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US: Government creating "climate of torture"

Amnesty International today made public a report detailing its concerns about torture and other cruel, inhuman or degrading treatment of prisoners and detainees both in the US and in US detention sites around the world.

The report has already been sent to members of the UN Committee Against Torture, who will be examining the US compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 5 and 8 May in Geneva. The Convention against Torture prohibits the use of torture in all circumstances and requires states to take effective legal and other measures to prevent torture and to provide appropriate punishment for those who commit torture.

The US is reportedly sending a 30-strong delegation to Geneva to defend its record. In its written report to the Committee, the US government asserted its unequivocal opposition to the use or practice of torture under any circumstances -- including war or public emergency.

"Although the US government continues to assert its condemnation of torture and ill-treatment, these statements contradict what is happening in practice," said Curt Goering, Senior Deputy Executive Director Of Amnesty International USA. "The US government is not only failing to take steps to eradicate torture it is actually creating a climate in which torture and other ill-treatment can flourish -- including by trying to narrow the definition of torture."

The Amnesty International report describes how measures taken by the US government in response to widespread torture and ill-treatment of detainees held in US military custody in the context of the "war on terror" have been far from adequate. This is despite evidence that much of the ill-treatment stemmed directly from official policy and practice.

The report reviews several cases where detainees held in US custody in Afghanistan and Iraq have died under torture. To this day, no US agent has been prosecuted for "torture" or "war crimes".

"The heaviest sentence imposed on anyone to date for a torture-related death while in US custody is five months -- the same sentence that you might receive in the US for stealing a bicycle. In this case, the five-month sentence was for assaulting a 22-year-old taxi-driver who was hooded and chained to a ceiling while being kicked and beaten until he died," said Curt Goering.

"While the government continues to try to claim that the abuse of detainees in US custody was mainly due to a few 'aberrant' soldiers, there is clear evidence to the contrary. Most of the torture and ill-treatment stemmed directly from officially sanctioned procedures and policies -- including interrogation techniques approved by Secretary of Defense Donald Rumsfeld," said Javier Zuniga, Amnesty International's Americas Programme Director.

The report also lists concerns surrounding violations of the Convention against Torture under US domestic law, including ill-treatment and excessive force by police, cruel use of electro-shock weapons, inhuman and degrading conditions of isolation in "super-max" security prisons and abuses against women in the prison system -- including sexual abuse by male guards and shackling while pregnant and in labour.

The US last appeared before the Committee Against Torture in May 2000. Practices criticized by the Committee six years ago -- such as the use of electro-shock weapons and excessively harsh conditions in "super-maximum" security prisons -- have in some cases been exported for use by US forces abroad -- serving as a model for the treatment of US detainees in the context of the "war on terror".

"The US has long taken a selective approach to international standards, but in recent years, the US government has taken unprecedented steps to disregard its obligations under international treaties. This threatens to undermine the whole framework of international human rights law -- including the consensus on the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment," said Javier Zuniga.

Amnesty International called on the US to demonstrate its commitment to eradicating torture, by withdrawing the reservations it has entered to the Convention against Torture, including its "understanding" of Article 1 of the Convention, which could restrict the scope of the definition of torture by the US.

The organization also called on the US to clarify to the Committee in no uncertain terms that under its laws no one, including the President, has the right or authority to order the torture or ill-treatment of detainees under any circumstances whatsoever -- and that anyone who does so, including the President, will have committed a crime.

Background

The Committee Against Torture is a 10-member body of independent experts established by the Convention against Torture to monitor the compliance of states with their obligations under the treaty. It meets twice a year and, among other tasks, reviews the periodic reports of states. At its forthcoming 36th session, which will take place from 1 to 19 May 2006, it will consider reports presented by Georgia, Guatemala, Republic of Korea, Qatar, Peru, Togo and the US. Amnesty International has provided written briefings to the Committee in respect of Georgia, Guatemala, Qatar, Togo and the US.

The second and third periodic reports of the US will be considered by the Human Rights Committee, which monitors states' compliance under the International Covenant on Civil and Political Rights, at its 87th session in July.

In total, 141 states have ratified the Convention against Torture.

For a full copy of the report, please see <http://web.amnesty.org/library/index/engamr510612006>

Amnesty International is campaigning to stop torture and other ill-treatment in the "war on terror". For more information, please go to the campaign home page:
<http://web.amnesty.org/pages/stoptorture-index-eng>

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