

# **AMNESTY INTERNATIONAL PUBLIC STATEMENT**

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## **European Union and United States of America Leaders Meeting: Act on human rights commitments in the face of global challenges**

At this week's meeting of leaders of the European Union (EU) and the United States of America (USA), Amnesty International calls on both sides to put human rights at the center of their dialogue and action at this crucial moment. Against the backdrop of ongoing and emerging global political and security challenges, this meeting represents a key opportunity for the USA and the EU to explicitly affirm their joint commitment to human rights and to address urgent issues in relation to their human rights policies, practices and cooperation.

### **Counter-terrorism and human rights**

The detention camp in Guantánamo Bay – a symbol of torture, rendition and indefinite detention without charge or trial – is now in its 15<sup>th</sup> year of existence, despite a promise by President Barack Obama in 2009 to close the facility within one year. The USA and the EU should urgently act on commitments made in the joint statement of 15 June 2009, regarding the closure of the facility by the USA and the readiness of certain member states of the EU to assist with the reception of former Guantánamo detainees. This should go together with other steps, including the intensive review of the US detention, transfer, trial and interrogation policies in the fight against terrorism and increased transparency about past practices in regard to these policies. Among other things, the USA must end, not relocate indefinite detention in its efforts to close the Guantánamo detention facility. It should also abandon trials by military commissions and conduct any prosecutions in ordinary federal courts in full compliance with international fair trial standards. It should end any pursuit of the death penalty.

Transparency about past practices must go hand in hand with accountability for human rights violations, including crimes under international law such as torture and enforced disappearance, committed in the context of the CIA-led rendition and secret detention programmes. In line with international human rights standards and repeated calls by the European Parliament, EU member states that were complicit in these programmes should conduct an impartial, independent, thorough and effective investigation into their involvement in these operations as a matter of urgency, with a view toward reforming the laws, policies, and practices that permitted such cooperation. Both the USA and complicit EU member states should ensure that those

state actors and any foreign agents responsible for human rights violations, including crimes under domestic and international law on the territories of European states, are criminally charged and held accountable after fair trials. Victims of human rights violations attendant to these operations should be afforded full and effective remedy. The USA should cooperate in full with requests from EU member states for relevant information regarding CIA rendition and secret detention operations.

With regard to current counter-terrorism efforts, Amnesty International is very concerned about some states' use of armed drones to carry out so-called targeting killings, particularly outside actual armed conflicts, which in some circumstances have amounted to extrajudicial executions. Our concerns have been compounded by the failure to disclose the legal basis and criteria for targeting decisions, and lack of transparency about who has been killed or injured in these operations. We call on the USA and EU member states who (intend to) use armed drones to publicly disclose their targeted killing standards and criteria, the applicable legal framework, and information about all casualties. This is the minimum necessary in order to assess whether their use or facilitation of lethal force operations abroad complies with international law; to enable meaningful oversight of armed drone operations; and to ensure effective investigations and remedy for victims. Further, the EU should urgently develop a position on the use of armed drones that fully complies with international law and the right to life.

Finally, the USA has played a key role in the adoption of United Nations Security Council Resolution 2178 creating a new policy and legal framework for international action in response to so-called "foreign terrorist fighters." European states quickly followed suit by adopting the Additional Protocol to the Council of Europe's Convention on the prevention of terrorism and a new EU Directive on combating terrorism that focuses on such fighters is currently being negotiated. All these documents include definitions of terrorism or terrorism-related activity that are extremely vague and overly broad, undermining the principle of legal certainty. They also lack necessary human rights safeguards, in line with states' international human rights obligations. Moreover, initiatives to prevent and/or counter violent extremism (PVE/CVE) often involve a range of state conduct that infringes human rights such as the right to privacy and freedom of expression, movement and association. Such initiatives often target – by design or in implementation – Muslim individuals and communities, rendering many PVE/CVE measures discriminatory and counter-productive. The EU and USA should ensure that human rights are at the centre of all efforts to prevent, counter and combat terrorism and violent extremism.

### **The global refugee crisis**

There are currently over 20 million refugees in the world. The responsibility for hosting and assisting them lies disproportionately with low and middle income

countries while the wealthiest countries host the fewest and do the least. Amnesty International is calling on states to agree to a new global system on responsibility-sharing for refugees, whereby states' respective contributions would be calculated based on each state's objectively defined capacity to host and assist refugees. The organisation calls on the EU and the USA to commit to a fair system of global responsibility-sharing at the high-level meeting of the United Nations General Assembly on large movements of refugees and migrants on 19<sup>th</sup> September. Both the USA and EU member states should as a matter of urgency undertake immediate and concrete actions to increase resettlement places and other legal routes for refugees and asylum seekers to reach their territories.

### **Afghanistan**

With conflict intensifying in Afghanistan, the numbers of those internally displaced in the country has more than doubled since 2013 and today stands at 1.2 million. Afghans already form one of the world's largest refugee populations, with an estimated 2.6 million Afghan citizens living beyond the country's border. In all exchanges, at Warsaw and beyond, the EU and USA should ensure that continued humanitarian assistance to Afghanistan includes a focus on internally displaced persons (IDPs) and returning refugees and supports initiatives that address the priority needs of these populations. Furthermore, the plight of IDPs must be raised explicitly during any discussions about future funding and programmes for Afghanistan, including the upcoming Brussels Donors Conference on Afghanistan in early October.

By prioritising human rights in their joint response to these ongoing global challenges, the USA and the EU can make the most of this timely opportunity to demonstrate much-needed leadership and to set an international example by affirming their shared human rights commitments in practice.