

Human Rights Watch

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

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Directors urge immediate action to end abuse of detainees in Iraq and elsewhere

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The executive directors of leading human rights organizations have written to President about the ill-treatment of prisoners in U.S. custody in Iraq, Afghanistan, and Guantanamo Bay. Incidents of abuse have been reported in these locations over many months and the human rights organizations have made a set of specific recommendations for the U.S. to end the abuse and hold the perpetrators responsible.

For the past year and a half, The Wall Street Journal, Washington Post, USA Today, Newsday, New York Times, Los Angeles Times, Christian Science Monitor, and other leading newspapers have repeatedly quoted unnamed U.S. intelligence officials boasting about the use of torture and other ill-treatment of prisoners. Numerous detainees have been killed or attempted suicide in custody in Afghanistan, Iraq and Guantanamo Bay prompting unprecedented expressions of concern by the International Committee of the Red Cross; suspects have been turned over to the foreign intelligence services of countries, such as Syria, with records of brutal torture; the ICRC has also specifically expressed concern about conditions at Abu Ghraib prison in Iraq; and now, the US military's own inquiry has found systemic and illegal abuse of detainees at Abu Ghraib.

These incidents occurred across continents and over many months, but they are nevertheless linked. As Cofer Black, the head of the CIA's Counterterrorism Center, told Congress in September 2002: There was a before 9/11, and there was an after 9/11. After 9/11 the gloves come off. Since then, intelligence officials have said repeatedly that they have a mandate to obtain information by "breaking" prisoners through a combination of pain and humiliation, if not outright torture. The sexual humiliation of prisoners now documented at Abu Ghraib was extreme, but not new. More than a year ago, The New York Times quoted prisoners held in Afghanistan saying that they were kept naked most of the time. Likewise, there have been numerous reports of female guards and interrogators used in a deliberate attempt to humiliate and degrade prisoners.

For over a year, the undersigned organizations and others have repeatedly asked you and senior officials in your Administration to act promptly and forcefully to publicly repudiate the statements of intelligence officials and to assure that the treatment of detainees is consistent with international humanitarian law. We particularly asked that you provide access to detention centers, release the results of investigations and take other steps to ensure greater transparency of the detention process.

Last June, human rights groups welcomed your pledge that the United States would lead by example in the fight against torture. Yet whatever steps your administration may have taken to implement that pledge have been inadequate to end torture and inhuman treatment of prisoners and to dispel the apparent belief among U.S. interrogators and guards that brutality and degradation are acceptable in the quest for information. The events at Abu Ghraib now in the headlines are the latest evidence of an interrogation and detention system that appears to be out of control and of inadequate action to match your pledges, not the isolated misdeeds of a few individuals allegedly acting without authorization.

This pattern of conduct has caused extraordinary damage to the cause of human rights around the world, as well as to the United States and to its ability to conduct foreign policy successfully, from Iraq to the global campaign against terrorism.

Extraordinary action on your part is now required to begin to repair this damage and, at long last, bring an end to this pattern of torture and cruel treatment. You have stated in eloquent terms that human dignity is non-negotiable, but you have tolerated a U.S. system of interrogation that is specifically designed to degrade, humiliate and destroy the human dignity of prisoners to obtain information. In recent days, U.S. officials in Iraq have announced a welcome prohibition on the use of a number of stress interrogation tactics. You should follow through on these announcements by completely banning the use of the stress and duress tactics and incommunicado detention throughout the world.

The choice is not about whether to express your abhorrence over the events at Abu Ghraib and to investigate them. The choice is

whether you dismiss them as the actions of a few bad apples while continuing an interrogation and detention system that is cruel and illegal, or act forcefully to end the stress and duress system of incommunicado interrogation in Iraq, Afghanistan, Guantanamo Bay, or anywhere that people are held in U.S. custody. This system violates both the Constitution and international law, including the solemn pledges your father made when he sought Senate approval of the Convention Against Torture.

We ask you to take immediate actions to establish clear prohibitions on illegal and inappropriate interrogation and detention methods backed by strong penalties; mandate strong enforcement mechanisms, including access for independent monitors; and provide for public review and full disclosure of interrogation practices and the records of investigations. Our specific recommendations for accomplishing these goals are attached.

We appreciate your interest in our concerns and your consideration of our recommendations. We hope that we will be able to arrange a meeting with you as soon as possible.

Sincerely,

William Schulz
Amnesty International USA

Gay McDougall
Global Rights

Michael Posner
Human Rights First

Ken Roth
Human Rights Watch

Louise Kantrow
International League for Human Rights

Felice D. Gaer
Jacob Blaustein Institute for the Advancement of Human Rights

Robin Phillips
Minnesota Advocates for Human Rights

Len Rubenstein
Physicians for Human Rights USA

Todd Howland
RFK Memorial Center for Human Rights

Human Rights Groups Recommendations

Establish Clear Prohibitions Backed by Adequate Penalties

Immediately ban any action taken anywhere in the world that would violate the prohibition on cruel and unusual punishment if conducted in the United States; this is the pledge that your Administration made to the Congress in June 2003 that was apparently never implemented.

Immediately ban secret and incommunicado detention; specifically, mandate that the names of all detainees be published.

Immediately ban the transfer of prisoners to countries with a pattern of using torture in interrogation;

Immediately ban the use of civilian contractors in conducting interrogations;

Ensure that appropriate criminal penalties exist for any person involved in torturing or otherwise abusing detainees no matter where in the world the conduct occurs;

Mandate Strong Enforcement

Permit immediate access to every prisoner to independent monitors, including the ICRC, appropriate UN officials and human rights organizations, including the ability to interview prisoners in private, and conduct medical evaluations in accordance with the Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman and Degrading Treatment or Punishment;

Permit all detainees to have access to family members and physicians, based on a recognition that secret and incommunicado detention is at the root of much of the prisoner abuse;

Ensure that there is a record available to determine whether any abuses occurred by videotaping all interrogations and other interaction by military and intelligence personnel with detainees;

Request significant increases in funding for the Inspector General offices in every agency involved in any form of interrogation or detention of prisoners, and issue an explicit mandate to each such office to monitor interrogations and detention;

Pay restitution. Follow the lead of the United Kingdom in its response to findings of prisoner abuse in Northern Ireland prior to 1972, by

providing redress and compensation, including paying restitution to those detainees found to have been victims of torture or inhumane treatment;

Provide Public Review and Full Disclosure

Release the results of investigation into the abuse of detainees, including the Department of Defense investigation into deaths at Bagram Air Base, Afghanistan in December, 2002, and investigations concerning interrogation and detention methods and procedures.

Work with the Congress to appoint an investigation commission of persons of unquestioned integrity and independence to examine all aspects of U.S. interrogation practices, including the transfer of detainees to other countries; and

Disclose publicly all interrogation manuals, instructions and guidance governing the conduct of detention and interrogation.

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