22 January 2009

Dear Foreign Ministers:

As members of an international coalition of non-governmental organizations advocating for the closure of the Guantánamo Bay detention facility, we are writing in advance of the meeting of the General Affairs and External Relations Council (GAERC) to be convened in Brussels on 26 January 2009.

We understand that the question of how the European Union can help the United States meet its goal of closing the Guantánamo Bay detention facility will be on the meeting agenda, and respectfully request that EU member states agree to provide humanitarian protection to Guantánamo detainees who could be at risk of torture or persecution in their home countries, or who are stateless.

We recognize that the United States has created the problem of Guantánamo, and therefore carries the primary responsibility for closing it. President Barack Obama has committed unequivocally to closing the facility, and has demonstrated his willingness to act swiftly on the matter, seeking a suspension to military commission proceedings as one of his first acts as President. We will continue to press the new administration to adopt and implement a plan for its closure in accordance with the US's human rights obligations.

President Obama and the United States will need the help of European governments to implement this plan.

Of the 250 detainees still being held at Guantánamo nearly seven years after the opening of the detention facility, approximately 60 detainees could face torture or persecution if returned to their home countries, and at least one is stateless. Those men expressing fears of torture or persecution come from Algeria, Azerbaijan, China, Libya, the Occupied Palestinian Territories, Russia, Syria, Tajikistan, Tunisia and Uzbekistan.

These detainees include a group of Chinese Uighurs that the United States had cleared for release years ago, yet continue to be detained at Guantánamo because there is nowhere for them to go. In October 2008, a US federal court ordered the government to release

the Uighurs and admit them to the US mainland because the government had failed to secure places for the men in safe third countries. Although the Bush administration appealed the ruling, and the Uighurs remain detained at Guantánamo, our organizations remain optimistic that the federal court order will be upheld. The United States should likewise offer any other detainees who cannot be returned safely to their own countries the opportunity to be admitted into the United States

Release into the United States, however, may not be a practical solution for all of the detainees who cannot be returned home. The stigma attached to these men because of the rhetoric from US authorities creates a real concern that any detainee released in the United States may be subjected to constant harassment and suspicion.

The long history of action by European governments on behalf of human rights and international protection for vulnerable persons makes it ideally situated to provide safe places for vulnerable Guantánamo Bay detainees who have nowhere else to go.

A significant number of EU member states have well-developed infrastructures to assess the men's needs and provide support, integration, and rehabilitation services to former detainees. Our organizations have long commended the EU's stated commitment to the full rehabilitation of victims of torture and other ill-treatment. Member states' expert social and medical programs make many EU countries particularly well-placed to offer the vital support that some former detainees may require.

The United Nations High Commissioner for Refugees, long a partner with the EU and other European countries in the project to offer international protection in Europe to persons who fear persecution, could also provide expertise on the integration and rehabilitation of the former detainees. Most EU member states have significant government services to provide support for recipients of international protection, as well as excellent networks of migrants, human rights, and other civil society organizations to assist with integration and rehabilitation.

Many EU member states have rightly called on the US government to close the detention facility at Guantánamo Bay. In recognition that some detainees fear torture or persecution at home or have no place to go, EU member states should now offer them refuge and support. In the past year, a number of internationally recognized experts and bodies have called Europe to action on the issue of offering refuge to vulnerable Guantánamo Bay detainees, among them the UN special rapporteur on torture, the UN special rapporteur on the promotion and protection of human rights while countering terrorism, the Council of Europe commissioner for human rights, the Parliamentary Assembly of the Council of Europe's Legal Affairs and Human Rights Committee, the EU counterterrorism coordinator, various committees and members of the European Parliament, and representatives of the Organization for Security and Cooperation in Europe.

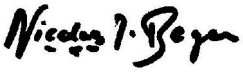
In recent weeks, government officials from a number of EU states—including Germany, Finland, Ireland, Portugal, Sweden, Switzerland, and the United Kingdom—have taken the important step of agreeing in principle to accept some detainees and offer them refuge on their territories or publicly calling on EU member states to offer such safe haven.

These efforts indicate a growing and welcome acknowledgement that European assistance is needed to achieve the goal of closing the Guantánamo Bay detention facility, along with the recognition that European governments should demonstrate the political will to deal with challenges that may arise with respect to receiving and integrating these men.

Now is the time for European states to take a humane and practical step to help right a terrible wrong. Such a decision would be applauded by the human rights community.

Our organizations sincerely believe that the willingness of European governments to offer humanitarian protection to Guantánamo detainees who cannot be returned home is critical to any successful "close Guantánamo" plan, and we will do everything we can to assist you in this endeavor.

With best wishes for a productive meeting,



Nicolas Beger
Head of EU Office
Amnesty International

Vincent Warren
Executive Director
Center for Constitutional Rights

Souhayr Belhassen
President
La Federation internationale des ligues droits de l'Homme

Lotte Leicht
EU Advocacy Director
Human Rights Watch

Clive Stafford Smith
Director
Reprieve

cc. Navi Pillay,
Manfred Nowak,
Martin Scheinin,
António Guterres,
Terry Davis,
Thomas Hammarberg,
Hans Gert-Poettering
Dick Marty,
Anne Marie Lizin,