



Catherine Ashton

EU High Representative for Foreign and Security Policy
Vice-President of the European Commission

Brussels, 10 January 2012
Our Ref: B1143

Dear Baroness Ashton,

USA Guantánamo: A decade of damage to human rights

As senior EU and US officials gather for their regular meeting on 12 January, the US detention centre at Guantánamo Bay marks its tenth anniversary. Our comprehensive new report: *USA Guantánamo: A decade of damage to human rights*, released tomorrow, lists ten “anti-human rights messages” which the detentions persist in transmitting. If the USA truly wishes to draw a line under this legacy, it must finally halt indefinite detention without criminal trial, disavow its doctrine of global and pervasive war, and fully embrace international law standards. And it must hold accountable those responsible for secret detentions, torture, rendition and a decade of human rights abuse.

The EU has consistently opposed the ‘war on terror’ doctrine, citing its commitment to combating terrorism by applying international and criminal law, respecting EU and member states’ human rights obligations. We appreciate the EU’s raising these issues with US counterparts, including the case of Abd al-Rahim al-Nashiri, cited in Véronique Arnault’s letter of 6 January.

We urge the EU to use every opportunity, including the EU-US senior officials meeting, to:

- Publicly reaffirm its continued opposition to Guantánamo and provide any necessary help in closing the facility
- Express deep concern over the continued detention without charge or criminal trial of scores of detainees at Guantánamo, including Abu Zubaydah, and the choice of military commissions to try several detainees and pursue the death penalty against six, including Abd al-Rahim al-Nashiri
- Deplore the US failure to ensure full accountability for crimes under international law committed in the context of detentions at Guantánamo Bay and wider CIA counter-terrorism programmes, and call on the USA to provide victims of human rights violations with genuine access to effective remedy
- Express the EU’s commitment to ensuring accountability for EU countries’ involvement in human rights violations committed in the context of US-led counter-terrorism operations, and seek assurances of cooperation from US authorities on all European efforts to ensure accountability for violations on European territory

Guantánamo remains open, symbolising a decade-long assault by the USA on the most fundamental human rights principles. Guantánamo’s shadow will endure until it, and all it represents, is consigned to history.

Yours sincerely,

Dr Nicolas J Berger
Director

Cc:

Christian Leffler, EEAS Managing Director Americas

Tomás Dupla del Moral, EEAS Director Americas Department

Fernando Andresen Guimaraes, EEAS Head of USA and Canada Division

Veronique Arnault, EEAS Director Human Rights & Democracy Department

Alenka Zajc Freudenstein, Chair of Council Working Group on Transatlantic Relations (COTRA)