

PUBLIC

AI Index: AMR 51/184/2001

20 December 2001

Further information on UA 297/01 (AMR 51/175/2001, 27 November 2001) - Fear of unfair trials / Death penalty

USA (Federal) Zacarias Moussaoui, aged 33, French national
and/or others, numbers and identities as yet unknown

The US authorities will try French national Zacarias Moussaoui in a normal federal criminal court, rather than before one of the military tribunals that could be set up by the Military Order signed by President George W. Bush on 13 November. The Order allows for non-US citizens suspected of involvement in "international terrorism" to be tried by special military commissions. These could operate in secret, and would have the power to pass death sentences on a two-thirds majority. Their decisions could not be appealed to any other court.

Amnesty International welcomes the fact that Zacarias Moussaoui will not be tried by a special military commission and continues to call for the Military Order to be revoked before anyone faces such tribunals.

Zacarias Moussaoui is the first person to be charged in connection with the 11 September attacks on New York and Washington. On 19 December he was brought before a US District Court in Virginia, where the prosecutor stated that four of the six counts against Moussaoui carry the death penalty. Attorney General John Ashcroft announced the charges against Zacarias Moussaoui, who has been in custody since mid-August, on 11 December.

President Bush's Military Order has drawn criticism from many quarters. More than 300 law professors from around the USA sent a letter to the Chairman of the Senate Judiciary Committee asserting that the proposed military tribunals were "legally deficient, unnecessary and unwise". The letter also stated that such tribunals would undermine the ability of the US Government to protest in the event of the use of military tribunals against US citizens abroad.

FURTHER RECOMMENDED ACTION: Please continue to send appeals, in your own words, in English or your own language:

- welcoming the decision not to try Zacarias Moussaoui in front of a special military commission;
- calling for the authorities not to pursue the death penalty against him, citing the global trend towards abolition of this outdated punishment;
- continuing to call for the Military Order of 13 November to be revoked, on the grounds that it bypasses fundamental principles of justice, including the right of appeal to a higher court;
- urging that no-one be brought before the special military commissions;
- stating that the Military Order and the USA's continuing use of the death penalty erode international cooperative efforts, as many countries will refuse to extradite suspects to the USA if they could face either unfair trial or a death sentence;
- arguing that any such trial would erode the reputation of the USA and undermine confidence in the search for justice for the victims of the 11 September attacks and their families.

APPEALS TO:

George W. Bush, The President
The White House, Office of the President
1600 Pennsylvania Avenue, Washington DC 20500, USA
Fax: +1 202 456 2461
Salutation: Dear Mr President

COPIES TO:

The Honourable Colin Powell, Secretary of State

2201 C Street, N.W., Washington DC 20520, USA

Fax: +1 202 261 8577

The Honourable Donald Rumsfeld, Secretary of Defense,
The White House, Washington DC 20310, USA

Fax: +1 703 697 9080

The Honourable John Ashcroft, Attorney General, Department of Justice,
950 Pennsylvania Avenue, N.W., Washington DC 20530, USA

Fax: +1 202 307 6777

and to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 30 January 2002.