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NATIONAL SECURITY AND HUMAN RIGHTS

After the attacks of September 11, 2001, the U.S. government embarked on what came to be called a “global war on terror” which has resulted in the killings of hundreds of thousands of civilians and displacement of millions more worldwide. The policies and actions undertaken in the context of this so-called global war have been inconsistent with the laws of war, and resulted in widespread violations of human rights, including the torture and killings of suspects in U.S. custody and the systematic denial of due process. It is time for U.S. national security to change course and focus on protecting the United States in a manner that is consistent with international law, including respect for the human rights of all. In particular, a new administration should immediately address the glaring human rights abuses that continue at the Guantanamo Bay detention center, where 40 Muslim men remain detained indefinitely, most without charge and none with an opportunity for a fair trial. In addition, the U.S. government must rein in its use of lethal force to avoid harming civilians and ensure it is attacking only lawful targets. So-called “targeted killings” outside of armed conflicts must end; civilians suspected of engaging in violence against the United States may be charged and brought to justice through fair trials that afford due process of law without resort to the death penalty. In addition, all claims of civilian casualties caused by U.S. lethal force should be thoroughly investigated and civilian harm acknowledged, and any unlawful killings must lead to accountability and reparations for the victims.

GUANTÁNAMO BAY DETENTION FACILITY

INTERNATIONAL

THE ISSUE

The U.S. Government opened the detention center at Guantánamo Bay in January 2002, to house people outside the reach of the law after the attacks of September 11, 2001. Since then, 780 men have been detained at Guantánamo. Nearly eighteen years after its opening, 40 detainees remain imprisoned there indefinitely. Most have never been charged with a crime. Five have been cleared for release from Guantánamo for years by all relevant U.S. national security agencies, yet still remain imprisoned. The few charged have not received fair trials. The prison is not equipped to provide adequate medical care to these ageing detainees, many of whom have serious underlying medical conditions, some of them created or exacerbated by U.S.-sponsored torture and other abuses. The COVID-19 pandemic has highlighted the serious dangers this creates.

The Guantánamo prison, and the military commissions it hosts, violate human rights, serve no practical purpose, and exact enormous financial and reputational cost to the United States. Suspects accused of committing or attempting violence against Americans are routinely safely housed in U.S. federal detention centers on U.S. soil. They are also routinely tried in U.S. courts. There is no legitimate reason to maintain this offshore facility, which costs more than \$540 million per year to maintain for 40 prisoners and denies them basic rights to due process and humane treatment.

Guantánamo remains a symbol of the torture and other abuses the U.S. inflicted on detainees in the wake of the 9/11 attacks. The Guantánamo prison has been open for more than 18 years. That is far too long. The military commission system has proved ineffectual and unfair, denying defendants access to critical evidence and victims their right to justice. The next president should stand up for the rule of law by promising to close Guantánamo and end the military commissions within their first year in office, and should follow through on that promise. This sorry chapter of U.S. history should be closed.

THE HUMAN COST

Toffiq al-Bihani, a 47-year-old Yemeni national, has been held at Guantánamo Bay since early 2003. He has never been charged with a crime. Although all relevant U.S. national security agencies determined in 2010 that al-Bihani does not pose a security risk and can be safely transferred out of Guantánamo, he remains imprisoned there, nearly a decade later. Toffiq al-Bihani has family in Saudi Arabia, where he was born and raised, and they are eager for him to return home. Al-Bihani is one of five detainees at Guantánamo who were cleared to leave the prison by the Obama administration, yet remain stuck there still without charge or trial.

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TALKING POINTS

- Guantánamo violates human rights, serves no legitimate purpose, and exacts enormous financial and reputational cost to the United States.
- Guantánamo is used as a recruiting tool by armed extremist groups. Its continued existence as a site of indefinite detention makes us less safe.
- Guantánamo was a grave and costly mistake. It must be shut down.

RECOMMENDATIONS

The White House should:

- Immediately transfer Toffiq al-Bihani and all other detainees cleared for release to third countries where they will be safe.
- Close the Guantánamo Bay Detention Center. Provide all remaining detainees an opportunity for fair trials or release to countries where their rights will be protected.

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U.S. KILLINGS ABROAD

INTERNATIONAL

THE ISSUE

The U.S. Government claims it's keeping Americans safe by using drones, airstrikes and special forces to kill "militants" or "terrorists" around the world. But such actions have also killed thousands of civilians, usually without acknowledgement or explanation, or any effort to compensate survivors or their families for their devastating losses.

The U.S. must do a better job of protecting civilians from its use of lethal force and must conduct meaningful investigations of claims of civilian deaths and injuries. It should also provide reparations and assistance for survivors.

THE HUMAN COST

This problem is visible in virtually every theater where the U.S. is conducting military operations. In Syria, Amnesty International's investigations documented more than 1,600 deaths resulting from the U.S.-led Coalition's four-month battle to oust the armed group calling itself the Islamic State from the city of Raqqa in 2017. The U.S. Government has only acknowledged about 10 percent of those deaths and has made no effort to compensate survivors. In Afghanistan, the highest number of civilian deaths were caused by airstrikes conducted by pro-government and international forces. In December 2019, a U.S.-operated drone strike killed five people, including a mother who had just given birth. In October, the U.S. military launched an air strike against alleged methamphetamine drug labs in Farah province. According to a United Nations report, the strike claimed the lives of 39 civilians. In Somalia, Amnesty investigations documented 14 civilians killed and eight injured from just five U.S. air strikes out of more than 120 carried out between 2017 and 2019. The U.S. military had claimed there were no civilian casualties. Although it eventually conceded two civilian deaths, it continues to insist, without providing evidence, that the remaining 800 killed were all "terrorists."

In November 2017, the International Criminal Court's Chief Prosecutor moved to initiate an investigation into alleged war crimes and crimes against humanity in relation to the armed conflict in Afghanistan. Following sustained U.S. government pressure that included visa revocations and threats of sanctions against ICC personnel by the U.S. Department of State, the ICC refused to authorize an investigation into crimes under international law in Afghanistan. The ICC reversed that decision and agreed to proceed with the investigation in March, prompting harsh criticism and threats against the court, its staff, and even staff members' families from U.S. Secretary of State Mike Pompeo.

TALKING POINTS

- The U.S. needs to do more to protect civilians from the harmful impacts of war. That includes more credibly investigating when civilians are killed or harmed and cooperating with international criminal investigations.

RECOMMENDATIONS

- The White House must commit the U.S. Department of Defense to thoroughly reviewing the conduct of U.S.-led and U.S.-supported air strikes and other lethal operations to ensure that every effort is made to fully respect international humanitarian law and international human rights law to protect the lives of all civilians. This includes thoroughly and credibly investigating all claims of civilian casualties from the use of lethal force, and publicly reporting the findings.
- The White House must publicly declare that it is the policy of the U.S. government to provide reparations for wrongful killings and to assist all civilian survivors harmed by U.S. lethal force.
- The White House must end all punitive measures against ICC personnel and invite the office of the Chief Prosecutor to travel to the United States to meet with high level officials.

ADDITIONAL RESOURCES

- Amnesty site on U.S.-led Coalition assault on Raqqa, Syria and devastating effects on civilians: “War in Raqqa: Rhetoric versus Reality” (available [here](#))
- Amnesty report, “The Hidden U.S. War in Somalia,” March 2019 (available [here](#))
- Amnesty update: “U.S. Military Shows Appalling Disregard for Civilians Killed in Somalia Air Strike,” September 2019 (available [here](#))

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