

HELLENIC REPUBLIC
GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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Resolution on the Termination of Operation of the Detention Camp in Guantanamo

The NCHR, reaffirming that the fight against organized crime and armed violence needs to respect international law and human rights, expresses its firm opposition to criminal acts of massive attacks against civilians, such as those, of September 11th in New York, July 7th in London and March 11th in Madrid.

Irrespective of its firm opposition, seized by the completion of five years of Guantanamo detention camp's operation, which has become the symbol of lawlessness of the 'war against terror', the NCHR addresses to the Greek Government a series of proposals, in order for the latter to act in every possible way, both politically and diplomatically, towards shutting down Guantanamo. The responsibility of finding a solution in compliance with international law for the detainees held in Guantanamo lies with the USA. The proposals are the following:

1. The detainees in Guantanamo need to be released immediately, unless they are charged and brought before justice to have a fair trial.
2. The released detainees must not be forcibly sent to any country, where they might endure serious human rights violations.
3. There must be a fair and transparent procedure to evaluate the situation of each detainee to be released, so as to be established whether he can return safely to his country of origin or whether another solution needs to be found.
4. Those who will face trial need to be charged with known criminal offences and have a fair trial by an independent and impartial tribunal,

e.g. federal US court. Death penalty should be excluded from the penalties to be imposed.

5. Any evidentiary material obtained via torture or any other form of cruel, inhuman or degrading treatment or punishment must be dismissed.
6. All US officials must abstain from undermining the detainees' presumption of innocence.
7. The 2006 Military Commissions Act must be abolished, since it does not guarantee the right to a fair trial, deprives the right of questioning the legality of detention and ensures no punishment for human rights violations.
8. The US authorities must invite the five UN experts to visit Guantanamo without the restrictions that forced the latter to reject the previous invitation. The experts must be able to address unhindered the detainees in private.
9. Similar access needs to be given to international human rights organizations, including Amnesty International.
10. The US must provide the released detainees with immediate and adequate reparation, which will include restitution, reintegration and fair and sufficient compensation.

Furthermore, in order for the global network of secret detention, torture and rendition to be addressed:

11. Except Guantanamo, any other centre, where people are detained without the protection provided by international human rights and international humanitarian law, must be shut down.
12. Shutting down Guantanamo and the other centres must not entail moving the detainees in other locations where human rights violations take place.
13. President Bush must nullify the military order of November 13th, which allows preventive detention without charges or trial.

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