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UNITED STATES OF AMERICA

UN Committee Against Torture condemns US detention policies, calls for change

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Today the United Nations Committee Against Torture has added to the growing pressure on the United States authorities to prohibit, prevent and punish all acts of torture and other cruel, inhuman or degrading treatment or punishment at home and abroad; to close Guantánamo; to end secret, incommunicado and indefinite detention; to prevent “disappearances”; and to stop the practice of “rendition”.

Clearly, the Committee did not accept the USA’s assertion that the problem of torture and ill-treatment of detainees in US custody was restricted to “relatively few actual cases of abuse and wrongdoing”. The Committee’s findings point to a systematic failure of the USA to live up to its international obligations, including under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to protect detainees from abuse. The USA should take these findings to heart.

Amnesty International welcomes the Committee’s findings and urges the US government to begin immediately to implement its recommendations and to report back to the Committee, as required. In relation to the “war on terror”, the Committee’s recommendations include that the USA should:

- End secret detention, which is *per se* a violation of the Convention against Torture. The Committee stressed that all secret detentions must be disclosed and that all detainees must be fully registered. The latter is a crucial safeguard against torture and other cruel, inhuman or degrading treatment. This would include all detainees in US custody in Afghanistan, Iraq, Cuba and at undisclosed locations. The Committee regretted the US government’s “no comment” policy on whether or not it is operating secret detention facilities. It called on the US government to “publicly condemn any policy of secret detention”.
- Prevent “disappearances”, which are *per se* violations of the Convention. The Committee rejected the US government’s notion that “disappearances” do not constitute a form of torture.
- End the practice of “rendition”, the extra-judicial transfer of detainees between countries. All detainees in US custody must be protected from transfer to situations where they will be put at risk of torture.
- Cease detentions at Guantánamo and close the facility. Indefinite detention without charge *per se* violates the Convention.
- Prevent the use of any interrogation techniques that amount to torture or other cruel, inhuman or degrading treatment. The Committee regretted the USA’s lack of clarity

in relation to interrogation techniques which has led to “serious abuses of detainees” in US custody.

- Ensure full investigations into acts of torture and ill-treatment and prosecute “all those responsible” for such acts, with punishments commensurate with the crime. The Committee expressed its concern about the lenient sentences that have been handed out in many cases of torture or other ill-treatment by US personnel in Afghanistan and Iraq.
- Recognize and ensure that the Convention applies “at all times” – whether in times of war or peace – and that its provisions apply fully to “all persons under the effective control of [US] authorities, of whichever type, wherever located in the world”. The Committee rejected the US government’s view that the Convention is not applicable in the context of armed conflict.

On US domestic issues, the Committee was concerned about numerous aspects of prison and detention policies. Its recommendations include:

- Ensure the separation of children from adults in detention. In addition, it called upon the USA to review its use of life imprisonment in the case of children, given that such sentences can amount to cruel, inhuman or degrading treatment or punishment. In a joint report issued in October 2005, Amnesty International and Human Rights Watch reported that more than 2,000 child offenders were serving sentences of life imprisonment without the possibility of parole, in violation of international law.
- Ensure that women in custody are treated fully in accordance with international standards. The Committee expressed particular concern at the practice of shackling of pregnant women detainees during labour.
- Review the regime in “super-maximum” security prisons, particularly the resort to prolonged isolation of prisoners. This reiterates the Committee’s 2000 recommendation.
- Strictly regulate the use of electro-shock weapons, such as tasers and stun belts, and limit their use to a substitute for lethal force. The Committee stressed that the practice of using electro-shock weapons to restrain those already in custody was a breach of the Convention and should be eliminated. The USA rejected the Committee’s findings in 2000 on electro-shock weapons. It should not reject its recommendations a second time.

In its opening statement to the Committee in Geneva on 5 May, the US delegation stressed that the USA “is committed to upholding our national and international obligations to eradicate torture and to prevent cruel, inhuman or degrading treatment or punishment”. It recalled that the USA “was founded on the principle of respect for human dignity” and that the country “has a long tradition of international leadership against torture”.

Regrettably, the years between the USA’s first appearance in front of the Committee against Torture in 2000 and its second in May 2006, tell a different story. The USA’s record in relation to detentions, particularly in the context of the “war on terror”, has been a matter for serious and growing international and domestic concern. The USA’s selective approach to international law and standards, its frequent resort to secrecy, and its resistance to judicial review must now end. Full and effective measures to protect any and all detainees from torture and other cruel, inhuman or degrading treatment or punishment, full and prompt investigation of all abuses, and full accountability for any such abuses, must be the order of the day.

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