

President
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Dear Mr. President,

On the occasion of the 2016 World Day Against the Death Penalty, I am writing to seek your immediate intervention to halt ongoing human rights violations in the case of **Ammar al Baluchi**, who faces the death penalty should he be convicted by a US military commission for his alleged involvement in the attacks of 11 September 2001.

Ammar al Baluchi has been in US custody since mid-2003. Held in secret incommunicado detention by the Central Intelligence Agency until September 2006, he was subjected to multiple human rights violations, including the crimes under international law of enforced disappearance and torture. His present conditions of confinement at Camp 7 at the US naval base in Guantánamo Bay, Cuba, where he has been held for more than a decade, remain classified top secret. He continues to be denied independent assessment and treatment for possible post-traumatic stress disorder and traumatic brain injury caused by torture or other ill-treatment. His capacity to assist his lawyers appears to be impaired. His lawyers are themselves facing obstacles in obtaining certain information, due to governmental classification.

The military commissions lack the independence required for a fair trial under international law, a deficit even more troubling in a situation where the defendant has been subjected to human rights violations at the hands of the prosecuting government.

The UN Human Rights Committee has stated that the trial of civilians by special or military courts must be strictly limited to exceptional and temporary cases where the government can show that resorting to such trials is necessary and justified by objective and serious reasons, and where regular civilian courts are unable to undertake the trials. It was domestic political opposition, not law, that led to the reversal of your administration's decision in 2009 to bring Ammar al Baluchi to trial in an ordinary court. His prosecution by military commission therefore per se violates his right to a fair trial. Moreover, not only should military or special courts not be authorized to impose the death penalty, but any use of this punishment after proceedings that fail to comply with international fair trial standards would violate the right to life under international law.

I oppose the death penalty in all cases. In doing so here, I am not seeking to downplay the seriousness of the 9/11 attacks, or to ignore the suffering of the victims and their families.

Some 140 countries have abolished the death penalty in law or practice. The international community has ruled out the death penalty as a sentencing option in international tribunals for even the worst crimes – genocide, war crimes and crimes against humanity.

As you prepare to leave office, I am urging you to take all steps within your power to ensure that the death penalty be dropped as a sentencing option in this case and that the use of military commissions is abandoned.

Yours sincerely,