



Guantánamo Bay: How did it happen? What next for detainees?

A joint hearing on human rights and Guantánamo Bay was held on Thursday at the European Parliament by the Civil Liberties Committee and the Human Rights Subcommittee. Debate focused on how detainees' rights had been eroded, what should be done for those still in custody and in particular whether the EU might play a role in resettling detainees cleared for release.

The first part of the hearing considered questions of due process and procedural rights, including habeas corpus, evidence and Combatant Status Review Tribunals (CSRTs).

Procedural rights trampled, say experts

Jennifer Daskal of Human Rights Watch described Guantánamo Bay as "a place chosen because the United States thought it would be beyond the reach of any US courts". In fact, the US Supreme Court had ruled that prisoners did have certain basic legal rights, only for Congress to pass special legislation stripping them again of those rights. She said the US is currently planning to use the Military Commissions (ruled illegal by the Court) to try six high-profile detainees. "The use of evidence obtained through torture and other coercive interrogation methods is expected to be a central issue in these cases", but ultimately, "the high-profile detentions of a few dozen potentially dangerous men in Guantánamo do little to make the United States and its European allies safer. To the contrary, it delegitimizes US moral authority", she stressed.

Stephen E. Abraham described to MEPs his experience as a US army intelligence officer and lawyer, notably his work as a member of the Office for the Administrative Review of the Detention of Enemy Combatants. His scepticism at the removal of detainees' rights had grown, leading him to conclude that the CSRT process "was little more than an effort to ratify the prior exercise of power to detain individuals in the war against terror". He spoke of the support he had subsequently received from people who showed "an unwillingness to quietly submit to an erosion of fundamental human rights".

Resettlement of endangered detainees in Europe?

The other area of discussion was what to do with the prisoners whom the Americans would willingly release (around 30) but who fear for their safety in their countries of origin, which are ruled by brutal regimes. According to Emi MacLean of the US Center for Constitutional Rights, "these men are faced with an impossible choice: to be detained indefinitely in the US extrajudicial prison camp at Guantánamo Bay or to be repatriated to countries in which they face certain torture or persecution". The answer, she believed, was for Europe to open its doors to these "few stranded refugees".

While MEPs did not, overall, question the facts as set out by the guest speakers, Ewa

Klamt (EPP-ED, DE) preferred to stress the democratic nature of the USA, pointing out that the three leading presidential candidates all believed "Guantánamo should be closed", so things were "moving in the right direction". Referring to the possible resettlements of detainees in Europe she wondered "why should the EU be obliged to solve problems that the US did not want to resolve itself?"

Subcommittee vice-chair Sarah Ludford (ALDE, UK) believed the aim must be for the European Union to "help the US to close Guantánamo Bay" by "putting its money where its mouth is", i.e. by taking in some of the endangered detainees. Ana Gomes (PES, PT) argued that the "complicity" of some Member States in sending individuals to Guantánamo in the first place was probably inhibiting their readiness to take in refugees now.

Council criticised for failure to attend hearing

Many MEPs, including subcommittee chair H el ene Flautre (Greens/EFA, FR), Claudio Fava (PES, IT), author of the EP's report into alleged illegal CIA flights, Marios Matsakis (ALDE, CY) and Giusto Catania (GUE/NGL, IT), were sharply critical of the Council of Ministers for not attending the hearing. Mrs Flautre proposed that she and Civil Liberties Committee chair G erard Deprez (ALDE, BE), co-sign a letter to the Council regretting its absence. Disappointment was also voiced that the Commission's DG JLS (Justice, Freedom and Security), the US state department and the UK foreign office had sent no representatives.

N.B. :

Joint hearing on human rights and Guantánamo Bay. Written submissions by guest speakers will be available on the committee websites, under "Meeting documents" (see links below).

Contact :

Jack Blackwell

Press Service

E-mail: jack.blackwell@europarl.europa.eu

BXL: (32-2) 28 42929

PORT: (32) 498 98 34 00

Mar a Andres Marin

Press service

E-mail: libe-press@europarl.europa.eu

BXL: (32-2) 28 44299

STR: (33-3) 881 73603

PORT: (32) 0498.983.590