home countries because they would be at risk of torture or other serious human rights violations. All 17 Uighurs had been cleared for release at various times between 2003 and 2008, but before the agreement with Bermuda, the US authorities had been unable to find a country prepared to accept them. The USA itself has failed to offer them the opportunity to rebuild their lives on the US mainland.

Amnesty International reiterates that the USA bears primary responsibility for resolving these and all Guantánamo detainee cases, in ways that comply with international standards and the demands of justice and human dignity. It is unacceptable that domestic political considerations continue to block release into the USA of those Guantánamo detainees whom the US authorities intend to release but for whom no appropriate third party solution is presently available. This in turn has fed into reluctance by other governments to accept released detainees.

The French government has accepted one former Guantánamo detainee who had been held in unlawful detention for over seven years. Amnesty International is encouraging other governments to follow the lead set by France and now Bermuda.

Speaking on 21 May 2009 about his decision to close the Guantánamo detention facility, President Barack Obama said that there had been “a return of the politicization of these issues that has characterized the last several years”. Some US politicians, he said, had made assertions “calculated to scare people rather than educate them; words that have more to do with politics than protecting our country”. Under international law, all branches of government in the USA have an obligation to end the unlawful detentions in Guantánamo and to ensure they are ended in ways that fully comply with the USA’s international obligations. Amnesty International urges the US authorities, and governments or politicians elsewhere, to set about this task in good faith, without fear-mongering or using detainee cases in the pursuit of party political advantage.

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