

STOP TORTURE AND INDEFINITE DETENTION!



Guantánamo

Shut Down Guantánamo Now!



ACT AGAINST TORTURE

Torture and Indefinite Detention at Guantánamo Bay

Torture and indefinite detention are integral strategies of the U.S. government's so-called "war on terror."

- ◆ Around 500 people from 35 countries continue to be held without charge or trial as of January 2006, four years after the Bush administration began locking up detainees at Guantánamo Bay.
- ◆ Detainees remain in a legal black hole, many with no access to any court, legal counsel, or family visits.
- ◆ There's mounting evidence that detainees have been subjected to torture and other forms of mistreatment. This evidence comes not only from the few detainees who have been allowed to meet with lawyers and the fewer who have been released, but also from FBI agents and former military personnel who were assigned to Guantánamo.
- ◆ Many detainees are confined in small cells for up to 24 hours a day, with minimal opportunity for exercise. Detainees are often kept in isolation, sometimes for months, as punishment for the infraction of strict camp rules.
- ◆ Several detainees have attempted suicide. In desperation, between 100 and 150 have recently embarked on hunger strikes. They are being kept alive, sometimes against their will, through painful forced-feeding procedures.
- ◆ The U.N. Commission on Human Rights released a draft report in February 2006, stating that "the legal regime applied to these detainees seriously undermines the rule of law and a number of fundamental universally recognized human rights, which are the essence of democratic societies," and concludes that "The United States Government should close the Guantánamo Bay detention facilities without further delay."
- ◆

If the US. government has evidence that Guantánamo detainees have committed crimes, they should be charged and brought to fair trial. If not, they must be released.

“Extraordinary rendition” = outsourcing torture

“Extraordinary rendition” is U.S. government jargon for the practice of secretly transferring people to other countries for imprisonment and interrogation. Originally developed by the Clinton administration, this practice has been greatly expanded under George W. Bush. Human Rights Watch recently estimated that the total number of people who have been “rendered” this way is at least 100–150.

The CIA has set up a special Rendition Group to carry out such operations. A Dec. 4, 2005, article in the *Washington Post* detailed how the group’s agents execute their missions: “Dressed head to toe in black, including masks, they blindfold and cut the clothes off their new captives, then administer an enema and sleeping drugs. They outfit detainees in a diaper and jumpsuit for what can be a day-long trip.” Detainees are then flown in unmarked planes to countries such as Morocco, Egypt, Jordan, Syria, or Uzbekistan— all countries with long histories of torturing prisoners.



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According to Bob Baer, a former undercover CIA agent in the Middle East, “If you want a serious interrogation, you send a prisoner to Jordan. If you want them to be tortured, you send them to Syria. If you want someone to disappear—never to see them again—you send them to Egypt.” (New Statesman, May 17, 2004

Ghost detainees, secret prisons

U.S. military officials acknowledged in 2004 that, at the request of the CIA, they had held “several dozen, up to 100” prisoners in Iraq off the books—i.e., without entering information about them in official records, to keep the International Committee of the Red Cross, as well as their families, from learning about their detention.

No one knows how many such “ghost detainees” the U.S. may be holding today at its prisons in Afghanistan and Iraq. In addition, the U.S. is holding “disappeared” prisoners in at least two dozen secret CIA detention centers in the Middle East, Asia, and, at least until recently, Eastern Europe, according to Human Rights First (formerly the Lawyers Committee for Human Rights). U.S. intelligence officials, speaking anonymously, have told journalists that approximately 100 persons are being held in such facilities. Some of these detainees have been held incommunicado, without trial or access to counsel, for as long as four years; many are known to have been subjected to torture and serious mistreatment.

The Third Geneva Convention in article 126 (concerning prisoners of war) and the Fourth Geneva Convention in article 143 (concerning detained civilians) requires the ICRC to have access to all detainees and places of detention.

At the behest of the [U.S.] government, uniformed servicemen and -women, contract interrogators, CIA employees and people in foreign countries have beaten, maimed, sodomized and killed prisoners held in custody. In Afghanistan, in Iraq, at Guantánamo Bay and elsewhere, prisoners have been kicked and punched, their bones broken. Their heads have been hooded, wrapped in duct tape and smashed. Their flesh has been seared with the chemicals in fluorescent lights. They have been frozen to death, suffocated, hung upside down until dead, starved, electrically shocked and waterboarded. And in few if any of these cases have the victims been individually charged; in none of these instances has evidence, pro or con, been formally presented against the individual subjected to excruciating pain or death.

*- Karen J. Greenberg, executive director
Center on Law and Security, NYU School of Law
The Nation, Dec. 26, 2005*

What do the laws say?

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is an international treaty signed by President Reagan, ratified by the Senate, and therefore binding on the U.S. government:

- ◆ prohibits torture, defined as: “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”
- ◆ bans other forms of cruel, inhuman, or degrading treatment or punishment applies in any territory under the control of governments that are party to the treaty
- ◆ forbids “extraordinary rendition”: “No State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.”
- ◆ permits no exceptions, for a ‘war on terror’ or anything else: “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture, other acts of cruel, inhuman or degrading treatment or punishment.”
- ◆ applies even if contradicted by the “commander in chief”: “An order from a superior officer or a public authority may not be invoked as a justification of torture.”
- ◆ **The Torture Act of 2000** (US Criminal Code Title 18, Part 1, Chapter 113C, Sections 2340-2340B): defines torture as “an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.
- ◆ makes it a federal crime for any U.S. national or anyone later found present in the U.S. to commit torture or conspire or attempt to commit torture outside the United States.

McCain and Graham-Levin Amendments

After 9/11, the Bush administration ruled that the Convention Against Torture's ban on cruel, inhuman, or degrading treatment did not apply to foreigners held outside the U.S.

In December, 2005, Congress adopted the so-called "McCain amendment," which makes explicit that the treaty applies to anyone held anywhere by the U.S. government: "No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment."

Unfortunately, the McCain amendment has several glaring loopholes. For example, it doesn't prevent the government from outsourcing torture of detainees, either to private contractors or to other governments. In addition, the "Graham-Levin amendment," adopted at the same time as McCain's, strips Guantánamo detainees of the right to bring legal action seeking relief from the use of torture or cruel and inhumane treatment.



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***** Tell your senators and congressperson to shut down Guantánamo and secret CIA prisons: <http://tinyurl.com/cge72>**

***** Demand appointment of a special prosecutor to investigate U.S. torture: <http://tinyurl.com/3ruof>**

***** Call or write your senators and congressperson—to find phone numbers and addresses for their Washington and local offices, just enter your ZIP code at: <http://www.congress.org>**

TORTURE: QUICK FACTS

From www.humanrightsfirst.org/us_law/etn/misc/factsheet.htm:

- ◆ At least 27 detainees died in U.S. custody due to suspected or confirmed criminal homicides. Seven people were tortured to death. At least 141 detainees died while in U.S. custody in Iraq or Afghanistan.
- ◆ Only 1 of the criminal homicides occurred at Abu Gharib. At least 73 of the detainees died at locations other than Abu Ghraib.
- ◆ As of June 2005, 68,000 people have been taken into U.S. custody, and about 30,000 of those were entered “into the system,” and assigned internment serial numbers in Iraq, Guantánamo Bay, and Afghanistan.
- ◆ Reportedly 100–150 individuals have been rendered from U.S. custody to a foreign country known to torture prisoners, including to Egypt, Syria, Saudi Arabia, Jordan and Pakistan.
- ◆ There are 6 main acknowledged U.S. detention facilities worldwide—3 in Iraq, 2 in Afghanistan and Guantánamo Bay. n There are also approximately 25 transient facilities—field prisons designed to house detainees for a short period until they can be released or transferred to a more permanent facility in Afghanistan or Iraq.
- ◆ There are believed to be at least 9 “secret” detention locations used since September 2001. They are CIA facilities in Afghanistan, Guantánamo, and Jordan; detention facilities in Alizai, Kohat and Peshawar in Pakistan; a facility on the U.S. Naval Base on the island of Diego-Garcia; and detention facilities aboard U.S. ships, particularly the USS Peleliu and USS Bataan.
- ◆ Nearly 13,000 people are currently in U.S. detention in Iraq, Afghanistan and Guantánamo Bay - approximately 11,800 in Iraq, 580 in Afghanistan, 505 in Guantánamo Bay, and at least 2 people being held as “enemy combatants” in the U.S.
- ◆ 36 prisoners are believed to be held in unknown locations.
- ◆ In the cases of at least 325 foreign fighters detained in Iraq, the U.S. administration says the Geneva Conventions do not apply.
- ◆ There were up to 100 ghost detainees in Iraq.
- ◆ The U.S. transferred at least one dozen prisoners out of Iraq for further interrogation in violation of the Geneva Conventions.
- ◆ At least 247 detainees have been released from Guantánamo Bay since January 2002. 178 were released outright, and 68 were released to their home countries for continued detention.

TEN THINGS YOU CAN DO TO STOP TORTURE AND INDEFINITE DETENTION!

- ◆ Educate yourself. See www.ActAgainstTorture.org for articles and links.
- ◆ Talk about it with friends and co-workers.
- ◆ Write letters to Bush and your congressional representatives.
- ◆ Publish. Write a letter to the editor of your local newspaper.
- ◆ Print out our posters and post them at work, in your window, or on the street.
- ◆ Put an Act Against Torture bumper sticker on your car or bike.
- ◆ Spread the word. Make copies and pass them on to friends and coworkers.
- ◆ Print out Act Against Torture information cards and leave them in
- ◆ cafés, schools, and other public places.
- ◆ Donate to organizations working to end torture and indefinite detention.
- ◆ Organize. Hold a meeting with your friends to plan an action against torture.

Learn more:

- ◆ Act Against Torture: www.actagainsttorture.org
- ◆ Amnesty International: www.amnesty.org/campaign/
- ◆ Center for Constitutional Rights - Guantánamo Action Center: www.ccr-ny.org/v2/gac
- ◆ Human Rights First: www.humanrightsfirst.org/us_law/etn/index.asp
- ◆ Human Rights Watch: www.humanrightswatch.org/doc/?t=usa_antiterror
- ◆ Physicians for Human Rights: www.phrusa.org/
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Act Against Torture is a coalition of activists based in the San Francisco Bay Area working to end the U.S. government's torture and indefinite detention of prisoners throughout the world. For more information, visit us at: www.ActAgainstTorture.org