

JUSTICE PRESS RELEASE

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Fair trial for all Guantanamo Bay detainees, particularly appeal rights

JUSTICE today called on the Attorney General to press for fair trials for all Guantanamo Bay detainees and, in particular, appeal rights to civilian courts as envisaged by international human rights obligations. A copy of the letter is attached.

JUSTICE welcomes the commitment of the Attorney General to establishing fair trial rights but is concerned that, despite concessions, the current arrangements for the proposed military commissions still fall far short of ensuring a fair trial for detainees according to international human rights standards. In particular, both the US and the UK are parties to the International Covenant on Civil and Political Rights. Article 14 of the Covenant states that “everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law”. Under the current rules for military commissions, all trials and appeals would be heard by military personnel appointed by the US Department of Defense, and any final appeal would be determined by the US President himself.

In addition, JUSTICE argues that the UK government should meet the costs of the civilian legal representation of the defendants.

Eric Metcalfe, JUSTICE’s Director of Human Rights Policy, said:

“The Attorney General has correctly argued for ‘fair trials that meet recognised principles’. The US must guarantee, as an absolute minimum, that all detainees have a right of appeal to a civilian court and the UK government should press for this until it is granted. The right to independent judicial review lies at the heart of the right to a fair trial.”

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