

# AMNESTY INTERNATIONAL

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## **USA: New Amnesty International report on USA's "war on terror" detentions**

Amnesty International is today publishing a new report updating its concerns around the USA's detentions in the context of the "war on terror". The report, *Guantánamo and beyond: The continuing pursuit of unchecked executive power*, details how hypocrisy, an over-arching war mentality, and a refusal to adhere to international obligations continue to characterize the US administration's approach to detentions in the "war on terror".

A year after the Abu Ghraib torture scandal broke, the conditions remain in place for torture and ill-treatment in US custody to occur. While the US government is pursuing a public relations exercise to persuade the world that what the Abu Ghraib photographs revealed was a small problem that has now been fixed, thousands of detainees in US custody in Iraq, Afghanistan, Guantánamo Bay, and secret locations elsewhere remain at risk of torture or ill-treatment. This is because of the USA's continuing pick and choose approach to international law and standards, and the systematic use of incommunicado detention and denial of judicial review, a basic safeguard against arbitrary detention, torture and "disappearance".

More than a year after the United States Supreme Court ruled that the US courts have the jurisdiction to consider appeals from the detainees held in the US Naval Base in Guantánamo Bay in Cuba, not a single detainee held there has had the lawfulness of his detention judicially reviewed. The report describes how the US administration is continuing to seek to block such review every step of the way, or at least to keep it as far from a judicial process as possible.

The report includes an analysis of the Combatant Status Review Tribunals, executive bodies which the administration is hoping to persuade a federal court to accept as a substitute for judicial review. It also examines proposed trials by military commissions; the cases of "enemy combatants" detained on the US mainland; secret transfers and detentions by US agents; the case of a US citizen held in custody in Saudi Arabia allegedly at the behest of the USA; and the case of Zacarias Moussaoui, facing execution for his alleged role in the attacks of 11 September 2001 which sparked the so-called "war on terror".

Evidence of torture and other ill-treatment by US forces continues to mount. To date, not a single US agent has been charged under the USA's Anti-Torture Act or War Crimes Act. While a few, mainly low-ranking soldiers have been tried by court-martial and others subjected to non-judicial or administrative sanctions, no member of the US administration has been subjected to independent investigative scrutiny, despite evidence that human rights violations have been authorized, and evidence that there was a

high-level conspiracy to give immunity from prosecution to US agents accused of torture or war crimes. The report also contains Amnesty International's initial response to the US Government's report to the United Nations Committee against Torture, submitted on 6 May 2005. Amnesty also further examines the USA's official investigations into abuses, as well as recent revelations relating to deaths in custody.

Amnesty International continues to call for the US Congress to set up a full independent commission of inquiry into all the USA's "war on terror" detention and interrogation policies and practices, including its involvement in secret transfers of detainees. It is also calling on the US Attorney General to appoint an independent Special Counsel from outside the Justice Department to conduct a criminal investigation into any administration officials against whom there is evidence of involvement in crimes in the "war on terror", including "disappearances", extrajudicial executions, and torture and other cruel, inhuman or degrading treatment.

**For a copy of: "Guantánamo and beyond: The continuing pursuit of unchecked executive power", please see: <http://web.amnesty.org/library/Index/ENGAMR510632005>**

**For more information on Amnesty International concerns around human rights violations committed in the context of the "war on terror", please see: "USA: Human dignity denied -- Torture and accountability in the 'war on terror'", <http://web.amnesty.org/library/Index/ENGAMR511452004>.**

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