

Guantánamo: imminent death penalty decision (debate) 9 June 2011

Ana Gomes, *author* . – Mr President, Europe stands right against capital punishment. It should be abolished and the EU, particularly the High Representative and the upcoming Polish Presidency, and all the Member States, must firmly demand that the US exclude the death penalty as an option in the first military commission trial for a Guantánamo detainee. The case of the Saudi citizen Abd al-Rahim al-Nashiri must set the standard.

Not only would it be a disgrace to the US human rights record to put him on death row, but it could be totally counterproductive in the fight against terrorism. President Obama is committed to bringing to an end President Bush's outrageous legacy of running over international law in the name of national security. President Obama has yet to deliver on his promise and to close Guantánamo – an area where EU Member States could and should have assisted him more. But Congress should also help him and press him to reverse this decision to reinstate the military commission system, as it offers no guarantee of a fair trial, and it must also reverse the decision to keep in indefinite detention detainees against whom no charges are brought.

The EU must be very clear on this: charge them or release them. Mr Abd al-Rahim al-Nashiri has been in US custody for nine years and he claims to have been secretly detained by the CIA in a secret detention centre in Poland. The upcoming Polish Presidency of the EU has, therefore, a particular responsibility to bring justice to a man who has been subjected to torture, unlawful detention and now faces an unfair trial before a military tribunal. It is time to set the record right; both in the United States and in Europe.