

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Agenda Item 11: Civil and Political Rights

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Mr. Chairman,

As part of the global campaign against terrorism, many governments attempt to return terror suspects and security detainees to countries where they know these suspects will be at risk of torture. Because the international ban on torture is absolute and transfers to torture are illegal, many sending governments have sought and received assurances from the receiving country that the suspects would not be mistreated upon return.

But these assurances do not and cannot prevent torture. Sending countries that rely on such assurances are either engaging in wishful thinking or using assurances as a fig leaf to cover their complicity in torture and their role in the erosion of the international ban against torture and refoulement. We urge the Commission to prevail upon states to stop sending detainees to countries where they face a risk of torture and to stop relying on diplomatic assurances from governments that engage in torture.

Mr. Chairman,

Torture is practiced systematically by far too many governments around the world. Human Rights Watch has spoken about a number of such governments during this session. We focus today, however, on the U.S. treatment of detainees because of the impact of U.S. policies and practices on the international standard against torture and ill-treatment.

The United States continues to reject the applicability of fundamental rights protections found in U.S. and international law to persons apprehended in its global campaign against terrorism. It refuses to apply either laws of war or human rights standards to the nearly 550 men at Guantanamo Bay, Cuba, held in indefinite and largely incommunicado detention, and whose treatment has been described by the International Committee of the Red Cross as "tantamount to torture"; it has begun proceedings to try terrorist suspects before military commissions that do not meet fair trial standards; it has sent or assisted in sending individuals to countries such as Egypt and Syria where they have reportedly been tortured; and it has "disappeared" a number of suspects by holding them in undisclosed locations, without access to the International Committee of the Red Cross. Top U.S. officials have approved the use of coercive interrogation tactics that violate the Geneva Conventions and the Convention against Torture (CAT). Recently, they have claimed that CAT's prohibition on cruel, inhuman, or degrading treatment does not apply to U.S. personnel in the treatment of non-citizens abroad, indicating that no law would prohibit the CIA from engaging in such treatment when it interrogates non-Americans outside the United States.

The United States has thus far refused to grant the Commission's special procedures access to terrorism detainees at Guantanamo and elsewhere despite several such requests.

The Commission should call attention to secret detentions, torture and other prohibited mistreatment of detainees by the United States in its global campaign against terrorism. It should request that the United States grant the Commission's special procedures access to terrorism suspects held by the United States around the world. The Commission should reaffirm the absolute nature of the prohibition against torture and ill-treatment wherever they are practiced in the world.

Thank you.

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