

Ivan Langer  
Minister of Justice of Czech Republic  
EU Presidency

Jiri Pospisil  
Minister of Interior of Czech Republic  
EU Presidency

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Dear Mr Langer and Mr Pospisil,

**EU-US Justice and Home Affairs meeting: new Amnesty International report on  
President Obama's first 100 days in office**

Ahead of your meeting on 28 April 2009 with US counterparts covering the fight against terrorism, we are writing to you to draw your attention to Amnesty International's assessment of President Obama's first 100 days in office. The report, to be published this week, entitled *'Mixed Messages: Obama's First 100 days'*, shows that although there has been some progress under the new administration in changing the counter-terrorism policies and practices of the previous administration, serious challenges still remain. The EU, as a key strategic partner for the US, both under the former and the current administrations, has an important role to play in meeting these challenges.

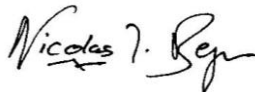
As set out in letters from a coalition of international NGOs, ahead of the General Affairs and External Relations Council (GAERC) meeting on 26 January 2009, ahead of the Justice and Home Affairs (JHA) meeting on 26 February 2009, and ahead of the EU-US Summit on 5 April, Amnesty International believes that it is crucial that the international community helps the USA to achieve the common goal of closing Guantánamo. Clearly it is the primary responsibility of the US government to find solutions for all those held at Guantánamo, as it was the US government that brought detainees to the detention facility and is holding them there unlawfully. However, it is also incumbent on the international community to do what it can to ensure that these detentions are brought to speedy and lawful resolution. Amnesty International reaffirms its view that the EU's experience in the field of asylum, immigration, and free movement, as well as with regards to rehabilitation and reintegration, could facilitate the design and implementation of a framework for the protection of these detainees. The EU-US JHA meeting is an important occasion to make progress on this issue, and begin to deliver concrete results on international protection in order to enable Guantánamo to be closed by January 2010 in a manner that does not further violate the rights of detainees.

The discussion with US JHA counterparts on cooperation in the fight against terrorism also provides the opportunity to raise a number of other concerns with the new US administration. As the latest Amnesty International report highlights, in addition to the over 240 men who continue to be detained in Guantánamo, hundreds of others remain in US custody in Afghanistan, with no means to challenge their detention. The US government also continues to reserve the right to use rendition and to allow the CIA to hold individuals on a short term and transitory basis without making clear the legal framework governing such detentions being made clear.

The Czech Presidency should use this meeting to reiterate that cooperation on the closure of Guantánamo must go hand in hand with tackling potentially unlawful detentions, detention conditions and interrogation techniques, elsewhere. All individuals detained as part of counter-terrorism operations must have access to effective judicial review, and must either be charged or safely released. The administration should invoke only ordinary criminal justice or other relevant civilian laws, and not the laws of war, as a possible legal basis for detention of individuals outside of the context of an ongoing international armed conflict.

We look forward to your feedback on this discussions.

Yours sincerely,



**Nicolas Beger**

*Director  
Amnesty International  
EU Office*



**Dáša van der Horst**

*Director  
Amnesty International  
Czech Republic*

CC: Jacques Barrot, Commissioner for Justice, Freedom and Security  
Eric Holder, Attorney General, United States of America  
Janet Napolitano, Secretary of Homeland Security, United States of America  
Karel Schwarzenberg, Minister for Foreign Affairs, Czech Republic  
Benita Ferrero-Waldner, Commissioner for External Relations