Guantanamo prisoners' right to a fair trial

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The committee adopted the own-initiative report by Ole ANDREASEN (ELDR, DK) on the Guantánamo prisoners' right to a fair trial. MEPs delivered a clear message that the 600 or so 600 prisoners from around 40 countries, who have been held at the Camp Delta Naval Base in Guantánamo Bay (Cuba) since January 2002, have the right to a fair trial and treatment in accordance with international law. The report pointed out that they had been deprived of justice. It shed light on the legal aspects of the affair and also emphasised the negative political impact this situation could have on the transatlantic partnership. The committee called on the US authorities to put an immediate end to the legal limbo in which the Guantánamo Bay detainees had been since their arrival, and to guarantee them immediate access to justice in order to determine the status of each individual detainee on a case-by-case basis. The committee regretted that an ad hoc international criminal court had not yet been set up by the UN Security Council, which it said would be "the most expedient way" of dealing with the case. MEPs also regretted the fact that the United States had decided not to ensure access for the detainees to the US courts, which would guarantee them a fair and open trial by an independent and impartial tribunal. MEPs urged the US administration to confirm that the "ad hoc military commissions" established in the President's Military Order of November 2001 would meet all international law standards. They also asked the US authorities to give representative of national states, international institutions, family relatives and independent observers access to sites of detention and to allow them free communication with the detainees. As regards the possible impact of this situation on the EU-US partnership, the committee said it shared the view that the transatlantic relationship was invaluable and could be a formidable force for good in the world, as stated by the European Council, provided basic human rights were clearly respected as universal and non-negotiable. MEPs emphasised that security was an all-encompassing collective concept that could not be tailored only to the interests and exigencies of one national state. Lastly, they recommended, for the next EU-US summit, the creation of a long-term collaborative framework and an Action Plan for the War on Terrorism. They emphasised in this connection that "international terrorism must be combated firmly, not only by military means but above all by addressing the roots of the tremendous political, social, economic and ecological problems of today's world".