



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

"Protecting and promoting human rights through the Rule of Law"

PRESS RELEASE

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US PRESIDENT OBAMA MUST VETO BILL ALLOWING FOR INDEFINITE DETENTION WITHOUT TRIAL – ICJ

Geneva, Switzerland – The International Commission of Jurists (ICJ) today deplored the passage of legislation by the United States House of Representatives that would allow for the indefinite imprisonment of terrorism suspects, detained anywhere in the world, without charge or trial. The ICJ considers the legislation to be incompatible with international law, including human rights principles, and calls on US President Barack Obama to veto it.

The legislation, entitled the National Defense Authorization Act (NDAA), was adopted yesterday. A version of the NDAA with similar provisions has already been passed by the United States Senate and a consolidated version of the two bills is likely to go to President Obama for signature or veto within the next week.

The legislation would require that a wide and ill-defined class of terrorist suspects be held in military detention and without trial by a civilian court. The suspects could be held for years, possibly for life, without being criminally charged.

“This legislation, if it comes into force, would continue the erosion of Rule of Law and human rights principles that we have witnessed in United States counter-terrorism law, policy and practice since the 11 September 2001 attacks”, said Ian Seiderman, ICJ Legal and Policy Director. “The indefinite detention of persons without charge or trial is a flagrant violation of international law and should never be tolerated. The NDAA would extend, by legislative prescription, the existing practice of holding persons indefinitely at Guantanamo Bay, Afghanistan and elsewhere.”

The ICJ has persistently denounced the application by the United States since 11 September 2001 of a legal “war paradigm”, whereby terrorism crimes have been treated as acts of war, rather than criminal offences.

That approach, which conflates the laws of war and criminal law and ignores human rights law, is rejected by most States and international legal authorities, the ICJ stresses.

“The entire world is not a battlefield, and terrorism suspects are usually not soldiers”, Seiderman added. “Where persons are detained for terrorism activity, they must be charged with a recognisable crime, and receive a fair trial in an independent and impartial civilian court.”

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About ICJ

Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952 and active on the five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.