

AMR 51/092/2005

George W. Bush
The President
The White House
Office of the President
1600 Pennsylvania Avenue
Washington DC 20500
USA

8 June 2005

Dear Mr President,

I write in response to the concerns you have expressed at a press conference on 31 May 2005 about Amnesty International's annual report published six days earlier. I regret that you did not take the opportunity to address the substance of our concerns expressed in that report and several earlier, detailed reports on US policies and practices in the context of the "war on terror".

Let me stress at the outset that Amnesty International, with its 1.8 million members worldwide, is dedicated to working on human rights abuses committed by governments and armed groups around the world. Our recently released annual report summarizes human rights concerns in 149 countries and territories. We strive to be objective and impartial. Our work is guided by the Universal Declaration of Human Rights and other international standards, including the Geneva Conventions, which the United States championed and helped create over many decades.

Regrettably, United States policies and practices today are inconsistent with such standards. Evidence of torture and other cruel, inhuman or degrading treatment by US military and other personnel in the context of "war on terror" detentions in Iraq, Afghanistan, Guantánamo, and in secret locations elsewhere, continues to mount. This evidence comes from many sources, including the outcome of US official investigations, statements by US military personnel, agents of the Federal Bureau of Investigation and the International Committee of the Red Cross (ICRC), as well as testimony by detainees. It is an extensive and compelling body of evidence which should not be dismissed as the product of any "anti-Americanism", as you suggested on 31 May.

For many people around the world the Guantánamo Bay detention camp has become a symbol of the abuse of power by the US Administration and the denial of fundamental human rights. But this detention facility is just the tip of an iceberg. Around the world, there are

believed to be thousands of detainees held in secret, incommunicado or indefinite detention without trial in the “war on terror”. Many of these detainees are held in US custody – in Iraq, Afghanistan and in secret locations - in incommunicado or virtually incommunicado detention. Some have died in circumstances suggesting they were tortured to death while in US custody. Others are alleged to be held by other governments with a poor human rights record at the behest of the United States or with its knowledge.

You have stated that allegations of abuses by US personnel are fully investigated in a transparent way. While there have been reviews by some US government agencies of detention and interrogation policies and practices since the Abu Ghraib torture scandal came to light, none of the investigations to date has been fully independent or of sufficient scope, and the findings have largely been kept classified. Certain practices remain shrouded in secrecy, including the alleged involvement of the Central Intelligence Agency in secret detentions and secret transfers of detainees to countries with records of torture.

Despite growing evidence that US policies and practices have violated the absolute prohibition of torture and ill-treatment and other rights – in some cases leading to the death of detainees – no senior official of your Administration has been held to account, and not a single US agent has been charged under the Anti Torture Act or War Crimes Act. Only a few, mainly low-ranking soldiers, have been brought before courts-martial or given non-judicial or administrative sanctions.

I ask you to intervene to end current abuses and prevent their recurrence by:

- Ending all US secret and incommunicado detentions;
- Ensuring full access for all detainees to lawyers, relatives, the ICRC and national and international human rights monitors;
- Giving clear instructions to US personnel that all detainees must be treated humanely in the real sense of the term, namely in full accordance with international law and standards;
- Ending indefinite detention, by ensuring that anyone suspected of a criminal offence is charged and receives a fair trial, and that anyone else is released;
- Preventing the transfer (rendition) of people from US custody to places where they would face torture or other serious human rights abuses.

I also ask you to deliver on your commitment, restated on 31 May, to full and transparent investigations. I urge you to support the establishment of a fully independent commission to investigate the actions of all relevant US agencies in all aspects of the US detention and interrogation policies and practices in the “war on terror”. Anyone against whom there is credible evidence of committing, ordering, authorizing or condoning human rights violations, including “disappearances”, torture or other cruel, inhuman or degrading treatment, should be brought to account. In this regard, I urge you to support the appointment by the Attorney General of an independent Special Counsel to investigate the conduct of any official against whom there is evidence of involvement in crimes in the “war on terror”.

The adoption of these measures of redress is important not only to ensure justice in the United States, but also because the United States can be a powerful force for ensuring respect for human rights worldwide. For this to happen, the US government cannot speak the language of human rights while at the same time violating human rights and disregarding international law. In these circumstances any criticism of the human rights records of others

is drained of moral power. How can the United States, for example, expect to have credibility when raising concerns about the Khodorkovskii case in Russia, as you did on 31 May? Why should the government of Cuba heed US concerns on human rights and standards of justice in Cuba, when the United States continues to operate in the southeast corner of the island a military detention camp in which hundreds of detainees have been kept virtually incommunicado without charge, trial or judicial review for more than three years?

Mr President, you have frequently stated that the United States will stand firm for the “non-negotiable demands of human dignity”. A culture of human dignity demands that the United States breaks the wall of secrecy around the network of detention centres in which people are held without charge or trial. I believe this requires the US government to make a fundamental change in direction and embrace fully, in its policies and practices, the principles and rules of international human rights and humanitarian law. The US government must restore the rule of law in the Guantánamo Bay detention camp and all other detention facilities it is operating around the world, or close them down.

Mr President, I urge you to exercise your leadership to protect and promote human rights in the United States and worldwide. We stand ready to discuss our concerns with you face to face.

Yours sincerely,

Irene Khan
Secretary General