

Human Rights Watch

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

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Proposed Military Commissions Deeply Flawed

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President George W. Bush's defense of abusing detainees betrays basic American and global standards, Human Rights Watch said today.

Despite the euphemisms that Bush employed in his nationwide address this afternoon, the alternative set of [interrogation] procedures that he tried to justify includes grossly abusive treatment.

Detainees in the custody of the Central Intelligence Agency (CIA) have been disappeared, and by numerous credible reports, tortured. While the Bush administration's announcement that it transferred 14 so-called high-value detainees from CIA to military custody is an important step forward one that Human Rights Watch has long called for this advance is limited by the president's stated intention of leaving the door open for future CIA detentions.

President Bush's speech was a full-throated defense of the CIA's detention program and of the alternative procedures read torture that the CIA has used to extract information from detainees, said Kenneth Roth, executive director of Human Rights Watch. Although the president adamantly denied that the U.S. government uses torture, the United States has used practices such as water boarding that can only be called torture.

President Bush's transfer announcement accounts for only some of the detainees thought to be in CIA custody, Human Rights Watch said. President Bush said that other former CIA detainees have been returned to their home countries for detention or prosecution, but Human Rights Watch expressed concern that some of these detainees were from countries that practice torture. In addition, the president did not rule out future secret detentions by the CIA.

In his speech, President Bush claimed that useful information has been obtained using such alternative techniques, but he pointedly omitted mentioning the information obtained from Ibn al-Shaykh al-Libi, one of the first top suspects placed in CIA detention. Al-Libi was excluded from President Bush's long narrative of successful detainee captures because under enhanced interrogation al-Libi reportedly told interrogators that Iraq had provided chemical and biological weapons training to al Qaeda. This information which turned out to be entirely wrong was used in Secretary of State Colin Powell's speech to the United Nations to justify war with Iraq. Sources later told ABC News that al-Libi had no knowledge of such training or weapons and fabricated the statements because he was terrified of further harsh treatment.

At a Pentagon briefing this morning for the release of the Army's new field manual on interrogation, Lieutenant General John F. Kimmons, the Army's Deputy Chief of Intelligence, put the matter succinctly: No good intelligence comes from abusive interrogation practices.

The new field manual prohibits water boarding, forced nudity, threatening prisoners with dogs, and virtually every abusive technique previously authorized by the Bush administration. In addition, a new Department of Defense directive emphasizes that [a]ll detainees shall be treated humanely and in accordance with U.S. law, the law of war and applicable U.S. policy. In other words, no alternative methods are allowed. However, the new directive and field manual would not apply to potential future CIA detainees.

Almost everyone ultimately talks under torture, and sometimes they may blurt out something useful, said Roth. But torture discourages a source of intelligence that tends to be far more important for cracking secretive conspiracies: tips from the general public. The ephemeral gains from torture thus undermine efforts to curb terrorism by discouraging cooperation from members of the public who want nothing to do with dirty war techniques.

In his speech, President Bush also announced that some of the detainees just transferred to military custody at Guantanamo would be brought to justice before military commissions. The draft military commission legislation he announced today would allow the use of

statements obtained under coercion, and would allow the accused to be convicted on the basis of secret evidence. With these and other serious failings, the proposed legislation lacks basic procedural protections necessary to a fair trial, Human Rights Watch said.

Under the administrations proposed military commission legislation, public attention will remain focused on the unfairness of the trials rather than the alleged crimes of the suspects, said Roth.

The proposed legislation would also make the Geneva Conventions, the touchstone for humane treatment of detainees during armed conflict, unenforceable in court.

Human Rights Watch called on the administration to release the names of all detainees who have been held in CIA custody, as well as to state when and to what country they were transferred. In December 2005, Human Rights Watch issued a [list of 26 detainees](#) that it had reason to believe were in CIA custody. While 13 of these detainees have now been transferred to Guantanamo, the fate of the other 13 is not known.

A number of suspected detainees such as al-Libi, a Libyan who was reportedly arrested on November 11, 2001 in Pakistan; Saif al Islam el Masry, an Egyptian reportedly arrested in the Pankisi Gorge in Georgia in September 2002; and Mohammed Omar Abdel-Rahman (aka Asadullah), an Egyptian who was reportedly arrested in Quetta, Pakistan, in February 2003 are from countries that routinely practice torture.

In addition, Human Rights Watch has received information regarding possible additional detainees, such as Mustafa Setmariam Nasar, a dual Syrian-Spanish citizen reportedly arrested in Pakistan in November 2005 who was believed to have been transferred to U.S. custody.

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