

UA 66/22

AI Index: AMR 51/5824/2022 of 3 August 2022

USA RELEASE CLEARED MEN FROM GUANTÁNAMO

Out of the 36 men who remain at the US military prison in Guantánamo Bay, Cuba, 19 are cleared for release yet remain imprisoned today. The prison has been open for more than 20 years and over 700 Muslim men and boys have passed through its doors. Many were tortured, all of them detained arbitrarily, and none have faced a fair trial. One of these individuals is Toffiq al-Bihani, who was cleared for transfer out of the facility in 2010 but remains there today. The US government must transfer out Toffiq and the other cleared men and close the facility immediately.

The US government's use of indefinite detention without charge at the military base in Guantánamo Bay as a response to 9/11 has been unlawful from the outset. Many of the men have already been cleared for release and should be expeditiously transferred to countries that respect their human rights. This detention regime must be brought to an end.

One man who is currently detained, Toffiq al-Bihani, has been held since early 2003 without being charged with any offense. He was subjected to torture and other ill treatment at the hands of US authorities. He has been cleared for release since 2010, yet he remains still imprisoned in Guantánamo today. It is entirely unclear why he has not yet been transferred to another country to be reunited with his family. His continued detention is unconscionable and arbitrary, a clear violation of his human rights.

There are currently 19 men total cleared for transfer and they should be moved out of the facility immediately. In addition to the ongoing violation of their rights, Guantánamo is an all-too-easy location for future abuses to occur. Transferring out the men who have already been cleared will pave the way for the detention facility to be shut down once and for all. There are also 17 men detained who have not yet been cleared and are also arbitrarily detained, many have been subjected to torture.

The impunity that persists in relation to the torture, enforced disappearance and other human rights violations committed against these detainees is outrageous. Torture and enforced disappearance are crimes under international law.

Write to the Secretary of State urging him to:

- work toward a lawful solution for the detainees still held at Guantánamo by either transferring them to other countries where their rights will be protected or by supporting fair judicial resolutions of the cases of those charged with crimes
- ensure that those detainees who suffered torture or other cruel, inhuman or degrading treatment receive genuine access to an effective remedy, including rehabilitation and redress
- ensure that those responsible for the detained men's torture and enforced disappearance are brought to justice in a fair trial without recourse to the death penalty

Write to:

Secretary Antony Blinken
United State Department of State
2200 C Street NW
Washington DC 20037, USA

Send message: <http://register.state.gov/ContactUs/contactusform>

Salutation: Dear Secretary Blinken:

And Copy:

His Excellency David Louis Cohen
Ambassador
Embassy of the United States of America
490 Sussex Drive
Ottawa, ON K1N 1G8
Fax: 613 688 3088

Additional Information

Under the presidential administration of Joseph Biden in the USA, four men have been transferred out of the military prison at the US naval base in Guantánamo Bay, Cuba.

In July 2021 the Biden administration transferred a 56-year-old Moroccan citizen, Abdul Latif Nasser, to Morocco. Nasser had been cleared for release in 2016, but was held in Guantánamo for another five years. In total, he spent 19 years at Guantánamo without being charged.

In April 2022 the US government repatriated [Sufyian Barhoumi](#) to Algeria. He was captured in Pakistan in March 2002 and soon taken to Guantánamo Bay, where he never faced trial. He was [notified under the Obama administration in August 2016](#) that he was eligible for release, but his case was [stalled by a Trump administration policy](#) that generally halted transfers.

In March 2022 the US government repatriated detainee [Mohammed al-Qahtani](#) to Saudi Arabia for mental health care. al-Qahtani was tortured so badly by US authorities that he was found ineligible for trial as the alleged 20th hijacker in the September 11th attacks.

In June 2022 Asadullah Haroon Gul, an Afghan prisoner held in US custody for nearly 15 years, was released from Guantánamo pursuant to a U.S. federal court order.

While these transfers are welcome, the administration must move much more quickly to transfer out the remaining 19 men cleared to leave, and to transfer, release or bring to a judicial resolution all those who remain.

Amnesty International calls on the Biden administration to close the detention facility at Guantánamo Bay once and for all. All those still detained there must either be released and transferred out or if there is sufficient admissible evidence under international law to prosecute internationally recognizable criminal offences then the authorities should do so through fair judicial resolution before a federal court without recourse to the death penalty. Detainees held at Guantánamo and elsewhere by the USA since 9/11 have been subjected to torture and enforced disappearance. The USA must investigate and bring suspected perpetrators of these crimes under international law to justice, whatever their current or former level of office.

Closing Guantánamo is not only about the current detentions, but also about crimes under international law from the past 20 years and the lack of accountability and remedy for them.